

House Amendment 1328

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1 1 Amend Senate File 374, as passed by the Senate, as
1 2 follows:
1 3 #1. By striking everything after the enacting
1 4 clause and inserting the following:
1 5 <Section 1. Section 321A.3, subsection 8, Code
1 6 2009, is amended to read as follows:
1 7 8. a. (1) A person making a request for a record
~~1 8 or an abstract who purchases a certified abstract of~~
~~1 9 an operating record directly from the department under~~
1 10 this section that is subject to a fee shall only use
1 11 the record or abstract requested, sell, disclose, or
1 12 distribute the abstract or any portion of the abstract
1 13 one time, for one purpose, and it the person shall not
1 14 supply that record abstract or any portion of that
1 15 abstract to more than one other person. Any
~~1 16 subsequent use of the same record or abstract shall~~
~~1 17 require that the~~ The person shall make a subsequent
1 18 request for the record or abstract and pay an
1 19 additional fee for the request in the same manner as
1 20 provided for the initial request for any subsequent
1 21 use, sale, disclosure, or distribution of the same
1 22 certified abstract or any portion of the abstract or
1 23 to supply the same certified abstract or any portion
1 24 of the abstract to another person, except as provided
1 25 in subparagraph (2).
1 26 (2) Notwithstanding the limitation on use, sale,
1 27 disclosure, and distribution of a certified abstract
1 28 under subparagraph (1), a person who purchases a
1 29 certified abstract under this section may provide a
1 30 copy of the previously purchased certified abstract to
1 31 the person who is an insurer who was originally
1 32 supplied the certified abstract by the person who
1 33 purchased the certified abstract.
1 34 b. A person who is supplied a certified abstract
1 35 or any portion of the abstract by a person who
1 36 purchases the certified abstract under paragraph "a"
1 37 shall only use the abstract one time, for one purpose,
1 38 and shall not reuse, sell, disclose, or distribute the
1 39 abstract or any portion of the abstract except as
1 40 provided in paragraph "c".
1 41 c. A person who is an insurer or an insurance
1 42 producer licensed under chapter 522B who purchases a
1 43 certified abstract under this section or a person who
1 44 is supplied a certified abstract or any portion of the
1 45 abstract pursuant to paragraph "b" may use the
1 46 certified abstract pursuant to this paragraph "c" for
1 47 more than one use for the following purposes:
1 48 (1) Consumer disclosure purposes, as defined by
1 49 rule of the department.
1 50 (2) Internal auditing purposes, or similar
2 1 internal purposes as defined by rule of the
2 2 department.
2 3 (3) Internal purposes in a manner consistent with
2 4 the federal Driver's Privacy Protection Act, 18 U.S.C.
2 5 } 2721=2725, by a person who is an insurer.
2 6 (4) To show compliance with the retention
2 7 requirements imposed under this section or other
2 8 applicable law.
2 9 (5) By an insurer, to provide a copy to an
2 10 insurance producer licensed under chapter 522B and
2 11 appointed by the insurer for purposes of a specific
2 12 application for coverage. However, a producer who is
2 13 provided a certified abstract pursuant to this
2 14 subparagraph shall not reuse, sell, disclose, or
2 15 distribute the abstract with respect to any
2 16 transaction not associated with the insurer who
2 17 appointed the producer.
2 18 (6) To provide a copy to an insurer for purposes
2 19 of a specific application for coverage if the person
2 20 requesting the certified abstract is an insurance
2 21 producer licensed under chapter 522B and appointed by
2 22 the insurer for purposes of the specific application
2 23 for coverage.
2 24 (7) To provide a copy to an affiliate of the

~~2 25 person who is an insurer who originally purchased or
2 26 was supplied the certified abstract. An affiliate who
2 27 receives a copy of a certified abstract pursuant to
2 28 this subparagraph shall only use the copy of the
2 29 abstract one time and shall not reuse, sell, disclose,
2 30 or distribute the copy to any other person, except as
2 31 provided under subparagraphs (1) through (5) in the
2 32 same manner as permitted for a person who is an
2 33 insurer.~~

~~2 34 d. For purposes of this subsection, "affiliate"
2 35 means a person who directly or indirectly, through one
2 36 or more intermediaries, controls, is controlled by, or
2 37 is under common control with the person who is an
2 38 insurer.~~

~~2 39 e. A person requesting a record or an abstract who
2 40 purchases a certified abstract directly from the
2 41 department pursuant to this section shall keep records
2 42 for a period of five years identifying who the record
2 43 or the persons to whom the abstract is provided to,
2 44 and the use of the record or abstract, for a period of
2 45 five years. Records maintained pursuant to this
2 46 subsection shall be made available to the department
2 47 upon request. A person who is otherwise supplied a
2 48 certified abstract and who then provides that abstract
2 49 to another person for a purpose other than the
2 50 purposes identified under paragraph "c" shall also be
3 1 subject to the recordkeeping requirements under this
3 2 paragraph.~~

~~3 3 f. A person shall not sell, retain, distribute,
3 4 provide, or transfer any record or use, sell,
3 5 disclose, or distribute any abstract information or
3 6 portion of the record or abstract information acquired
3 7 under this agreement section except as authorized by
3 8 this section and any applicable rules of the
3 9 department, and consistent with the federal Driver's
3 10 Privacy Protection Act, 18 U.S.C. } 2721==2725.>~~

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~~3 14 COMMITTEE ON COMMERCE
3 15 PETERSEN of Polk, Chairperson
3 16 SF 374.302 83
3 17 dea/nh/12516~~