

Senate Amendment 3206

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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 if 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) To provide a copy to a consumer with respect
1 49 to a specific decision impacting the consumer and made
1 50 in whole or in part based upon information contained
2 1 in the certified abstract, as defined by rule of the
2 2 department.
2 3 (2) Internal auditing purposes, or similar
2 4 internal purposes as defined by rule of the
2 5 department.
2 6 (3) Internal purposes in a manner consistent with
2 7 the federal Driver's Privacy Protection Act, 18 U.S.C.
2 8 2721-2725, by a person who is an insurer.
2 9 (4) To show compliance with the retention
2 10 requirements imposed under this section or other
2 11 applicable law.
2 12 (5) By an insurer, to provide a copy to an
2 13 insurance producer licensed under chapter 522B and
2 14 appointed by the insurer for purposes of a specific
2 15 application for coverage. However, a producer who is
2 16 provided a certified abstract pursuant to this
2 17 subparagraph shall not reuse, sell, disclose, or
2 18 distribute the abstract with respect to any
2 19 transaction not associated with the insurer who
2 20 appointed the producer.
2 21 (6) To provide a copy to an insurer for purposes
2 22 of a specific application for coverage if the person
2 23 requesting the certified abstract is an insurance
2 24 producer licensed under chapter 522B and appointed by

2 25 the insurer for purposes of the specific application
2 26 for coverage.
2 27 (7) To provide a copy, for the purpose of a
2 28 specific application for coverage or for a purpose as
2 29 provided under subparagraphs (1) through (4), to an
2 30 affiliate of the person who is an insurer who
2 31 originally purchased or was supplied the certified
2 32 abstract. An affiliate who receives a copy of a
2 33 certified abstract pursuant to this subparagraph shall
2 34 only use the copy of the abstract one time and shall
2 35 not reuse, sell, disclose, or distribute the copy to
2 36 any other person, except as provided under
2 37 subparagraphs (1) through (5) in the same manner as
2 38 permitted for a person who is an insurer.
2 39 d. For purposes of this subsection, "affiliate"
2 40 means an insurer who directly or indirectly, through
2 41 one or more intermediaries, controls, is controlled
2 42 by, or is under common control with the person who is
2 43 an insurer.
2 44 e. A person requesting a record or an abstract who
2 45 purchases a certified abstract directly from the
2 46 department pursuant to this section shall keep records
2 47 for a period of five years identifying who the record
2 48 or the persons to whom the abstract is provided to,
2 49 and the use of the record or abstract, for a period of
2 50 five years. Records maintained pursuant to this
3 1 subsection shall be made available to the department
3 2 upon request. A person who is otherwise supplied a
3 3 certified abstract and who then provides that abstract
3 4 to another person for a purpose other than the
3 5 purposes identified under paragraph "c" shall also be
3 6 subject to the recordkeeping requirements under this
3 7 paragraph.
3 8 f. A person shall not ~~sell, retain, distribute,~~
3 9 ~~provide, or transfer any record or use, sell,~~
3 10 ~~disclose, or distribute any abstract information or~~
3 11 ~~portion of the record or abstract information acquired~~
3 12 ~~under this agreement section except as authorized by~~
3 13 ~~this section and any applicable rules of the~~
3 14 ~~department and. Nothing in this section shall be~~
3 15 ~~construed to authorize the use, sale, disclosure, or~~
3 16 ~~distribution of personal information, protected~~
3 17 ~~personal information, or highly protected personal~~
3 18 ~~information as prohibited under section 321.11 or the~~
3 19 ~~federal Driver's Privacy Protection Act, 18 U.S.C. }~~
3 20 2721==2725.>
3 21 SF 374.H
3 22 dea/cm/25