SENATE FILE 135

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A BILL FOR

1 An Act providing access to delayed deposit services customer
2   information by designated entities for specified purposes,
3   providing a penalty, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

 1   Section 1. Section 252B.9, subsection 1, paragraph d,
 2 subparagraph (2), Code 2013, is amended to read as follows:
 3   (2) Certain records held by public utilities, cable or
 4 other television companies, cellular telephone companies,
 5 ~~and~~ internet service providers, <u>or delayed deposit services</u>
 6 <u>businesses</u> with respect to individuals who owe or are
 7 owed support, or against or with respect to whom a support
 8 obligation is sought, consisting of the names and addresses of
 9 such individuals and the names and addresses of the employers
10 of such individuals, as appearing in customer records, and
11 including the cellular telephone numbers of such individuals
12 appearing in the customer records of cellular telephone
13 companies. If the records are maintained in automated
14 databases, the unit shall be provided with automated access.
15   Sec. 2. Section 421.17, subsection 32, Code 2013, is amended
16 to read as follows:
17   32. *a.* To the extent permissible by federal law, to
18 subpoena certain records held by a public or private utility
19 company <u>or a delayed deposit services business</u> with respect
20 to an individual who has a debt or obligation placed with the
21 centralized collection unit of the department. The subpoena
22 authority granted in this subsection may be used only after
23 reasonable efforts have been made by the centralized collection
24 unit to identify and locate the individual.
25   *b.* The department may subpoena customer records in order to
26 obtain a telephone number and last known address, but shall not
27 request or require the disclosure of transaction information,
28 account activity, or proprietary information.
29   *c.* A public or private utility company <u>or a delayed</u>
30 <u>deposit services business</u> shall respond to the subpoenas. The
31 subpoenas shall not be served more frequently than quarterly.
32   *d.* The burden of showing reasonable cause to believe that
33 the documents or records sought by the subpoena are necessary
34 to assist the department under this subsection shall be upon
35 the director. In administering this subsection, the director

1 and the department shall comply with all applicable state and
2 federal laws pertaining to the confidentiality or privacy of
3 individuals, or public or private utility companies, or delayed
4 deposit services businesses. The information and customer
5 records obtained by the department pursuant to this subsection
6 are confidential records and are not subject to requests for
7 examination pursuant to chapter 22.
8   *e.* A public or private utility company or a delayed deposit
9 services business shall not be held liable for any action
10 arising as a result of providing the records described in
11 paragraph *"b"* or for any other action taken reasonably and in
12 good faith to comply with this subsection.
13   *f.* As used in this subsection, *"public or private utility*
14 *company"* means a public utility, cable, video, or satellite
15 television company, cellular telephone company, or internet
16 service provider. As used in this subsection, *"delayed deposit*
17 *services business"* means the same as defined in section 533D.2.
18   Sec. 3. NEW SECTION. **533D.11A Customer information ——**
19 **required disclosure.**
20   1. Each licensee shall comply with the provisions of section
21 252B.9, subsection 1; section 421.17, subsection 32; and
22 section 804.32 with regard to supplying customer information to
23 the child support recovery unit, the department of revenue, and
24 the department of public safety and law enforcement agencies
25 upon receipt of a subpoena requesting the information. A
26 licensee shall not be required to submit such information
27 more frequently than quarterly. The information and customer
28 records obtained shall be regarded as confidential records and
29 are not subject to requests for examination pursuant to chapter
30 22.
31   2. Refusal to obey a subpoena issued to receive the
32 information may be punished by a court of competent
33 jurisdiction as a civil contempt, and subject to any additional
34 penalty provisions as may be authorized pursuant to section
35 252B.9, 421.17, or 804.32.

1   Sec. 4. <u>NEW SECTION</u>. **804.32 Customer information ——**
2 **subpoena authority.**
3   The department of public safety or a local law enforcement
4 agency may subpoena certain records held by a delayed deposit
5 services business with respect to individuals who have an
6 outstanding warrant issued for arrest, requesting the names,
7 addresses, and telephone numbers of such individuals as
8 appearing in customer records. If the records are maintained
9 in automated databases, the department or agency shall be
10 provided with automated access. Refusal to obey a subpoena
11 issued pursuant to this section may be punished by a court of
12 competent jurisdiction as a civil contempt.
13   EXPLANATION
14   This bill requires that designated state departments and
15 law enforcement agencies be provided access to delayed deposit
16 services customer information when requested by the department
17 or agency by subpoena.
18   The bill provides that a delayed deposit services business
19 licensee shall comply with specified provisions referenced in
20 the bill compelling disclosure of customer information to the
21 child support recovery unit, the department of revenue, and
22 the department of public safety and law enforcement agencies,
23 upon receipt of a subpoena requesting the information. The
24 bill provides that a licensee shall not be required to submit
25 such information more frequently than quarterly, and that the
26 information and customer records obtained shall be regarded as
27 confidential records not subject to requests for examination
28 pursuant to Code chapter 22. The bill states that refusal
29 to obey a subpoena issued to receive the information may be
30 punished by a court of competent jurisdiction as a civil
31 contempt, as well as pursuant to any additional penalty
32 provisions authorized by the respective department or law
33 enforcement agency.
34   With regard to the child support recovery unit, the
35 referenced provisions regarding subpoena authority are

1 contained in Code section 252B.9, subsection 1. The bill adds
2 delayed deposit services businesses to a list of entities
3 including public utilities, cable or other television
4 companies, cellular telephone companies, and internet service
5 providers which must supply customer names and addresses,
6 employer names and addresses, and cellular telephone numbers
7 in the case of a cellular telephone company. This information
8 would then be checked to determine if the customer is an
9 individual who owes or is owed support, or is someone from whom
10 a support obligation is sought. Provisions regarding showing
11 good cause for noncompliance, and imposing a penalty of $100
12 per refusal to comply after a finding of lack of good cause,
13 would apply.
14   With regard to the department of revenue, the referenced
15 provisions regarding subpoena authority are contained in Code
16 section 421.17, subsection 32. The bill requires delayed
17 deposit services businesses, along with a public or private
18 utility company as currently specified, to submit a telephone
19 number and last known address to the department upon issuance
20 of a subpoena to obtain the information, which would then
21 be checked to determine whether the customer has a debt or
22 obligation placed with the centralized collection unit of the
23 department.
24   With regard to the department of public safety and law
25 enforcement agencies, the bill provides that names, addresses,
26 and telephone numbers shall be supplied by delayed deposit
27 services businesses to the department or agency to determine
28 whether the customer has an outstanding warrant issued for
29 arrest.