



**ASSEMBLY AMENDMENT 10,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 100**

June 21, 2005 – Offered by Representatives SCHNEIDER, MOLEPSKE and BLACK.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 49, line 22: after that line insert:

3 “**SECTION 122m.** 19.36 (13) of the statutes is created to read:

4 19.36 (13) ACCESS TO CERTAIN RECORDS ON INTERNET SITES. (a) Except as provided
5 in par. (b), no authority that maintains an Internet site may post on that site any
6 record containing the name of an individual, together with any of the following
7 information pertaining to that individual:

8 1. The individual’s birth date.

9 2. The number of an operator’s license issued to the individual under ch. 343.

10 3. Except as provided in par. (b), the telephone number at the individual’s place
11 of employment.

12 4. The unpublished home telephone number of the individual.

1 (b) This subsection does not apply to any of the following:

2 1. The publication or electronic posting of the telephone number at an
3 individual's place of employment by an authority that is the employer of the
4 individual.

5 2. The posting of any information that is required to be provided under s. 301.45
6 (2).

7 **SECTION 122n.** 19.36 (14) of the statutes is created to read:

8 19.36 (14) SOCIAL SECURITY ACCOUNT NUMBERS. (a) In this subsection,
9 "employee" includes an individual holding a local public office or a state public office.

10 (b) Except as provided in par. (c), if a new record containing a social security
11 account number of an individual, together with information revealing the identity
12 of that individual, is kept by an authority on or after January 1, 2007, or if a record
13 in the custody of an authority is modified to insert the social security account number
14 of an individual on or after January 1, 2007, and the record contains information
15 revealing the identity of that individual, the authority shall delete the social security
16 account number before permitting access to the record to any person other than an
17 officer or employee of the authority, unless the requester is specifically authorized
18 by federal or state law or by the record subject to have access to the number.

19 (c) Unless otherwise provided by federal or state law, including common law
20 principles, a requester may have access to a record containing the social security
21 account number of an individual if any of the following applies:

22 1. The record pertains to that individual alone, to the marital or parental rights
23 or responsibilities of that individual and his or her spouse or former spouse, to
24 property of that individual held jointly or in common tenancy with one or more other
25 individuals, or to a civil legal action or proceeding in which the individual is a

1 specifically named party, and the individual provides appropriate identification to
2 the custodian.

3 2. The requester is an authorized representative of an insurer or an
4 organization that performs investigations for insurers and the social security
5 account number is relevant to an investigation of suspected, anticipated, or actual
6 insurance fraud.

7 (d) No authority may provide access under s. 19.35 (1) to any record to which
8 access is restricted under par. (b) that contains the social security account number
9 of an individual, together with information revealing the identity of that individual,
10 to any officer or employee of the authority other than the legal custodian or an
11 employee working under the immediate supervision of the custodian unless the
12 number is redacted, the officer's or employee's official responsibilities require the
13 officer or employee to have access to the number, or the officer or employee is
14 authorized by the record subject to have access to the number.

15 **SECTION 122p.** 19.37 (4) of the statutes is renumbered 19.37 (4) (a).

16 **SECTION 122q.** 19.37 (4) (b) and (c) of the statutes are created to read:

17 19.37 (4) (b) If any person misrepresents his or her identity for the purpose of
18 obtaining access to the social security account number of another individual under
19 s. 19.36 (13) (a), the person may be required to forfeit not more than \$1,000 for each
20 social security account number obtained by the person by means of such
21 misrepresentation.

22 (c) If an insurer or other person obtains a social security account number under
23 s. 19.36 (13) (b) and uses that number for purposes other than an investigation as
24 provided in that paragraph, the person may be required to forfeit not more than

1 \$1,000 for each social security account number used by the person for such
2 unauthorized purposes.”.

3 **2.** Page 525, line 10: after that line insert:

4 “**SECTION 1229m.** 59.20 (3) (d) of the statutes is amended to read:

5 59.20 (3) (d) Any register of deeds who in good faith makes an erroneous
6 determination as to the accessibility of a portion of a record, to members of the public
7 under s. 19.36 (6), is not subject to any penalty for denial of access to the record under
8 s. 19.37 (4) (a).”.

9 **3.** Page 525, line 16: after that line insert:

10 “**SECTION 1230s.** 59.43 (1) (intro.) of the statutes is amended to read:

11 59.43 (1) REGISTER OF DEEDS; DUTIES. (intro.) The Subject to sub. (1m), the
12 register of deeds shall.”.

13 **4.** Page 525, line 21: after that line insert:

14 “**SECTION 1232m.** 59.43 (1m) of the statutes is created to read:

15 59.43 (1m) RESTRICTIONS ON RECORDING INSTRUMENTS WITH SOCIAL SECURITY
16 NUMBERS. (a) Except as otherwise provided in this subsection, a register of deeds may
17 not record any instrument offered for recording if the instrument contains more than
18 the last 4 characters of the social security number of an individual.

19 (b) If a register of deeds is presented with an instrument for recording that
20 contains more than the last 4 numbers of an individual’s social security number, and
21 if the register of deeds records the instrument but does not discover that the
22 instrument contains more than the last 4 numbers of an individual’s social security
23 number until after the instrument is recorded, the register of deeds may not be held
24 liable for the instrument drafter’s placement of more than the last 4 numbers of an

1 individual's social security number on the instrument and the register of deeds may
2 remove or obscure characters from the social security number such that no more than
3 the last 4 characters of the social security number are discernable on the instrument.

4 (c) If a register of deeds records an instrument that contains the complete social
5 security number of an individual, the instrument drafter is liable to the individual
6 whose social security number appears in the recorded public document for damages
7 of not more than \$5,000, plus any actual damages resulting from the instrument
8 being recorded. A person may not be held liable for actual damages under this
9 paragraph unless the individual harmed paid or incurred any costs as a result of the
10 instrument being recorded.

11 (d) Paragraphs (a) to (c) do not apply to a federal income tax lien.”.

12 **5.** Page 749, line 17: before that line insert:

13 “**SECTION 1829f.** 100.53 of the statutes is created to read:

14 **100.53 Notice of unauthorized disclosure of computerized personal**
15 **information.** (1) DEFINITIONS. In this section:

16 (a) “Computerized personal information” means personal information that is
17 stored on a computer or on an optical, electromagnetic, or other electronic medium.

18 (b) “Major credit reporting agencies” means firms, as determined by the
19 department, most actively engaged in the business of collecting and dispensing
20 financial information regarding individuals, including information regarding
21 creditworthiness.

22 (c) “Personal information” means an individual's social security number and
23 any of the information specified in s. 895.505 (1) (e), except that it does not include
24 information that is available to the public.

1 **(2) NOTIFICATION OF UNAUTHORIZED ACQUISITION.** (a) If a person that owns
2 computerized personal information or licenses computerized personal information
3 from another knows or has reason to know that the computerized personal
4 information has been acquired by a person who is not authorized to do so by the
5 individual who is the subject of the computerized personal information, the person
6 shall, as soon as practicable, do all of the following:

7 1. Provide written notice under sub. (3) (a) to the individual who is the subject
8 of the computerized personal information that has been acquired.

9 2. Provide notice under sub. (3) (b) to not less than 3 major credit reporting
10 agencies.

11 (b) If a person that maintains computerized personal information owned or
12 licensed by another knows or has reason to know that the computerized personal
13 information has been acquired by a person who has not been authorized to do so by
14 the owner or licensee of the computerized personal information, the person shall
15 notify as soon as practicable the owner or licensee of the computerized personal
16 information.

17 **(3) CONTENT AND FORM OF NOTICE.** (a) Notice under sub. (2) (a) 1. shall be given
18 in writing and contain all of the following:

19 1. A statement that computerized personal information pertaining to the
20 individual and owned or licensed by the person giving notice has been acquired by
21 a person who is not authorized to do so by the individual.

22 2. A description of the personal information that has been acquired and the
23 date when the acquisition occurred.

1 3. A warning that the unauthorized acquisition of personal information may
2 adversely affect the individual's credit rating, and an advisory to monitor the
3 individual's credit information.

4 4. Telephone numbers and mailing addresses for not less than 3 major credit
5 reporting agencies.

6 (b) Notice under sub. (2) (a) 2. shall be given in writing and contain all of the
7 following:

8 1. A statement that computerized personal information pertaining to an
9 individual and owned or licensed by the person giving notice has been acquired by
10 a person who is not authorized to do so by the individual who is the subject of the
11 personal information.

12 2. The name of the individual who is the subject of the personal information.

13 3. A general identification of the type of personal information that has been
14 acquired.

15 4. The date when the personal information was acquired.

16 (c) If a person is required give notice under sub. (2) (a) 1. to more than one
17 individual as a result of a single acquisition of computerized personal information
18 and the cost of giving written notice to all individuals would exceed \$250,000, the
19 person may give notice by doing all of the following:

20 1. Sending an electronic mail message to an individual's electronic mail
21 address.

22 2. Conspicuously posting notice at the person's Internet Web site.

23 3. Notifying news media in this state in a manner reasonably calculated to
24 provide media notice of the acquisition of personal information to all individuals who
25 are the subject of the acquisition.

1 **(4) ENFORCEMENT.** (a) The department of justice or any district attorney may
2 commence an action in circuit court in the name of the state to restrain by temporary
3 or permanent injunction any violation of this section.

4 (b) Any person who is injured by a violation of this section may bring an action
5 against the violator for damages, injunctive relief, or both. An action under this
6 subsection may be brought against a county, town, city, or village, or against the state
7 or any office, department, independent agency, authority, institution, association,
8 society, or other body in state government created or authorized to be created by the
9 constitution or any law, including the legislature and the courts. Notwithstanding
10 s. 814.04 (1), in an action under this subsection, the court shall award a prevailing
11 plaintiff reasonable attorney fees.”.

12 **6.** Page 751, line 2: after that line insert:

13 “**SECTION 1833m.** 103.135 of the statutes is created to read:

14 **103.135 Records containing social security numbers of employees. (1)**

15 DEFINITION. In this section, “officer” means an officer of a governmental body, an
16 officer or director of a corporation, a member or manager of a limited liability
17 company, a partner of a partnership or a joint venture, or an owner of a sole
18 proprietorship.

19 **(2) ACCESS PROHIBITED; EXCEPTIONS.** Unless access is authorized under s. 19.36
20 (14), no employer may provide access to any record that contains the social security
21 account number of an employee of that employer, together with information
22 revealing the identity of that employee, to any person unless any of the following
23 applies:

24 (a) The number is redacted.

1 (b) The person is authorized by federal or state law or by the employee who is
2 the subject of the record to have access to the number.

3 (c) The person is an officer, employee, or agent of the employer and the official
4 responsibilities of the officer, employee, or agent require him or her to have access
5 to the number.”.

6 **7.** Page 781, line 7: after that line insert:

7 “**SECTION 1929y.** 134.44 of the statutes is created to read:

8 **134.44 Requests by retailers for social security numbers. (1)** No seller
9 of goods at retail may request that a customer disclose the customer’s social security
10 number.

11 **(2)** Subsection (1) does not apply to an agent of the department of natural
12 resources appointed under s. 29.024 (6) (a) 3. who requests a customer’s social
13 security number if the customer is applying to the agent for an approval as defined
14 in s. 29.001 (12) and the customer’s social security number is required under s.
15 29.024 (2g) or (2r).

16 **(3)** Any seller who violates sub. (1) shall be fined not more than \$100.”.

17 **8.** Page 782, line 8: after that line insert:

18 “**SECTION 1935m.** 138.25 of the statutes is created to read:

19 **138.25 Credit scores. (1) DEFINITIONS.** In this section:

20 (a) “Credit report” means means any written, oral, or other communication of
21 any information by a credit reporting agency bearing on a individual’s credit
22 worthiness, credit standing, or credit capacity, which is used or is expected to be used,
23 or collected in whole or in part, for a purpose specified in 15 USC 1681b or for the

1 purpose of serving as a factor in establishing the individual's eligibility for any of the
2 following:

- 3 1. Credit to be used primarily for personal, family, or household purposes.
- 4 2. Employment, promotion, reassignment, or retention as an employee.
- 5 3. Rental of a residential dwelling unit.

6 (b) "Credit reporting agency" means any person who, for fees, dues, or other
7 compensation, or on a cooperative nonprofit basis, regularly engages in whole or in
8 part in the business of assembling or evaluating credit or other information on
9 individuals for the purpose of preparing credit reports that the credit reporting
10 agency furnishes to third parties, but does not include any governmental agency
11 whose records are maintained primarily for traffic safety, law enforcement, or
12 licensing purposes.

13 **(2) PROHIBITION.** No credit reporting agency may use the number of creditor
14 inquiries as a factor in any credit scoring methodology used by the credit reporting
15 agency in preparing credit reports.

16 **(3) ENFORCEMENT.** The division of banking shall enforce this section.”.

17 **9.** Page 823, line 16: after that line insert:

18 **“SECTION 2110m.** 230.16 (12) of the statutes is created to read:

19 230.16 **(12)** An applicant's social security number may not be used for the
20 purpose of identifying the applicant on any examination under this subchapter or
21 under rules of the administrator.”.

22 **10.** Page 1030, line 1: before that line insert:

