

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: SB36 imposes a civil penalty for the intentional unlawful disclosure of “sensitive personal information” by a state employee. Violations would be punishable by a civil penalty of \$250 per violation with a total not to exceed \$5,000. The bill also amends the motor vehicle code to prohibit the disclosure of any personal information obtained through MVD services (i.e., driver’s license renewal, registration application), and would require MVD contracts to prohibit the disclosure of personal information for the purpose of enforcing federal immigration law). Violations of the motor vehicle code provisions would be a misdemeanor criminal offense.

SB36 defines “Sensitive personal information” as a person’s status as a recipient of public assistance or as a victim of crime; a person’s sexual orientation, gender identity, disability, immigration status, national origin, or religion; a person’s social security or tax ID number.

The bill would authorize the attorney general, a district attorney, and the state ethics commission to enforce the prohibition by filing a civil action in district court; there is no private right of action for violations.

FISCAL IMPLICATIONS

The provisions of SB36 that would create a civil enforcement mechanism for the unlawful disclosure of “sensitive personal information” would likely create some additional liability for state agencies and therefore would adversely impact the public liability fund.

Under current law, the Risk Management Division (RMD) has a statutory duty to provide legal defense and indemnity for any state entity and its current and former employees in most actions for civil damages. A reasonable (but very rough) estimate of defense attorney costs for the agency and the violator-employee would be up to \$5,000 for each. This would create an estimated cost of \$10,000 per alleged violation. The unknowable factors at this time are how many violations of this type might occur in a given fiscal year and how many cases will ultimately be brought by the entities authorized to enforce the provision.

The maximum civil penalty is \$5,000, but this amount is not included in the estimated fiscal impact on the public liability fund because the current liability certificate of coverage issued by RMD to its covered agencies/entities explicitly excludes the payment of any fines or penalties.

The provisions of the bill relating to the motor vehicle code should have little to no impact on the public liability fund or on RMD’s operations. The motor vehicle code amendments would not impact the fund or RMD because violations of those provisions are criminal rather than civil offenses, and RMD is not statutorily authorized to provide criminal defense to public employees.

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS