

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 208

(Delegate Glassman, *et al.*)

Environmental Matters

Motor Vehicle Administration - Digital Photographic Images - Private Detective Agencies

This bill authorizes the Motor Vehicle Administration (MVA) to make digital photographic images of individuals available to private detective agencies licensed by the State Police.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) revenues and expenditures would increase depending on the level of demand for digital images, which cannot be reliably estimated at this time. Under one scenario, TTF expenditures could increase by \$115,300 and TTF revenues could increase by as much as \$214,100 in FY 2006. Out-year costs and revenues would reflect annualization and inflation.

Local Effect: None.

Small Business Effect: Minimal. Private detective agencies that are small businesses would benefit from the availability of the images.

Analysis

Current Law: The MVA may make digital photographic images and signatures available to: (1) the courts; (2) criminal justice agencies; (3) driver license authorities; (4) the licensed individual; (5) the individual's attorney; (6) third parties designated by the individual; and (7) the Child Support Enforcement Administration. It may not

otherwise permit public inspection of digital photographic images or signatures or the actual data stored thereof.

Background: An identical bill was introduced as SB 285 in the 2003 session. It received an unfavorable report from the Senate Judicial Proceedings Committee. The General Assembly passed two identical bills in the 2002 session, HB 211 and SB 427; both bills were vetoed by the Governor. The Governor's veto letters cited concerns for motorist privacy and indicated that private detectives already had access to certain personal information held by the MVA.

Substantially similar bills were introduced as HB 164 in the 2001 session and HB 1261 in the 2000 session. HB 164 passed the House but was given an unfavorable report by the Senate Judicial Proceedings Committee. HB 1261 received an unfavorable report by the House Commerce and Government Matters Committee. Both of these bills would have allowed the MVA to make digital signatures available to detective agencies, in addition to digital images.

State Effect: The MVA receives approximately 24,000 requests for digital images and signatures annually. The State Police licenses 610 private detective agencies in Maryland that would be eligible under the bill to purchase digital images. The MVA advises that, although it frequently receives and denies requests from private investigators for images, it cannot estimate how many requests would be made if the private detective agencies were eligible to receive such images. If one request per week were made by each agency, the MVA would receive 31,720 additional requests annually. The MVA currently has one image retrieval workstation which is already utilized 100% to process 24,000 images annually. The MVA charges a \$9 fee per image retrieval. To the extent that demand for digital information increases, TTF revenues would also increase. If the MVA received one request per agency per week (31,720 per year), annual revenues would increase by \$214,110 in fiscal 2006 and \$285,480 annually thereafter.

Accordingly, a significant increase in demand could result in additional TTF expenditures to purchase as many as two additional workstations and supplies (\$52,947 in fiscal 2006) and hire two customer service agents (\$62,359 in fiscal 2006).

Additional Information

Prior Introductions: See Background section.

Cross File: None.

Information Source(s): Maryland Department of Transportation, Department of State Police, Department of Legislative Services

Fiscal Note History: First Reader - January 31, 2005
ncs/ljm

Analysis by: Nora C. McArdle

Direct Inquiries to:
(410) 946-5510
(301) 970-5510