

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 260

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Forehand” and substitute “Forehand, Green, Stone, and Ferguson”; and in line 5, after “circumstances;” insert “requiring the Administration to disclose certain personal information under certain circumstances;”.

AMENDMENT NO. 2

On page 4, in line 2, strike “AND (3)” and substitute “THROUGH (5)”; and after line 6 insert:

“(3) (I) THIS PARAGRAPH APPLIES ONLY TO THE DISCLOSURE OF PERSONAL INFORMATION FOR ANY USE IN RESPONSE TO A REQUEST FOR AN INDIVIDUAL MOTOR VEHICLE RECORD.

(II) THE CUSTODIAN SHALL PROVIDE NOTICE IN A CLEAR AND CONSPICUOUS MANNER ON THE FORMS FOR THE ISSUANCE OR RENEWAL OF A DRIVER’S LICENSE, CERTIFICATE OF TITLE, REGISTRATION, OR IDENTIFICATION CARD THAT PERSONAL INFORMATION MAY BE DISCLOSED TO ANY PERSON.

(III) THE CUSTODIAN SHALL PROVIDE AN OPPORTUNITY TO PROHIBIT DISCLOSURE UNDER THIS PARAGRAPH IN A CLEAR AND CONSPICUOUS MANNER ON THE FORMS FOR THE ISSUANCE OR RENEWAL OF A DRIVER’S LICENSE, CERTIFICATE OF TITLE, REGISTRATION, OR IDENTIFICATION CARD.

(IV) THE CUSTODIAN MAY NOT DISCLOSE PERSONAL INFORMATION UNDER THIS PARAGRAPH IF A PERSON IN INTEREST PROHIBITED DISCLOSURE UNDER THIS PARAGRAPH OR BY NOTIFYING THE CUSTODIAN IN WRITING.

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(V) IF THE PERSON IN INTEREST DOES NOT PROHIBIT DISCLOSURE OF THE PERSONAL INFORMATION AS PROVIDED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH, THE CUSTODIAN SHALL DISCLOSE THE PERSONAL INFORMATION.

(4) (I) THIS PARAGRAPH APPLIES ONLY TO THE DISCLOSURE OF PERSONAL INFORMATION FOR INCLUSION IN LISTS OF INFORMATION TO BE USED FOR SURVEYS, MARKETING, AND SOLICITATIONS.

(II) THE CUSTODIAN SHALL PROVIDE NOTICE IN A CLEAR AND CONSPICUOUS MANNER ON THE FORMS FOR THE ISSUANCE OR RENEWAL OF A DRIVER'S LICENSE, CERTIFICATE OF TITLE, REGISTRATION, OR IDENTIFICATION CARD THAT PERSONAL INFORMATION MAY BE DISCLOSED FOR SURVEYS, MARKETING, AND SOLICITATIONS.

(III) THE CUSTODIAN SHALL PROVIDE AN OPPORTUNITY TO PROHIBIT DISCLOSURE UNDER THIS PARAGRAPH IN A CLEAR AND CONSPICUOUS MANNER ON THE FORMS FOR THE ISSUANCE OR RENEWAL OF A DRIVER'S LICENSE, CERTIFICATE OF TITLE, REGISTRATION, OR IDENTIFICATION CARD.

(IV) THE CUSTODIAN MAY NOT DISCLOSE PERSONAL INFORMATION UNDER THIS PARAGRAPH IF A PERSON IN INTEREST PROHIBITED DISCLOSURE UNDER THIS PARAGRAPH OR BY NOTIFYING THE CUSTODIAN IN WRITING.

(V) EXCEPT AS PROVIDED IN SUBPARAGRAPH (VI) OF THIS PARAGRAPH, IF THE PERSON IN INTEREST DOES NOT PROHIBIT DISCLOSURE OF THE PERSONAL INFORMATION AS PROVIDED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH, THE CUSTODIAN MAY DISCLOSE THE PERSONAL INFORMATION.

(VI) THE CUSTODIAN MAY NOT DISCLOSE PERSONAL INFORMATION UNDER THIS PARAGRAPH FOR USE IN TELEPHONE SOLICITATIONS.

(VII) PERSONAL INFORMATION DISCLOSED UNDER THIS PARAGRAPH MAY BE USED ONLY FOR SURVEYS, MARKETING, OR SOLICITATIONS AND ONLY FOR A PURPOSE APPROVED BY THE MOTOR VEHICLE ADMINISTRATION.”.

On page 5, in line 24, after “INFORMATION;” insert “AND”; and strike beginning with “; AND” in line 27 down through “SOLICITATION” in line 39.

On page 6, strike in their entirety lines 1 through 10, inclusive; in lines 12 and 16, in each instance, strike “PARAGRAPH (3)” and substitute “PARAGRAPH (4) OR (5)”; in lines 11, 23, and 36, strike “(5)”, “(6)”, and “(7)”, respectively, and substitute “(6)”, “(7)”, and “(8)”, respectively; and in line 29, strike “PARAGRAPH (2) OR (3)” and substitute “PARAGRAPHS (2) THROUGH (5)”.

AMENDMENT NO. 3

On page 4, in line 7, strike “(3)” and substitute:

“(5) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (3) OR (4) OF THIS SUBSECTION.”;

and in the same line, strike “MAY” and substitute “SHALL”.

AMENDMENT NO. 4

On page 9, strike beginning with “FOR” in line 12 down through “SUBSECTION,” in line 13 and substitute:

“(I) IN THIS SUBSECTION THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(II)”;

after line 14, insert:

“(III) “TELEPHONE SOLICITATION” HAS THE MEANING INDICATED IN § 10-611(H) OF THE STATE GOVERNMENT ARTICLE.”;

in line 15, after “(2)” insert “THE ADMINISTRATION SHALL PROVIDE NOTICE IN A CLEAR AND CONSPICUOUS MANNER ON THE FORMS FOR THE ISSUANCE OR RENEWAL OF A

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DRIVER'S LICENSE, CERTIFICATE OF TITLE, REGISTRATION, OR IDENTIFICATION CARD THAT PERSONAL INFORMATION MAY BE DISCLOSED FOR INCLUSION IN LISTINGS OF INFORMATION FOR USE IN SURVEYS, MARKETING, OR SOLICITATIONS.

(3)”;

after line 18, insert:

“(4) THE ADMINISTRATION MAY NOT DISCLOSE PERSONAL INFORMATION UNDER THIS SECTION FOR USE IN TELEPHONE SOLICITATIONS.”;

and in line 19, strike “(3)” and substitute “(5)”.

On page 10, in lines 28, 30, and 36, strike “10-616(n)(3)(xiii)1” and substitute “10-616(n)(3) and (4)” .

AMENDMENT NO. 5

On page 10, in line 40, after “That” insert “the Motor Vehicle Administration shall promulgate, in consultation with appropriate members of the public and private sectors, regulations and procedures to implement this Act in a timely and cost effective manner.”

SECTION 4. AND BE IT FURTHER ENACTED, That”;

and in line 41, strike “July 1,” and substitute “September 1,”.