

Unofficial Copy
R7
SB 538/96 - JPR

1997 Regular Session
7r0780
CF 7r0143

By: Delegates Kopp, W. Baker, Baldwin, Barve, Billings, Bozman, Cadden, Conroy, Crumlin, Cryor, C. Davis, DeCarlo, Dewberry, Dypski, Eckardt, Edwards, Exum, Faulkner, Franchot, Frush, Fry, Genn, Goldwater, Harrison, Healey, Hecht, Heller, Hixson, Holt, Howard, Hubbard, B. Hughes, Hurson, Hutchins, Kagan, Kirk, Klausmeier, Love, Mandel, Marriott, McIntosh, Menes, Minnick, Mohorovic, Mossburg, Muse, Opara, Parker, Patterson, Perry, Petzold, Pitkin, Preis, Proctor, Nathan-Pulliam, Rawlings, Redmer, Rosapepe, Shriver, Slade, Stup, Turner, Walkup, Watson, Willis, and Workman

Introduced and read first time: January 31, 1997
Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 6, 1997

CHAPTER ____

1 AN ACT concerning

2 **Motor Vehicle Administration - Access to Public Records**

3 FOR the purpose of prohibiting the disclosure of Motor Vehicle Administration records
4 containing certain personal information, unless the information is used by certain
5 persons for certain purposes and under certain circumstances; requiring the
6 Administration to disclose certain personal information under certain
7 circumstances; prohibiting the person who receives personal information from using
8 it in certain ways; requiring the Administration to provide certain notice to certain
9 individuals under certain circumstances; authorizing certain individuals to prohibit
10 the disclosure of certain personal information under certain circumstances;
11 authorizing the Administration to disclose personal information under certain
12 circumstances even if the individual has not received a certain notice from the
13 Administration; prohibiting the use of personal information disclosed by the
14 Administration for purposes of telephone solicitation; authorizing individuals who
15 suffer damage due to a violation of certain provisions of law to recover their
16 damages in a civil action; authorizing a criminal penalty for certain misuse of
17 disclosed personal information under certain circumstances; requiring the
18 Administration to adopt certain regulations; authorizing the Administration to
19 monitor compliance with certain provisions; defining certain terms; making stylistic
20 changes; providing for the effective date of this Act; and generally relating to access
21 to certain public records of the Motor Vehicle Administration under certain

2

1 circumstances.

2 BY repealing and reenacting, with amendments,

3 Article - State Government

4 Section 10-611 and 10-626

5 Annotated Code of Maryland

6 (1995 Replacement Volume and 1996 Supplement)

7 BY repealing and reenacting, without amendments,

8 Article - State Government

9 Section 10-627

10 Annotated Code of Maryland

11 (1995 Replacement Volume and 1996 Supplement)

12 BY adding to

13 Article - State Government

14 Section 10-616(n)

15 Annotated Code of Maryland

16 (1995 Replacement Volume and 1996 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article - Transportation

19 Section 12-111 through 12-113

20 Annotated Code of Maryland

21 (1992 Replacement Volume and 1996 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - State Government**

25 10-611.

26 (a) In this Part III of this subtitle the following words have the meanings
27 indicated.

28 (b) "Applicant" means a person or governmental unit that asks to inspect a public
29 record.

30 (c) "Custodian" means:

31 (1) the official custodian; or

32 (2) any other authorized individual who has physical custody and control of
33 a public record.

34 (d) "Official custodian" means an officer or employee of the State or of a political
35 subdivision who, whether or not the officer or employee has physical custody and control
36 of a public record, is responsible for keeping the public record.

3

1 (e) "Person in interest" means:

2 (1) a person or governmental unit that is the subject of a public record or a
3 designee of the person or governmental unit;

4 (2) if the person has a legal disability, the parent or legal representative of
5 the person; or

6 (3) as to requests for correction of certificates of death under § 5-310(d)(2)
7 of the Health - General Article, the spouse, adult child, parent, adult sibling,
8 grandparent, or guardian of the person of the deceased at the time of the deceased's
9 death.

10 (F) (1) "PERSONAL INFORMATION" MEANS INFORMATION THAT
11 IDENTIFIES AN INDIVIDUAL INCLUDING AN INDIVIDUAL'S ADDRESS, DRIVER'S
12 LICENSE NUMBER OR ANY OTHER IDENTIFICATION NUMBER, MEDICAL OR
13 DISABILITY INFORMATION, NAME, PHOTOGRAPH OR COMPUTER GENERATED
14 IMAGE, SOCIAL SECURITY NUMBER, OR TELEPHONE NUMBER.

15 (2) "PERSONAL INFORMATION" DOES NOT INCLUDE AN INDIVIDUAL'S
16 DRIVER'S STATUS, DRIVING OFFENSES, 5-DIGIT ZIP CODE, OR INFORMATION ON
17 VEHICULAR ACCIDENTS.

18 [(f)] (G) (1) "Public record" means the original or any copy of any documentary
19 material that:

20 (i) is made by a unit or instrumentality of the State government or of
21 a political subdivision or received by the unit or instrumentality in connection with the
22 transaction of public business; and

23 (ii) is in any form, including:

- 24 1. a card;
- 25 2. a computerized record;
- 26 3. correspondence;
- 27 4. a drawing;
- 28 5. film or microfilm;
- 29 6. a form;
- 30 7. a map;
- 31 8. a photograph or photostat;
- 32 9. a recording; or
- 33 10. a tape.

34 (2) "Public record" includes a document that lists the salary of an employee
35 of a unit or instrumentality of the State government or of a political subdivision.

4

1 (3) "Public record" does not include a digital photographic image or
2 signature of an individual, or the actual stored data thereof, recorded by the Motor
3 Vehicle Administration.

4 (H) (1) "TELEPHONE SOLICITATION" MEANS THE INITIATION OF A
5 TELEPHONE CALL TO AN INDIVIDUAL OR TO THE RESIDENCE OR BUSINESS OF AN
6 INDIVIDUAL FOR THE PURPOSE OF ENCOURAGING THE PURCHASE OR RENTAL OF
7 OR INVESTMENT IN PROPERTY, GOODS, OR SERVICES.

8 (2) "TELEPHONE SOLICITATION" DOES NOT INCLUDE A TELEPHONE
9 CALL OR MESSAGE:

10 (I) TO AN INDIVIDUAL WHO HAS GIVEN EXPRESS PERMISSION TO
11 THE PERSON MAKING THE TELEPHONE CALL;

12 (II) TO AN INDIVIDUAL WITH WHOM THE PERSON HAS AN
13 ESTABLISHED BUSINESS RELATIONSHIP; OR

14 (III) BY A TAX-EXEMPT, NONPROFIT ORGANIZATION.

15 10-616.

16 (N) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) ~~AND (3)~~ THROUGH (5) OF
17 THIS SUBSECTION, A CUSTODIAN MAY NOT KNOWINGLY DISCLOSE A PUBLIC
18 RECORD OF THE MOTOR VEHICLE ADMINISTRATION CONTAINING PERSONAL
19 INFORMATION.

20 (2) A CUSTODIAN SHALL DISCLOSE PERSONAL INFORMATION WHEN
21 REQUIRED BY FEDERAL LAW.

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

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

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

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

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

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

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

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

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

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

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

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

26 ~~(3)~~ (5) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (3) OR
27 (4) OF THIS SUBSECTION, A CUSTODIAN ~~MAY~~ SHALL DISCLOSE PERSONAL
28 INFORMATION:

29 (I) FOR USE BY A FEDERAL, STATE, OR LOCAL GOVERNMENT,
30 INCLUDING A LAW ENFORCEMENT AGENCY, OR A COURT IN CARRYING OUT ITS
31 FUNCTIONS;

32 (II) FOR USE IN CONNECTION WITH MATTERS OF:

- 33 1. MOTOR VEHICLE OR DRIVER SAFETY;
- 34 2. MOTOR VEHICLE THEFT;
- 35 3. MOTOR VEHICLE EMISSIONS;
- 36 4. MOTOR VEHICLE PRODUCT ALTERATIONS, RECALLS, OR
- 37 ADVISORIES;
- 38 5. PERFORMANCE MONITORING OF MOTOR VEHICLE PARTS
- 39 AND DEALERS; AND

1 6. REMOVAL OF NONOWNER RECORDS FROM THE
2 ORIGINAL RECORDS OF MOTOR VEHICLE MANUFACTURERS;

3 (III) FOR USE BY A PRIVATE DETECTIVE AGENCY ~~OR SECURITY~~
4 ~~GUARD SERVICE~~ LICENSED BY THE SECRETARY OF STATE POLICE UNDER TITLE 13
5 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE OR A SECURITY
6 GUARD SERVICE LICENSED BY THE SECRETARY OF STATE POLICE UNDER TITLE 19
7 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE FOR A PURPOSE
8 PERMITTED UNDER THIS PARAGRAPH;

9 (IV) FOR USE IN CONNECTION WITH A CIVIL, ADMINISTRATIVE,
10 ARBITRAL, OR CRIMINAL PROCEEDING IN A FEDERAL, STATE, OR LOCAL COURT OR
11 REGULATORY AGENCY FOR SERVICE OF PROCESS, INVESTIGATION IN
12 ANTICIPATION OF LITIGATION, AND EXECUTION OR ENFORCEMENT OF JUDGMENTS
13 OR ORDERS;

14 (V) FOR PURPOSES OF RESEARCH OR STATISTICAL REPORTING AS
15 APPROVED BY THE MOTOR VEHICLE ADMINISTRATION PROVIDED THAT THE
16 PERSONAL INFORMATION IS NOT PUBLISHED, REDISCLOSED, OR USED TO CONTACT
17 THE INDIVIDUAL;

18 (VI) FOR USE BY AN INSURER, INSURANCE SUPPORT
19 ORGANIZATION, OR SELF-INSURED ENTITY, OR ITS EMPLOYEES, AGENTS, OR
20 CONTRACTORS, IN CONNECTION WITH RATING, UNDERWRITING, CLAIMS
21 INVESTIGATING, AND ANTIFRAUD ACTIVITIES;

22 (VII) FOR USE IN THE NORMAL COURSE OF BUSINESS ACTIVITY BY A
23 LEGITIMATE BUSINESS ENTITY, ITS AGENTS, EMPLOYEES, OR CONTRACTORS, BUT
24 ONLY:

25 1. TO VERIFY THE ACCURACY OF PERSONAL INFORMATION
26 SUBMITTED BY THE INDIVIDUAL TO THAT ENTITY; AND

27 2. IF THE INFORMATION SUBMITTED IS NOT ACCURATE, TO
28 OBTAIN CORRECT INFORMATION ONLY FOR THE PURPOSE OF:

29 A. PREVENTING FRAUD BY THE INDIVIDUAL;

30 B. PURSUING LEGAL REMEDIES AGAINST THE INDIVIDUAL;

31 OR

32 C. RECOVERING ON A DEBT OR SECURITY INTEREST
33 AGAINST THE INDIVIDUAL;

34 (VIII) FOR USE BY AN EMPLOYER OR INSURER TO OBTAIN OR
35 VERIFY INFORMATION RELATING TO A HOLDER OF A COMMERCIAL DRIVER'S
36 LICENSE THAT IS REQUIRED UNDER THE COMMERCIAL MOTOR VEHICLE SAFETY
37 ACT OF 1986 (49 U.S.C. APP. ET SEQ);

38 (IX) FOR USE IN CONNECTION WITH THE OPERATION OF A PRIVATE
39 TOLL TRANSPORTATION FACILITY;

7

1 (X) FOR USE IN PROVIDING NOTICE TO THE OWNER OF A TOWED
2 OR IMPOUNDED MOTOR VEHICLE;

3 (XI) FOR USE BY AN APPLICANT WHO PROVIDES WRITTEN
4 CONSENT FROM THE INDIVIDUAL TO WHOM THE INFORMATION PERTAINS IF THE
5 CONSENT IS OBTAINED WITHIN THE 6-MONTH PERIOD BEFORE THE DATE OF THE
6 REQUEST FOR PERSONAL INFORMATION; AND

7 (XII) FOR A USE SPECIFICALLY AUTHORIZED BY THE LAW OF THIS
8 STATE, IF THE USE IS RELATED TO THE OPERATION OF A MOTOR VEHICLE OR
9 PUBLIC SAFETY; ~~AND~~

10 ~~(XIII) FOR INCLUSION IN LISTS OF INFORMATION TO BE USED FOR~~
11 ~~SURVEYS, MARKETING, AND SOLICITATIONS PROVIDED THAT:~~

12 ~~1. WHEN THE INDIVIDUAL IS APPLYING FOR OR RENEWING~~
13 ~~A DRIVER'S LICENSE, CERTIFICATE OF TITLE, REGISTRATION, OR IDENTIFICATION~~
14 ~~CARD, THE CUSTODIAN NOTIFIES THE INDIVIDUAL, IN A CLEAR AND CONSPICUOUS~~
15 ~~MANNER, OF THE OPPORTUNITY TO PROHIBIT USE FOR THIS PURPOSE AND THE~~
16 ~~INDIVIDUAL HAS NOT PROHIBITED USE FOR THIS PURPOSE;~~

17 ~~2. THE PERSONAL INFORMATION IS USED SOLELY FOR~~
18 ~~SURVEYS, MARKETING, OR SOLICITATIONS AND IS NOT USED FOR A PURPOSE NOT~~
19 ~~APPROVED BY THE MOTOR VEHICLE ADMINISTRATION; AND~~

20 ~~3. THE PERSONAL INFORMATION IS NOT USED FOR~~
21 ~~TELEPHONE SOLICITATION.~~

22 ~~(4) A CUSTODIAN DISCLOSING PERSONAL INFORMATION UNDER~~
23 ~~PARAGRAPH (3) OF THIS SUBSECTION:~~

24 ~~(i) SHALL LIMIT DISCLOSURE TO THE MINIMUM AMOUNT OF~~
25 ~~PERSONAL INFORMATION REQUIRED TO ACCOMPLISH THE PURPOSE FOR WHICH~~
26 ~~THE REQUEST IS MADE; AND~~

27 ~~(ii) MAY NOT DISCLOSE INFORMATION CONCERNING THE~~
28 ~~PHYSICAL CHARACTERISTICS, MEDICAL CONDITION, OR DISABILITY OF AN~~
29 ~~INDIVIDUAL UNLESS THE CUSTODIAN DETERMINES THAT DISCLOSURE OF THE~~
30 ~~INFORMATION IS IN THE PUBLIC INTEREST AND WILL NOT UNDULY JEOPARDIZE~~
31 ~~THE PRIVACY OF THE INDIVIDUAL.~~

32 ~~(5) (6) (I) A PERSON RECEIVING PERSONAL INFORMATION UNDER~~
33 ~~PARAGRAPH (3) PARAGRAPH (4) OR (5) OF THIS SUBSECTION MAY NOT USE OR~~
34 ~~REDISCLOSE THE PERSONAL INFORMATION FOR A PURPOSE OTHER THAN THE~~
35 ~~PURPOSE FOR WHICH THE CUSTODIAN DISCLOSED THE PERSONAL INFORMATION.~~

36 (II) A PERSON RECEIVING PERSONAL INFORMATION UNDER
37 ~~PARAGRAPH (3) PARAGRAPH (4) OR (5) OF THIS SUBSECTION WHO REDISCLOSES THE~~
38 PERSONAL INFORMATION SHALL:

39 1. KEEP A RECORD FOR 5 YEARS OF THE PERSON TO WHOM
40 THE INFORMATION IS REDISCLOSED AND THE PURPOSE FOR WHICH THE
41 INFORMATION IS TO BE USED; AND

9

1 10-627.

2 (a) A person may not:

3 (1) willfully or knowingly violate any provision of this Part III of this
4 subtitle;

5 (2) fail to petition a court after temporarily denying inspection of a public
6 record; or

7 (3) by false pretenses, bribery, or theft, gain access to or obtain a copy of a
8 personal record whose disclosure to the person is prohibited by this Part III of this
9 subtitle.

10 (b) A person who violates any provision of this section is guilty of a misdemeanor
11 and on conviction is subject to a fine not exceeding \$1,000.

12 **Article - Transportation**

13 12-111.

14 (a) The Administration shall keep a record of each application or other document
15 filed with it and each certificate or other official document that it issues.

16 (b) (1) [Except] SUBJECT TO § 10-616(N) OF THE STATE GOVERNMENT
17 ARTICLE, AND EXCEPT as otherwise provided by law, all records of the Administration
18 are public records and open to public inspection during office hours.

19 (2) Subject to paragraph (4) of this subsection, [in his discretion,] the
20 Administrator may classify as confidential and not open to public inspection any record or
21 record entry:

22 (i) That is over 5 years old; or

23 (ii) That relates to any happening that occurred over 5 years earlier.

24 (3) [Any] SUBJECT TO § 10-616(N) OF THE STATE GOVERNMENT
25 ARTICLE, A record or record entry of any age shall be open to inspection by authorized
26 representatives of any federal, State, or local governmental agency.

27 (4) Subject to paragraph (3) of this subsection, the Administrator may not
28 open to public inspection any record or record entry that is:

29 (i) All or part of a licensed driver's public driving record; and

30 (ii) Over 3 years old.

31 (5) Subject to paragraph (6) of this subsection, the Administration may not
32 permit public inspection of a digital photographic image or signature of an individual, or
33 the actual stored data thereof, recorded by the Administration.

34 (6) The Administration may make a digital photographic image or signature
35 of an individual, or the actual stored data thereof, recorded by the Administration
36 available to:

10

- 1 (i) The courts;
- 2 (ii) Criminal justice agencies;
- 3 (iii) Driver license authorities;
- 4 (iv) The individual;
- 5 (v) The individual's attorney; and
- 6 (vi) Third parties designated by the individual.

7 (c) Except for records required by law to be kept in their original or other
8 specified form, the Administrator may order any record of the Administration to be kept
9 on microfilm or in other microform, and the original destroyed.

10 (d) Except for records required by law to be kept longer, the Administrator may
11 destroy any record of the Administration that it has kept for 3 years or more and that the
12 Administrator considers obsolete and unnecessary to the work of the Administration.

13 12-112.

14 (a) Unless the information is classified as confidential under § 12-111 of this
15 subtitle or otherwise as provided by law, and subject to [the provisions of subsection (d)
16 of this section] § 10-616(N) OF THE STATE GOVERNMENT ARTICLE, the Administration
17 may furnish listings of vehicle registration and other public information in its records to
18 those persons who request them, but only if the Administration approves of the purpose
19 for which the information is requested.

20 (b) The Administration shall charge a fee for any listing furnished under this
21 section. The fee charged may not be less than the cost to this State of preparing that
22 listing. The revenue from the fee shall not be subject to the distribution provisions of Title
23 8, Subtitle 4 of this article.

24 (c) A person furnished any information under this section is prohibited from
25 distributing or otherwise using the information for any purpose other than that for which
26 it was [requested and] furnished.

27 (d) (1) [Except as provided in paragraph (2), upon written request by an
28 individual holding a license as defined in § 11-128, or by the owner of a vehicle registered
29 under this article, that information about that person not be disclosed, the
30 Administration may not, under this section, furnish to any person the name, address, or
31 other identifying information about the licensee or owner of the registered vehicle.] ~~FOR~~
32 ~~THE PURPOSES OF THIS SUBSECTION,~~

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

35 (II) "PERSONAL INFORMATION" HAS THE MEANING INDICATED IN
36 § 10-611(F) OF THE STATE GOVERNMENT ARTICLE.

37 (III) "TELEPHONE SOLICITATION" HAS THE MEANING INDICATED IN
38 § 10-611(H) OF THE STATE GOVERNMENT ARTICLE.

11

1 (2) THE ADMINISTRATION SHALL PROVIDE NOTICE IN A CLEAR AND
2 CONSPICUOUS MANNER ON THE FORMS FOR THE ISSUANCE OR RENEWAL OF A
3 DRIVER'S LICENSE, CERTIFICATE OF TITLE, REGISTRATION, OR IDENTIFICATION
4 CARD THAT PERSONAL INFORMATION MAY BE DISCLOSED FOR INCLUSION IN
5 LISTINGS OF INFORMATION FOR USE IN SURVEYS, MARKETING, OR SOLICITATIONS.

6 (3) AN INDIVIDUAL MAY PROHIBIT DISCLOSURE OF PERSONAL
7 INFORMATION UNDER THIS SECTION WHEN APPLYING FOR OR RENEWING A
8 DRIVER'S LICENSE, CERTIFICATE OF TITLE, REGISTRATION, OR IDENTIFICATION
9 CARD OR BY NOTIFYING THE ADMINISTRATOR IN WRITING AT ANY TIME.

10 (4) THE ADMINISTRATION MAY NOT DISCLOSE PERSONAL
11 INFORMATION UNDER THIS SECTION FOR USE IN TELEPHONE SOLICITATIONS.

12 [(2)] ⇔ (5) This subsection does not prevent the Administration from
13 furnishing PERSONAL information under this section:

14 (i) To another governmental agency; OR

15 (ii) [If not requested for the purpose of preparing a mailing list, to a
16 person requesting the information in connection with the compilation of statistical data;
17 or

18 (iii) As to the owners of vehicles registered under this article, to a
19 person whose request for the information is determined by the Administration to be
20 limited to, and necessary for, the protection of the ownership, safe operation, proper
21 maintenance, or repair of the vehicle] FOR ANOTHER PURPOSE PERMISSIBLE UNDER §
22 10-616(N) OF THE STATE GOVERNMENT ARTICLE.

23 12-113.

24 (a) (1) [The] SUBJECT TO § 12-111 OF THIS SUBTITLE AND § 10-616(N) OF
25 THE STATE GOVERNMENT ARTICLE, THE Administrator or any other officer or
26 employee of the Administration designated by the Administrator may furnish on request
27 a copy or a certified copy of any record of the Administration.

28 (2) The Administration may establish and charge a fee for each record it
29 furnishes or certifies. The revenue from the fee shall not be subject to the distribution
30 provisions of Title 8, Subtitle 4, of this article.

31 (3) No charge shall be made to a police agency, fire department, or court in
32 this or any other state or a police agency or court of the United States government.

33 (4) The fee established and charged under this section may exceed the
34 amounts authorized under § 10-621 of the State Government Article.

35 (b) (1) A certified copy of any record of the Administration or comparable
36 agency of any state is admissible in any judicial proceeding in the same manner as the
37 original of the record.

38 (2) (i) A computer printout of any driving record or vehicle registration
39 record of the Administration that has been obtained by a police agency or court through

12

1 a computer terminal tied into the Administration is admissible in any judicial proceeding
2 in the same manner as the original of the record.

3 (ii) The computer printout of the driving record or vehicle registration
4 record shall contain:

5 1. The date the record was printed; and

6 2. A jurisdiction code identifying the site where the record was
7 printed.

8 (3) If a subpoena is issued to the Administrator or any other official or
9 employee of the Administration for the production in any judicial proceeding of the
10 original or a copy of any book, paper, entry, record, proceeding, or other document of the
11 Administration:

12 (i) The Administrator or other official or employee of the
13 Administration need not appear personally; and

14 (ii) Submission of a certified copy or photostat of the requested
15 document is full compliance with the subpoena.

16 (4) On motion and for good cause shown, the court may compel the
17 attendance of an authorized representative of the Administration to answer the subpoena
18 for the production of documents.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the Motor Vehicle
20 Administration shall establish a procedure to allow an individual who, on the effective
21 date of this Act, has a current driver's license, certificate of title, registration, or
22 identification card, to contact the Administration for the purpose of prohibiting the
23 disclosure of personal information as provided in § ~~10-616(n)(3)(xiii)~~ 10-616(n)(3) and
24 (4) of the State Government Article or § 12-112(d)(2) of the Transportation Article.
25 Nothing in this Act requires the Administration to provide the notice under §
26 ~~10-616(n)(3)(xiii)~~ 10-616(n)(3) and (4) of the State Government Article and §
27 12-112(d)(2) of the Transportation Article before an individual applies for renewal of a
28 driver's license, certificate of title, registration, or identification card. Unless an
29 individual has objected to a disclosure of personal information in accordance with the
30 procedures established by the Administration, the Administration may disclose personal
31 information as provided by law notwithstanding that the individual has not received
32 notices under § ~~10-616(n)(3)(xiii)~~ 10-616(n)(3) and (4) of the State Government Article
33 or § 12-112(d)(2) of the Transportation Article because the individual has not renewed a
34 driver's license, certificate of title, registration, or identification card.

35 SECTION 3. AND BE IT FURTHER ENACTED, That the Motor Vehicle
36 Administration shall promulgate, in consultation with appropriate members of the public
37 and private sectors, regulations and procedures to implement this Act in a timely and cost
38 effective manner.

39 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
40 July 1, September 1, 1997.

