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By: Senators Frosh, Kelley, and Forehand ~~Forehand~~, Green, Stone, and Ferguson

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Read second time: February 19, 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
22 circumstances.

23 BY repealing and reenacting, with amendments,

24 Article - State Government

25 Section 10-611 and 10-626

26 Annotated Code of Maryland

27 (1995 Replacement Volume and 1996 Supplement)

2

1 By repealing and reenacting, without amendments,
2 Article - State Government
3 Section 10-627
4 Annotated Code of Maryland
5 (1995 Replacement Volume and 1996 Supplement)

6 BY adding to
7 Article - State Government
8 Section 10-616(n)
9 Annotated Code of Maryland
10 (1995 Replacement Volume and 1996 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article - Transportation
13 Section 12-111 through 12-113
14 Annotated Code of Maryland
15 (1992 Replacement Volume and 1996 Supplement)

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

18 **Article - State Government**

19 10-611.

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

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

24 (c) "Custodian" means:

25 (1) the official custodian; or

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

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

31 (e) "Person in interest" means:

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

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

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

5 (F) (1) "PERSONAL INFORMATION" MEANS INFORMATION THAT
6 IDENTIFIES AN INDIVIDUAL INCLUDING AN INDIVIDUAL'S ADDRESS, DRIVER'S
7 LICENSE NUMBER OR ANY OTHER IDENTIFICATION NUMBER, MEDICAL OR
8 DISABILITY INFORMATION, NAME, PHOTOGRAPH OR COMPUTER GENERATED
9 IMAGE, SOCIAL SECURITY NUMBER, OR TELEPHONE NUMBER.

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

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

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

18 (ii) is in any form, including:

- 19 1. a card;
- 20 2. a computerized record;
- 21 3. correspondence;
- 22 4. a drawing;
- 23 5. film or microfilm;
- 24 6. a form;
- 25 7. a map;
- 26 8. a photograph or photostat;
- 27 9. a recording; or
- 28 10. a tape.

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

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

34 (H) (1) "TELEPHONE SOLICITATION" MEANS THE INITIATION OF A
35 TELEPHONE CALL TO AN INDIVIDUAL OR TO THE RESIDENCE OR BUSINESS OF AN
36 INDIVIDUAL FOR THE PURPOSE OF ENCOURAGING THE PURCHASE OR RENTAL OF
37 OR INVESTMENT IN PROPERTY, GOODS, OR SERVICES.

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

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

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

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

8 10-616.

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

13 (2) A CUSTODIAN SHALL DISCLOSE PERSONAL INFORMATION WHEN
14 REQUIRED BY FEDERAL LAW.

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

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

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

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

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

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

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

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

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

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

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

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

18 ~~(3)~~ (5) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (3) OR
19 (4) OF THIS SUBSECTION, A CUSTODIAN ~~MAY~~ SHALL DISCLOSE PERSONAL
20 INFORMATION:

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

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

- 25 1. MOTOR VEHICLE OR DRIVER SAFETY;
- 26 2. MOTOR VEHICLE THEFT;
- 27 3. MOTOR VEHICLE EMISSIONS;
- 28 4. MOTOR VEHICLE PRODUCT ALTERATIONS, RECALLS, OR
- 29 ADVISORIES;
- 30 5. PERFORMANCE MONITORING OF MOTOR VEHICLE PARTS
- 31 AND DEALERS; AND
- 32 6. REMOVAL OF NONOWNER RECORDS FROM THE
- 33 ORIGINAL RECORDS OF MOTOR VEHICLE MANUFACTURERS;

34 (III) FOR USE BY A PRIVATE DETECTIVE AGENCY ~~OR SECURITY~~
35 ~~GUARD SERVICE~~ LICENSED BY THE SECRETARY OF STATE POLICE UNDER TITLE 13
36 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE OR A SECURITY
37 GUARD SERVICE LICENSED BY THE SECRETARY OF STATE POLICE UNDER TITLE 19
38 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE FOR A PURPOSE
39 PERMITTED UNDER THIS PARAGRAPH;

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1 (IV) FOR USE IN CONNECTION WITH A CIVIL, ADMINISTRATIVE,
2 ARBITRAL, OR CRIMINAL PROCEEDING IN A FEDERAL, STATE, OR LOCAL COURT OR
3 REGULATORY AGENCY FOR SERVICE OF PROCESS, INVESTIGATION IN
4 ANTICIPATION OF LITIGATION, AND EXECUTION OR ENFORCEMENT OF JUDGMENTS
5 OR ORDERS;

6 (V) FOR PURPOSES OF RESEARCH OR STATISTICAL REPORTING AS
7 APPROVED BY THE MOTOR VEHICLE ADMINISTRATION PROVIDED THAT THE
8 PERSONAL INFORMATION IS NOT PUBLISHED, REDISCLOSED, OR USED TO CONTACT
9 THE INDIVIDUAL;

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

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

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

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

21 A. PREVENTING FRAUD BY THE INDIVIDUAL;

22 B. PURSUING LEGAL REMEDIES AGAINST THE INDIVIDUAL;
23 OR

24 C. RECOVERING ON A DEBT OR SECURITY INTEREST
25 AGAINST THE INDIVIDUAL;

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

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

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

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

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

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

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

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

11 ~~3. THE PERSONAL INFORMATION IS NOT USED FOR~~
12 ~~TELEPHONE SOLICITATION.~~

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

15 ~~(I) SHALL LIMIT DISCLOSURE TO THE MINIMUM AMOUNT OF~~
16 ~~PERSONAL INFORMATION REQUIRED TO ACCOMPLISH THE PURPOSE FOR WHICH~~
17 ~~THE REQUEST IS MADE; AND~~

18 ~~(II) MAY NOT DISCLOSE INFORMATION CONCERNING THE~~
19 ~~PHYSICAL CHARACTERISTICS, MEDICAL CONDITION, OR DISABILITY OF AN~~
20 ~~INDIVIDUAL UNLESS THE CUSTODIAN DETERMINES THAT DISCLOSURE OF THE~~
21 ~~INFORMATION IS IN THE PUBLIC INTEREST AND WILL NOT UNDULY JEOPARDIZE~~
22 ~~THE PRIVACY OF THE INDIVIDUAL.~~

23 ~~(5) (6) (I) A PERSON RECEIVING PERSONAL INFORMATION UNDER~~
24 ~~PARAGRAPH (3) PARAGRAPH (4) OR (5) OF THIS SUBSECTION MAY NOT USE OR~~
25 ~~REDISCLOSE THE PERSONAL INFORMATION FOR A PURPOSE OTHER THAN THE~~
26 ~~PURPOSE FOR WHICH THE CUSTODIAN DISCLOSED THE PERSONAL INFORMATION.~~

27 ~~(II) A PERSON RECEIVING PERSONAL INFORMATION UNDER~~
28 ~~PARAGRAPH (3) PARAGRAPH (4) OR (5) OF THIS SUBSECTION WHO REDISCLOSES THE~~
29 ~~PERSONAL INFORMATION SHALL:~~

30 ~~1. KEEP A RECORD FOR 5 YEARS OF THE PERSON TO WHOM~~
31 ~~THE INFORMATION IS REDISCLOSED AND THE PURPOSE FOR WHICH THE~~
32 ~~INFORMATION IS TO BE USED; AND~~

33 ~~2. MAKE THE RECORD AVAILABLE TO THE CUSTODIAN ON~~
34 ~~REQUEST.~~

35 ~~(6) (7) (I) THE CUSTODIAN SHALL ADOPT REGULATIONS TO~~
36 ~~IMPLEMENT AND ENFORCE THE PROVISIONS OF THIS SUBSECTION.~~

37 ~~(II) 1. THE CUSTODIAN SHALL ADOPT REGULATIONS AND~~
38 ~~PROCEDURES FOR SECURING A PERSON IN INTEREST'S WAIVER OF PRIVACY RIGHTS~~
39 ~~UNDER THIS SUBSECTION WHEN AN APPLICANT REQUESTS PERSONAL~~
40 ~~INFORMATION ABOUT THE PERSON IN INTEREST THAT THE CUSTODIAN IS NOT~~

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1 AUTHORIZED TO DISCLOSE UNDER ~~PARAGRAPH (2) OR (3)~~ PARAGRAPHS (2)
2 THROUGH (5) OF THIS SUBSECTION.

3 2. THE REGULATIONS AND PROCEDURES ADOPTED UNDER
4 THIS SUBPARAGRAPH SHALL:

5 A. STATE THE CIRCUMSTANCES UNDER WHICH THE
6 CUSTODIAN MAY REQUEST A WAIVER; AND

7 B. CONFORM WITH THE WAIVER REQUIREMENTS IN THE
8 FEDERAL DRIVER'S PRIVACY PROTECTION ACT OF 1994 AND OTHER FEDERAL LAW.

9 ~~(7)~~ (8) THE CUSTODIAN MAY DEVELOP AND IMPLEMENT METHODS
10 FOR MONITORING COMPLIANCE WITH THIS SECTION AND ENSURING THAT
11 PERSONAL INFORMATION IS USED ONLY FOR PURPOSES FOR WHICH IT IS
12 DISCLOSED.

13 10-626.

14 (a) A person, including an officer or employee of a governmental unit, is liable to
15 an individual for actual damages and any punitive damages that the court considers
16 appropriate if:

17 (1) (I) the person willfully and knowingly permits inspection or use of a
18 public record in violation of this Part III of this subtitle; and

19 [(2)] (II) the public record names or, with reasonable certainty, otherwise
20 identifies the individual by an identifying factor such as:

21 [(i)] 1. an address;

22 [(ii)] 2. a description;

23 [(iii)] 3. a finger or voice print;

24 [(iv)] 4. a number; or

25 [(v)] 5. a picture[.]; OR

26 (2) THE PERSON WILLFULLY AND KNOWINGLY OBTAINS, DISCLOSES, OR
27 USES PERSONAL INFORMATION IN VIOLATION OF § 10-616(N) OF THIS SUBTITLE.

28 (b) If the court determines that the complainant has substantially prevailed, the
29 court may assess against a defendant reasonable counsel fees and other litigation costs
30 that the complainant reasonably incurred.

31 10-627.

32 (a) A person may not:

33 (1) willfully or knowingly violate any provision of this Part III of this
34 subtitle;

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

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

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

6 **Article - Transportation**

7 12-111.

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

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

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

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

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

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

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

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

24 (ii) Over 3 years old.

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

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

31 (i) The courts;

32 (ii) Criminal justice agencies;

33 (iii) Driver license authorities;

34 (iv) The individual;

35 (v) The individual's attorney; and

36 (vi) Third parties designated by the individual.

10

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

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

7 12-112.

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

14 (b) The Administration shall charge a fee for any listing furnished under this
 15 section. The fee charged may not be less than the cost to this State of preparing that
 16 listing. The revenue from the fee shall not be subject to the distribution provisions of Title
 17 8, Subtitle 4 of this article.

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

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

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

29 (II) "PERSONAL INFORMATION" HAS THE MEANING INDICATED IN
 30 § 10-611(F) OF THE STATE GOVERNMENT ARTICLE.

31 (III) "TELEPHONE SOLICITATION" HAS THE MEANING INDICATED IN
 32 § 10-611(H) OF THE STATE GOVERNMENT ARTICLE.

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

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

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

3 [(2)] ~~(5)~~ This subsection does not prevent the Administration from
4 furnishing PERSONAL information under this section:

5 (i) To another governmental agency; OR

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

9 (iii) As to the owners of vehicles registered under this article, to a
10 person whose request for the information is determined by the Administration to be
11 limited to, and necessary for, the protection of the ownership, safe operation, proper
12 maintenance, or repair of the vehicle] FOR ANOTHER PURPOSE PERMISSIBLE UNDER §
13 10-616(N) OF THE STATE GOVERNMENT ARTICLE.

14 12-113.

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

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

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

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

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

29 (2) (i) A computer printout of any driving record or vehicle registration
30 record of the Administration that has been obtained by a police agency or court through
31 a computer terminal tied into the Administration is admissible in any judicial proceeding
32 in the same manner as the original of the record.

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

35 1. The date the record was printed; and

36 2. A jurisdiction code identifying the site where the record was
37 printed.

38 (3) If a subpoena is issued to the Administrator or any other official or
39 employee of the Administration for the production in any judicial proceeding of the

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1 original or a copy of any book, paper, entry, record, proceeding, or other document of the
2 Administration:

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

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

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

10 SECTION 2. AND BE IT FURTHER ENACTED, That the Motor Vehicle
11 Administration shall establish a procedure to allow an individual who, on the effective
12 date of this Act, has a current driver's license, certificate of title, registration, or
13 identification card, to contact the Administration for the purpose of prohibiting the
14 disclosure of personal information as provided in § ~~10-616(n)(3)(xiii)~~ 10-616(n)(3) and
15 (4) of the State Government Article or § 12-112(d)(2) of the Transportation Article.
16 Nothing in this Act requires the Administration to provide the notice under §
17 ~~10-616(n)(3)(xiii)~~ 10-616(n)(3) and (4) of the State Government Article and §
18 12-112(d)(2) of the Transportation Article before an individual applies for renewal of a
19 driver's license, certificate of title, registration, or identification card. Unless an
20 individual has objected to a disclosure of personal information in accordance with the
21 procedures established by the Administration, the Administration may disclose personal
22 information as provided by law notwithstanding that the individual has not received
23 notices under § ~~10-616(n)(3)(xiii)~~ 10-616(n)(3) and (4) of the State Government Article
24 or § 12-112(d)(2) of the Transportation Article because the individual has not renewed a
25 driver's license, certificate of title, registration, or identification card.

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

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