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By: **Delegate Redmer**  
Introduced and read first time: February 13, 1998  
Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Administration - Dishonored Checks - Aggrieved Party's**  
3 **Remedy**

4 FOR the purpose of requiring the Motor Vehicle Administration to provide to an  
5 aggrieved party the home address of a licensee who passes a dishonored check;  
6 requiring the Administration to notify the aggrieved party of certain home  
7 address changes of the licensee; defining certain terms; requiring the  
8 Administration to assess certain service charges for administrative costs on the  
9 licensee and the aggrieved party; authorizing the Administrator to adopt  
10 regulations to implement this Act; and generally relating to disclosure by the  
11 Administration of the home addresses of licensees who have passed dishonored  
12 checks.

13 BY adding to  
14 Article - Transportation  
15 Section 16-116.1  
16 Annotated Code of Maryland  
17 (1992 Replacement Volume and 1997 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article - State Government  
20 Section 10-616(p)  
21 Annotated Code of Maryland  
22 (1995 Replacement Volume and 1997 Supplement)

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

25 **Article - Transportation**

26 16-116.1.

27 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
28 INDICATED.

1 (2) "AGGRIEVED PARTY" MEANS A PERSON IN POSSESSION OF A  
2 DISHONORED CHECK THAT IS PAYABLE TO THE PERSON, OR TO BEARER.

3 (3) "LICENSEE" MEANS THE HOLDER OF A LICENSE ISSUED OR  
4 PRIVILEGE GRANTED UNDER THE MARYLAND VEHICLE LAW.

5 (B) A LICENSEE WHO USES A DRIVER'S LICENSE AS IDENTIFICATION FOR  
6 CHECK WRITING PURPOSES IS DEEMED TO HAVE CONSENTED TO THE DISCLOSURE  
7 OF THE LICENSEE'S HOME ADDRESS TO AN AGGRIEVED PARTY.

8 (C) AFTER AN AGGRIEVED PARTY SUBMITS REASONABLE PROOF TO THE  
9 ADMINISTRATION THAT A LICENSEE HAS PASSED A DISHONORED CHECK TO THE  
10 AGGRIEVED PARTY, THE ADMINISTRATION SHALL:

11 (1) PROVIDE TO THE AGGRIEVED PARTY FROM ADMINISTRATION  
12 RECORDS THE LICENSEE'S MOST RECENT HOME ADDRESS;

13 (2) NOTIFY THE AGGRIEVED PARTY OF THE NEXT CHANGE OF THE  
14 LICENSEE'S HOME ADDRESS OCCURRING AFTER RECEIPT BY THE ADMINISTRATION  
15 OF THE INITIAL NOTIFICATION FROM THE AGGRIEVED PARTY;

16 (3) ASSESS A \$25 SERVICE CHARGE ON THE LICENSEE FOR  
17 ADMINISTRATIVE COSTS; AND

18 (4) ASSESS A \$5 SERVICE CHARGE ON THE AGGRIEVED PARTY FOR  
19 ADMINISTRATIVE COSTS.

20 (D) THE ADMINISTRATOR SHALL ADOPT REGULATIONS TO IMPLEMENT THIS  
21 SECTION.

## 22 **Article - State Government**

23 10-616.

24 (p) (1) Except as provided in paragraphs (2) through (5) of this subsection, a  
25 custodian may not knowingly disclose a public record of the Motor Vehicle  
26 Administration containing personal information.

27 (2) A custodian shall disclose personal information when required by  
28 federal law.

29 (3) (i) This paragraph applies only to the disclosure of personal  
30 information for any use in response to a request for an individual motor vehicle  
31 record.

32 (ii) The custodian shall provide notice in a clear and conspicuous  
33 manner on the forms for the issuance or renewal of a driver's license, certificate of  
34 title, registration, or identification card that personal information may be disclosed to  
35 any person.

1 (iii) The custodian shall provide an opportunity to prohibit  
2 disclosure under this paragraph in a clear and conspicuous manner on the forms for  
3 the issuance or renewal of a driver's license, certificate of title, registration, or  
4 identification card.

5 (iv) The custodian may not disclose personal information under this  
6 paragraph if a person in interest prohibited disclosure under this paragraph or by  
7 notifying the custodian in writing.

8 (v) If the person in interest does not prohibit disclosure of the  
9 personal information as provided in subparagraph (iv) of this paragraph, the  
10 custodian shall disclose the personal information.

11 (4) (i) This paragraph applies only to the disclosure of personal  
12 information for inclusion in lists of information to be used for surveys, marketing, and  
13 solicitations.

14 (ii) The custodian shall provide notice in a clear and conspicuous  
15 manner on the forms for the issuance or renewal of a driver's license, certificate of  
16 title, registration, or identification card that personal information may be disclosed  
17 for surveys, marketing, and solicitations.

18 (iii) The custodian shall provide an opportunity to prohibit  
19 disclosure under this paragraph in a clear and conspicuous manner on the forms for  
20 the issuance or renewal of a driver's license, certificate of title, registration, or  
21 identification card.

22 (iv) The custodian may not disclose personal information under this  
23 paragraph if a person in interest prohibited disclosure under this paragraph or by  
24 notifying the custodian in writing.

25 (v) Except as provided in subparagraph (vi) of this paragraph, if  
26 the person in interest does not prohibit disclosure of the personal information as  
27 provided in subparagraph (iv) of this paragraph, the custodian may disclose the  
28 personal information.

29 (vi) The custodian may not disclose personal information under this  
30 paragraph for use in telephone solicitations.

31 (vii) Personal information disclosed under this paragraph may be  
32 used only for surveys, marketing, or solicitations and only for a purpose approved by  
33 the Motor Vehicle Administration.

34 (5) Notwithstanding the provisions of paragraph (3) or (4) of this  
35 subsection, a custodian shall disclose personal information:

36 (i) for use by a federal, state, or local government, including a law  
37 enforcement agency, or a court in carrying out its functions;

38 (ii) for use in connection with matters of:

1. motor vehicle or driver safety;
2. motor vehicle theft;
3. motor vehicle emissions;
4. motor vehicle product alterations, recalls, or advisories;
5. performance monitoring of motor vehicle parts and  
6 dealers; and
7. removal of nonowner records from the original records of  
8 motor vehicle manufacturers;

9 (iii) for use by a private detective agency licensed by the Secretary of  
10 State Police under Title 13 of the Business Occupations and Professions Article or a  
11 security guard service licensed by the Secretary of State Police under Title 19 of the  
12 Business Occupations and Professions Article for a purpose permitted under this  
13 paragraph;

14 (iv) for use in connection with a civil, administrative, arbitral, or  
15 criminal proceeding in a federal, State, or local court or regulatory agency for service  
16 of process, investigation in anticipation of litigation, and execution or enforcement of  
17 judgments or orders;

18 (v) for purposes of research or statistical reporting as approved by  
19 the Motor Vehicle Administration provided that the personal information is not  
20 published, redisclosed, or used to contact the individual;

21 (vi) for use by an insurer, insurance support organization, or  
22 self-insured entity, or its employees, agents, or contractors, in connection with rating,  
23 underwriting, claims investigating, and antifraud activities;

24 (vii) for use in the normal course of business activity by a legitimate  
25 business entity, its agents, employees, or contractors, but only:

26 1. to verify the accuracy of personal information submitted  
27 by the individual to that entity; and

28 2. if the information submitted is not accurate, to obtain  
29 correct information only for the purpose of:

30 A. preventing fraud by the individual;

31 B. pursuing legal remedies against the individual; or

32 C. recovering on a debt or security interest against the  
33 individual;

1 (viii) for use by an employer or insurer to obtain or verify information  
2 relating to a holder of a commercial driver's license that is required under the  
3 Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. et seq.);

4 (ix) for use in connection with the operation of a private toll  
5 transportation facility;

6 (x) for use in providing notice to the owner of a towed or impounded  
7 motor vehicle;

8 (xi) for use by an applicant who provides written consent from the  
9 individual to whom the information pertains if the consent is obtained within the  
10 6-month period before the date of the request for personal information; [and]

11 (xii) for a use specifically authorized by the law of this State, if the  
12 use is related to the operation of a motor vehicle or public safety; AND

13 (XIII) FOR THE PURPOSES OF DISCLOSING TO AN AGGRIEVED PARTY,  
14 AS DEFINED IN § 16-116.1 OF THE TRANSPORTATION ARTICLE, A LICENSEE'S HOME  
15 ADDRESS AND NEXT CHANGE OF HOME ADDRESS TO THE EXTENT AUTHORIZED IN §  
16 16-116.1 OF THE TRANSPORTATION ARTICLE.

17 (6) (i) A person receiving personal information under paragraph (4) or  
18 (5) of this subsection may not use or redisclose the personal information for a purpose  
19 other than the purpose for which the custodian disclosed the personal information.

20 (ii) A person receiving personal information under paragraph (4) or  
21 (5) of this subsection who rediscloses the personal information shall:

22 1. keep a record for 5 years of the person to whom the  
23 information is redisclosed and the purpose for which the information is to be used;  
24 and

25 2. make the record available to the custodian on request.

26 (7) (i) The custodian shall adopt regulations to implement and enforce  
27 the provisions of this subsection.

28 (ii) 1. The custodian shall adopt regulations and procedures for  
29 securing a person in interest's waiver of privacy rights under this subsection when an  
30 applicant requests personal information about the person in interest that the  
31 custodian is not authorized to disclose under paragraphs (2) through (5) of this  
32 subsection.

33 2. The regulations and procedures adopted under this  
34 subparagraph shall:

35 A. state the circumstances under which the custodian may  
36 request a waiver; and

