

HOUSE BILL 858

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P3  
SB 573/98 - EEA

1999 Regular Session  
9lr2253  
CF SB 259

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By: **Delegates Bronrott, Barkley, Barve, Bobo, Dypski, Glassman,  
Goldwater, Kittleman, Kopp, Paige, Parrott, Riley, Rudolph, Shank,  
Snodgrass, Swain, and Weir**

Introduced and read first time: February 12, 1999  
Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Division of State Documents - Public On-Line Access**

3 FOR the purpose of requiring the Division of State Documents to provide the public  
4 with certain on-line access to certain materials; requiring the receipt of certain  
5 materials to be preceded by certain information; prohibiting the use of certain  
6 data or material for commercial purposes; establishing a certain fine for certain  
7 violations; and generally relating to public on-line access to certain materials.

8 BY repealing and reenacting, with amendments,  
9 Article - State Government  
10 Section 7-206.2  
11 Annotated Code of Maryland  
12 (1995 Replacement Volume and 1998 Supplement)

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

15 **Article - State Government**

16 7-206.2.

17 (a) The Division may arrange for data bases derived from publications issued  
18 by the Division to be made available to the public for direct on-line searching by  
19 contracting with third-party or value-added resellers.

20 (b) Notwithstanding the provisions of subsection (a) of this section, the State  
21 Data Center shall charge for on-line access to the Maryland Information Retrieval  
22 System.

23 (c) This section may not be construed to require a State data center to provide  
24 a member of the public with direct on-line access or any other type of access to the  
25 computers or data bases of the State Data Center.

1 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DIVISION SHALL  
2 MAKE AVAILABLE TO THE PUBLIC, AT NO COST, DIRECT ON-LINE SEARCHING OF:

3 (1) THE CODE OF MARYLAND REGULATIONS (COMAR);

4 (2) THE MARYLAND REGISTER; AND

5 (3) ANY OTHER MATERIAL THE DIVISION DETERMINES TO BE IN THE  
6 PUBLIC INTEREST.

7 (E) THE RECEIPT OF ANY MATERIAL MADE AVAILABLE TO THE PUBLIC UNDER  
8 THE TERMS OF SUBSECTION (D) OF THIS SECTION SHALL BE PRECEDED BY A LEGEND  
9 STATING THAT:

10 "THE INFORMATION YOU ARE ABOUT TO RECEIVE IS MADE AVAILABLE FOR  
11 PERSONAL USE ONLY. BY PROCEEDING BEYOND THIS POINT YOU AGREE THAT YOU  
12 WILL NOT USE THE INFORMATION FOR ANY COMMERCIAL PURPOSE WHATSOEVER  
13 INCLUDING, BY WAY OF EXAMPLE AND NOT IN LIMITATION, THE DOWNLOADING OF  
14 THIS INFORMATION FOR USE IN ANY OTHER ELECTRONIC OR PRINTED FORM."

15 (F) THE LEGEND REFERENCED IN SUBSECTION (E) OF THIS SECTION SHALL  
16 BE PRESENTED TO THE RECIPIENT IN A MANNER THAT AFFORDS THE RECIPIENT AN  
17 OPPORTUNITY TO REFUSE TO ACCESS THE MATERIAL.

18 (G) DATA OR MATERIAL OBTAINED UNDER SUBSECTION (D) OF THIS SECTION  
19 MAY NOT BE USED FOR ANY COMMERCIAL PURPOSE.

20 (H) A PERSON WHO VIOLATES SUBSECTION (G) OF THIS SECTION IS SUBJECT  
21 TO A FINE NOT EXCEEDING \$1,000 FOR EACH VIOLATION.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 1999.