

SENATE BILL 259

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SB 573/98 - EEA

1999 Regular Session
9r0907
CF 9r2253

By: **Senators Hogan, Collins, Hooper, and Frosh**
Introduced and read first time: February 4, 1999
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 12, 1999

CHAPTER _____

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; defining a certain term; providing for a delayed effective date; and
8 generally relating to public on-line access to certain materials.

9 BY repealing and reenacting, with amendments,
10 Article - State Government
11 Section 7-206.2
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1998 Supplement)

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

16 **Article - State Government**

17 7-206.2.

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

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

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

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

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

10 (2) THE MARYLAND REGISTER; AND

11 (3) ANY OTHER MATERIAL THE DIVISION DETERMINES TO BE IN THE
12 PUBLIC INTEREST.

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

16 "THE INFORMATION YOU ARE ABOUT TO RECEIVE IS MADE AVAILABLE FOR
17 PERSONAL USE ONLY. BY PROCEEDING BEYOND THIS POINT YOU AGREE THAT YOU
18 WILL NOT USE THE INFORMATION FOR ANY PROHIBITED COMMERCIAL PURPOSE
19 ~~WHATSOEVER~~, AS DEFINED IN § 7-206.2(G) OF THE STATE GOVERNMENT ARTICLE,
20 INCLUDING, BY WAY OF EXAMPLE AND NOT IN LIMITATION, THE DOWNLOADING OF
21 THIS INFORMATION FOR ~~USE~~ RESALE IN ANY OTHER ELECTRONIC OR PRINTED
22 FORM."

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

26 (G) (1) IN THIS SUBSECTION, "PROHIBITED COMMERCIAL PURPOSE"
27 INCLUDES ANY USE THAT INVOLVES THE RESALE OR OTHER COMPENSATED
28 TRANSFER OF INFORMATION MADE AVAILABLE UNDER SUBSECTION (D) OF THIS
29 SECTION.

30 (2) "PROHIBITED COMMERCIAL PURPOSE" DOES NOT INCLUDE THE
31 INCORPORATION OF PORTIONS OF INFORMATION MADE AVAILABLE UNDER
32 SUBSECTION (D) OF THIS SECTION INTO DOCUMENTS COMMENTING UPON OR
33 ADVISING PERSONS OF THE LEGAL EFFECT OF THAT INFORMATION, EVEN THOUGH
34 THE PERSON INCORPORATING THE INFORMATION MAY BE COMPENSATED FOR THE
35 COMMENTS OR ADVICE.

36 (3) DATA OR MATERIAL OBTAINED UNDER SUBSECTION (D) OF THIS
37 SECTION MAY NOT BE USED FOR ANY PROHIBITED COMMERCIAL PURPOSE.

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

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 ~~October 1, 1999~~ January 1, 2000.