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D., Constan Limons

By: Senator Jimeno

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

#### A BILL ENTITLED

1 AN ACT concerning

#### 2 Public Records - Motor Vehicle Records - Access by Hospitals

- 3 FOR the purpose of requiring the custodian of Motor Vehicle Administration records
- 4 to disclose to a hospital, for hospital security purposes, personal information
- 5 relating to the ownership of vehicles parked on hospital property; and generally
- 6 relating to hospital access to Motor Vehicle Administration records.
- 7 BY repealing and reenacting, with amendments,
- 8 Article State Government
- 9 Section 10-616(p)
- 10 Annotated Code of Maryland
- 11 (1999 Replacement Volume and 2002 Supplement)
- 12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 13 MARYLAND, That the Laws of Maryland read as follows:
- 14 Article State Government
- 15 10-616.
- 16 (p) (1) Except as provided in paragraphs (2) through (5) of this subsection, a
- 17 custodian may not knowingly disclose a public record of the Motor Vehicle
- 18 Administration containing personal information.
- 19 (2) A custodian shall disclose personal information when required by
- 20 federal law.
- 21 (3) (i) This paragraph applies only to the disclosure of personal
- 22 information for any use in response to a request for an individual motor vehicle
- 23 record.
- 24 (ii) The custodian may not disclose personal information without
- 25 written consent from the person in interest.
- 26 (iii) 1. At any time the person in interest may withdraw consent
- 27 to disclose personal information by notifying the custodian.

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	disclose personal information received by the custodian.	2. shall take	The withdrawal by the person in interest of consent to effect as soon as practicable after it is			
	(4) (i) This paragraph applies only to the disclosure of personal information for inclusion in lists of information to be used for surveys, marketing, and solicitations.					
	(ii) surveys, marketing, and solici interest.		todian may not disclose personal information for ithout written consent from the person in			
10 11	(iii) to disclose personal informati	1. on by not	At any time the person in interest may withdraw consent tifying the custodian.			
	disclose personal information received by the custodian.	2. shall tak	The withdrawal by the person in interest of consent to e effect as soon as practicable after it is			
15 16	(iv) paragraph for use in telephone		todian may not disclose personal information under this cions.			
	(v) Personal information disclosed under this paragraph may be used only for surveys, marketing, or solicitations and only for a purpose approved by the Motor Vehicle Administration.					
20 21	(5) Notwithstanding the provisions of paragraphs (3) and (4) of this subsection, a custodian shall disclose personal information:					
22 23	(i) enforcement agency, or a cou		by a federal, state, or local government, including a law ying out its 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 advisories;			
29 30	dealers; and	5.	performance monitoring of motor vehicle parts and			
31 32	motor vehicle manufacturers;	6.	removal of nonowner records from the original records of			
		the Busin	by a private detective agency licensed by the Secretary of ness Occupations and Professions Article or a Secretary of State Police under Title 19 of the			

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	Business Occupations and Professions Article for a purpose permitted under this paragraph;						
5	(iv) for use in connection with a civil, administrative, arbitral, or criminal proceeding in a federal, state, or local court or regulatory agency for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments or orders;						
	(v) for purposes of research or statistical reporting as approved by the Motor Vehicle Administration provided that the personal information is not published, redisclosed, or used to contact the individual;						
	(vi) for use by an insurer, insurance support organization, or self-insured entity, or its employees, agents, or contractors, in connection with rating, underwriting, claims investigating, and antifraud activities;						
13 14	(vii) for use in the normal course of business activity by a legitimate business entity, its agents, employees, or contractors, but only:						
15 16	by the individual to t	hat entity	1. ; and	to verify the accuracy of personal information submitted			
17 18	2. if the information submitted is not accurate, to obtain 3 correct information only for the purpose of:						
19			A.	preventing fraud by the individual;			
20			B.	pursuing legal remedies against the individual; or			
21 22	individual;		C.	recovering on a debt or security interest against the			
	(viii) for use by an employer or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C.A. § 2701 et seq.);						
26 27	transportation facility	(ix) y;	for use in connection with the operation of a private toll				
28 29	motor vehicle;	(x)	for use i	in providing notice to the owner of a towed or impounded			
	(xi) for use by an applicant who provides written consent from the individual to whom the information pertains if the consent is obtained within the 6-month period before the date of the request for personal information;						
33		(xii)	for use i	in any matter relating to:			
34 35	ambulance), or Class	Q (limo	1. usine) vel	the operation of a Class B (for hire), Class C (funeral and hicle; and			

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1 2	of the public; [and]		2.	public safety or the treatment by the operator of a member		
3 4		(xiii) eration o		e specifically authorized by the law of this State, if the r vehicle or public safety; AND		
				SE BY A HOSPITAL TO OBTAIN, FOR HOSPITAL SECURITY ING TO OWNERSHIP OF VEHICLES PARKED ON		
	(5) of this subsection r		use or rec	n receiving personal information under paragraph (4) or lisclose the personal information for a purpose stodian disclosed the personal information.		
11 12		(ii) who redi		n receiving personal information under paragraph (4) or the personal information shall:		
		osed and	1. the purp	keep a record for 5 years of the person to whom the ose for which the information is to be used;		
16			2.	make the record available to the custodian on request.		
17 18	(7) the provisions of this	(i) subsection		todian shall adopt regulations to implement and enforce		
21 22	(ii) 1. The custodian shall adopt regulations and procedures for securing a person in interest's waiver of privacy rights under this subsection when an applicant requests personal information about the person in interest that the custodian is not authorized to disclose under paragraphs (2) through (5) of this subsection.					
24 25	subparagraph shall:		2.	The regulations and procedures adopted under this		
26 27	request a waiver; and		A.	state the circumstances under which the custodian may		
28 29		ection Ac		conform with the waiver requirements in the federal and other federal law.		
	(8) The custodian may develop and implement methods for monitoring compliance with this section and ensuring that personal information is used only for purposes for which it is disclosed.					
33 34	SECTION 2. ANI October 1, 2003.	D BE IT	FURTHI	ER ENACTED, That this Act shall take effect		