

Department of Legislative Services  
Maryland General Assembly  
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 284

(Senator Jimeno)

Judicial Proceedings

Environmental Matters

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**Public Records - Motor Vehicle Records - Access by Hospitals**

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This bill requires the custodian of Motor Vehicle Administration (MVA) records to disclose personal information related to the ownership of a vehicle parked on hospital property to that hospital for hospital security.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in Transportation Trust Fund (TTF) revenues in FY 2004 and each year thereafter. Expenditures would not be affected.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The custodian of MVA records generally may not disclose personal information in those records without the written consent of the person affected; the person may withdraw consent at any time by notifying the custodian. A custodian must disclose personal information regardless of written consent in several circumstances, including but not limited to: (1) use by a federal, state, or local government, including a law enforcement agency or court in carrying out its functions; (2) use in relation to vehicle theft, safety, emissions, recalls, or advisories; (3) use by a licensed private detective agency or security guard service for specified purposes; (4) use by an insurer in connection with rating, claims investigation, and antifraud activities; (5) use by an

employer or insurer to verify commercial driver's license information; and (6) providing notice to the owner of a towed or impounded vehicle.

The federal Driver Protection Privacy Act (Public Law 103-322) also outlines permissible situations in which a state motor vehicle department can release personal information in connection with a public record.

A person who receives personal information may not use or redisclose the information for any purpose other than for which it was given and must: (1) keep a record for five years of the person to whom the information was redisclosed and the purpose for which it is to be used; and (2) make the record available to the custodian upon request.

Personal information includes an individual's address, license number or any other identification number, photograph, or telephone number.

**State Revenues:** The MVA advises that it charges a \$7 fee to any entity other than courts and governmental or law enforcement agencies for every record provided from the Direct Access Record System (DARS). DARS allows users to access vehicle registration and driver license information by remote computer access. To participate in the system, participants must sign a contract with the MVA; if the contract is approved, the MVA provides the entity the necessary software at no charge. Approximately 470 organizations subscribe to DARS currently.

The Department of Legislative Services advises that there are 70 hospitals in Maryland, including acute, special, and general care. The number of hospitals that would participate cannot be determined at this time but is not expected to be significant. Accordingly, the revenue generated by the record access fee is expected to be minimal. The MVA advises that access is restricted by the requirements of federal law and that any hospital that wishes to obtain access to records will need to do so through an employee who is commissioned by the State or local police.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - March 3, 2003  
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