

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 285
Judicial Proceedings

(Senator Jimeno)

Motor Vehicle Administration - Digital Photographic Images - Private Detective Agencies

This bill authorizes the Motor Vehicle Administration (MVA) to make digital photographic images of individuals available to private detective agencies licensed by the State Police.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) revenues and expenditures would increase depending on the level of demand for digital images, which cannot be reliably estimated at this time. Under one scenario, TTF expenditures could increase by \$75,680 and TTF revenues could increase by as much as \$109,200 in FY 2004. Out-year costs and revenues would reflect annualization and inflation.

Local Effect: None.

Small Business Effect: Minimal. Private detective agencies that are small businesses would benefit from the availability of the images.

Analysis

Current Law: The MVA may make digital photographic images and signatures available to: (1) the courts; (2) criminal justice agencies; (3) driver license authorities; (4) the licensed individual; (5) the individual's attorney; (6) third parties designated by the individual; and (7) the Child Support Enforcement Administration. It may not

otherwise permit public inspection of digital photographic images or signatures or the actual data stored within them.

Background: An identical bill, SB 427 of 2002, was vetoed by the Governor. The Governor's veto letter cited concerns for motorist privacy and indicated that private detectives already had access to certain personal information held by the MVA. Substantially similar bills were introduced as HB 164 in the 2001 session and HB 1261 in the 2000 session; both received unfavorable reports from the Commerce and Government Matters and Judicial Proceedings committees, respectively.

State Revenues: The MVA charges a \$7 fee for each image retrieval. To the extent that demand for digital information increases, TTF revenues would also increase. The MVA receives approximately 24,000 requests for digital images and signatures annually. The State Police license approximately 400 private detective agencies in Maryland that would be eligible under the bill to purchase digital images. Under one scenario, if the MVA receives one request per agency per week (20,800 per year), annual revenues would increase by \$109,200 in fiscal 2004 and \$145,600 annually thereafter.

State Expenditures: The MVA advises that it frequently receives requests from private investigators for images but it cannot estimate how many requests it would receive if the agencies were eligible to receive them. Assuming that it receives one request per week from each agency, the MVA would receive 20,800 additional requests annually. The Department of Legislative Services advises that at least one additional workstation and supplies (\$22,740 in fiscal 2004) may be necessary if there is a significant increase in demand, as well as two customer service agents (\$52,940 in fiscal 2004).

Additional Information

Prior Introductions: See Background section.

Cross File: None.

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

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