
By: **Delegates Kach, Conroy, and Donoghue**
Introduced and read first time: January 28, 2004
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Motor Vehicle Administration Records - Disclosure of**
3 **Personal Information**

4 FOR the purpose of requiring the Motor Vehicle Administration to request applicants
5 for certain special registration to provide written consent to the disclosure of
6 certain personal information to certain organizations; requiring the
7 Administration to disclose certain information to certain organizations if
8 consent is given; prohibiting the Administration from requiring applicants to
9 consent to the disclosure of certain personal information under this Act;
10 prohibiting the Administration from refusing to issue certain special
11 registration solely because of the applicant's refusal to consent to the disclosure
12 of certain personal information; requiring the Administration to adopt certain
13 regulations; and generally relating to the disclosure of personal information by
14 the Motor Vehicle Administration.

15 BY repealing and reenacting, without amendments,
16 Article - State Government
17 Section 10-616(p)(1) through (3), inclusive
18 Annotated Code of Maryland
19 (1999 Replacement Volume and 2003 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - State Government
22 Section 10-616(p)(4)
23 Annotated Code of Maryland
24 (1999 Replacement Volume and 2003 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - Transportation
27 Section 13-619.1
28 Annotated Code of Maryland
29 (2002 Replacement Volume and 2003 Supplement)

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

3 **Article - State Government**

4 10-616.

5 (p) (1) Except as provided in paragraphs (2) through (5) of this subsection, a
6 custodian may not knowingly disclose a public record of the Motor Vehicle
7 Administration containing personal information.

8 (2) A custodian shall disclose personal information when required by
9 federal law.

10 (3) (i) This paragraph applies only to the disclosure of personal
11 information for any use in response to a request for an individual motor vehicle
12 record.

13 (ii) The custodian may not disclose personal information without
14 written consent from the person in interest.

15 (iii) 1. At any time the person in interest may withdraw consent
16 to disclose personal information by notifying the custodian.

17 2. The withdrawal by the person in interest of consent to
18 disclose personal information shall take effect as soon as practicable after it is
19 received by the custodian.

20 (4) (i) This paragraph applies only to the disclosure of personal
21 information for inclusion in lists of information to be used for surveys, marketing, and
22 solicitations.

23 (ii) The custodian may not disclose personal information for
24 surveys, marketing, and solicitations without written consent from the person in
25 interest.

26 (iii) 1. At any time the person in interest may withdraw consent
27 to disclose personal information by notifying the custodian.

28 2. The withdrawal by the person in interest of consent to
29 disclose personal information shall take effect as soon as practicable after it is
30 received by the custodian.

31 (iv) The custodian may not disclose personal information under this
32 paragraph for use in telephone solicitations.

33 (v) Personal information disclosed under this paragraph may be
34 used only for surveys, marketing, or solicitations and only for a purpose approved by
35 the Motor Vehicle Administration.

1 (VI) THE CUSTODIAN SHALL DISCLOSE PERSONAL INFORMATION IN
2 ACCORDANCE WITH § 13-619.1 OF THE TRANSPORTATION ARTICLE.

3 **Article - Transportation**

4 13-619.1.

5 (a) (1) The owner of a motor vehicle, or a lessee of the vehicle under a lease
6 not intended as security, or a director, officer, employee, or partner of a business
7 entity that owns the vehicle may apply to the Administration for the assignment of a
8 special registration number and special registration plates under this section for a
9 vehicle included in one of the following classes:

- 10 (i) A Class A (passenger) vehicle;
- 11 (ii) A Class E (truck) vehicle with a one ton or less manufacturer's
12 rated capacity;
- 13 (iii) A Class M (multipurpose) vehicle; or
- 14 (iv) A Class D (motorcycle) vehicle.

15 (2) To be eligible for a special registration under subsection (c)(2)(i) of
16 this section, an applicant shall provide proof that is satisfactory to the Administration
17 that the applicant is a recipient of an individually earned, combat-related, armed
18 forces medal.

19 (3) To be eligible for a special registration under subsection (c)(2)(ii) of
20 this section, an applicant shall provide proof that is satisfactory to the Administration
21 that the applicant is an honorably discharged veteran of a branch of the armed forces
22 of the United States.

23 (b) (1) In addition to the annual registration fee otherwise required under
24 this title, an owner of a vehicle assigned a special registration under this section shall
25 pay a fee as determined by the Administration each time new registration plates are
26 issued for the vehicle. The fee shall be calculated to recover the costs incurred by the
27 Administration in carrying out the provisions of this section.

28 (2) The additional fee charged under this section shall be retained by the
29 Administration for the purpose of recovering the Administration's costs under this
30 section, and may not be credited to the Gasoline and Motor Vehicle Revenue Account
31 for distribution under § 8-403 or § 8-404 of this article.

32 (c) Special registration plates issued under this section:

- 33 (1) May consist of any combination of letters, numerals, or both; and
- 34 (2) Shall include:

1 (i) 1. An emblem or logo as authorized by the Administration
2 that depicts the medal; and

3 2. Except on plates issued for Class D (motorcycle) vehicles,
4 words describing the medal printed across the bottom of the plates; or

5 (ii) Words or an emblem or logo indicating that the special
6 registration plate holder is an honorably discharged veteran of a branch of the armed
7 forces of the United States.

8 (d) (1) The Administration, in consultation with the U.S. Department of
9 Defense and appropriate representatives of the various branches of the armed forces,
10 shall adopt regulations specifying those armed forces medals that are of the type
11 described in subsection (a)(2) of this section and which, when awarded to an
12 individual, qualify that individual to apply for special registration under this section.

13 (2) The Administration may adopt other regulations as necessary to
14 govern the issuance of special registration numbers and special registration plates
15 under this section.

16 (E) (1) THE ADMINISTRATION, IN ACCORDANCE WITH THE FEDERAL
17 DRIVER'S PRIVACY PROTECTION ACT OF 1994, SHALL REQUEST THAT EACH
18 APPLICANT FOR SPECIAL REGISTRATION UNDER THIS SECTION PROVIDE, ON A FORM
19 PROVIDED BY THE ADMINISTRATION, WRITTEN CONSENT TO THE DISCLOSURE OF
20 THE APPLICANT'S NAME AND MAILING ADDRESS TO AN ORGANIZATION THAT:

21 (I) IS A FEDERALLY CHARTERED CORPORATION; AND

22 (II) LIMITS ITS MEMBERSHIP TO INDIVIDUALS WHO ARE
23 RECIPIENTS OF THE SAME INDIVIDUALLY EARNED, COMBAT-RELATED, ARMED
24 FORCES MEDAL THAT WAS AWARDED TO THE APPLICANT.

25 (2) THE ADMINISTRATION MAY NOT:

26 (I) REQUIRE AN APPLICANT FOR SPECIAL REGISTRATION UNDER
27 THIS SECTION TO CONSENT TO THE DISCLOSURE REQUESTED UNDER PARAGRAPH (1)
28 OF THIS SUBSECTION; OR

29 (II) REFUSE TO ISSUE SPECIAL REGISTRATION UNDER THIS
30 SECTION SOLELY ON THE BASIS OF THE APPLICANT'S REFUSAL TO CONSENT TO THE
31 DISCLOSURE REQUESTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

32 (3) THE ADMINISTRATION SHALL DISCLOSE TO AN ORGANIZATION
33 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION THE NAME AND MAILING
34 ADDRESS OF EACH APPLICANT WHO HAS CONSENTED TO THE DISCLOSURE.

35 (4) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO IMPLEMENT
36 THIS SUBSECTION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2004.