

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 378 (Delegate Kach, *et al.*)
Environmental Matters

Vehicle Laws - Motor Vehicle Administration Records - Disclosure of Personal Information

This bill directs the Motor Vehicle Administration (MVA) to request each applicant for special registration plates that honor recipients of combat-related armed forces medals for written consent to disclose their name and address to a federally-chartered corporation comprised only of members who have received the same medal. The MVA may not require the disclosure or refuse to issue the plates if the disclosure request is denied. The MVA must provide organizations with the disclosed information and adopt regulations. The bill also amends the State public information law to allow the information to be released.

Fiscal Summary

State Effect: Potential increase in Transportation Trust Fund expenditures in FY 2005 only if computer programming cannot be handled with existing resources. Revenues would not be affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The custodian of MVA records 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. However, a custodian must release the information, regardless of consent, to certain entities, such as a government

agency or court, a licensed private detective agency or security guard service, or an insurer in connection with rating, claims investigation, and antifraud activities.

The federal Driver Protection Privacy Act outlines permissible situations in which a state motor vehicle department can release personal information in connection with a public record. Personal information includes an individual's address, license number or any other identification number, photograph, or telephone number.

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.

Background: The MVA issues 12 special plates for current or former military personnel for service in specific areas (*e.g.*, Korea, Vietnam) or medals, including the Silver and Bronze Star, the Distinguished Flying Cross, and the Purple Heart. To receive such a plate, an applicant must provide certification of the related medal or service and pay an additional \$25 fee. According to the Military Order of the Purple Heart, it is the only veterans' organization chartered by Congress exclusively for combat-wounded veterans. A charter is a federal law that creates a public or private corporation and defines its privileges and purposes.

State Fiscal Effect: The MVA advises that it could potentially cost \$105,000 in fiscal 2005 if it needed to obtain contractual help to modify its registration system. If the MVA implements the bill with existing resources, other computerization projects may be delayed as a result.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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