
By: **Senators Jacobs, Colburn, Hafer, Kittleman, Lawlah, and Stone**

Introduced and read first time: February 3, 2005

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Administration - Digital Photographic Images - Private**
3 **Detective Agencies**

4 FOR the purpose of authorizing the Motor Vehicle Administration to make a digital
5 photographic image of an individual or the actual stored data of the image,
6 recorded by the Administration, available to certain private detective agencies;
7 making stylistic changes; and generally relating to digital photographic images
8 and data stored by the Motor Vehicle Administration.

9 BY repealing and reenacting, with amendments,
10 Article - Transportation
11 Section 12-111(b)
12 Annotated Code of Maryland
13 (2002 Replacement Volume and 2004 Supplement)

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

16 **Article - Transportation**

17 12-111.

18 (b) (1) Subject to § 10-616(p) of the State Government Article, and except as
19 otherwise provided by law, all records of the Administration are public records and
20 open to public inspection during office hours.

21 (2) Subject to paragraph (4) of this subsection, the Administrator may
22 classify as confidential and not open to public inspection any record or record entry:

23 (i) That is over 5 years old; or

24 (ii) That relates to any happening that occurred over 5 years
25 earlier.

1 (3) Subject to § 10-616(p) of the State Government Article, a record or
2 record entry of any age shall be open to inspection by authorized representatives of
3 any federal, State, or local governmental agency.

4 (4) Subject to paragraph (3) of this subsection, the Administrator may
5 not open to public inspection any record or record entry that is:

6 (i) All or part of a licensed driver's public driving record; and

7 (ii) Over 3 years old.

8 (5) Subject to paragraph (6) of this subsection, the Administration may
9 not permit public inspection of a digital photographic image or signature of an
10 individual, or the actual stored data thereof, recorded by the Administration.

11 (6) (I) The Administration may make a digital photographic image or
12 signature of an [individual,] INDIVIDUAL or the actual stored data thereof, recorded
13 by the [Administration] ADMINISTRATION, available to:

14 [(i)] 1. The courts;

15 [(ii)] 2. Criminal justice agencies;

16 [(iii)] 3. Driver license authorities;

17 [(iv)] 4. The individual;

18 [(v)] 5. The individual's attorney;

19 [(vi)] 6. Third parties designated by the individual; and

20 [(vii)] 7. The Child Support Enforcement Administration.

21 (II) THE ADMINISTRATION MAY MAKE A DIGITAL PHOTOGRAPHIC
22 IMAGE OF AN INDIVIDUAL OR THE ACTUAL STORED DATA OF THE IMAGE, RECORDED
23 BY THE ADMINISTRATION, AVAILABLE TO PRIVATE DETECTIVE AGENCIES LICENSED
24 BY THE SECRETARY OF THE STATE POLICE UNDER TITLE 13 OF THE BUSINESS
25 OCCUPATIONS AND PROFESSIONS ARTICLE, IN ACCORDANCE WITH § 10-616(P)(5)(III)
26 OF THE STATE GOVERNMENT ARTICLE.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
28 effect October 1, 2005.