

HOUSE BILL 249

R7

8lr1682

By: **Delegates Morhaim, Cardin, Griffith, Lafferty, and Stein**

Introduced and read first time: January 23, 2008

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Accident Reports – Access**

3 FOR the purpose of authorizing a hospital or an employee or agent of a hospital that
4 provided medical or other services to an individual injured in a motor vehicle
5 accident to access the motor vehicle accident report under certain
6 circumstances; and generally relating to reports of motor vehicle accidents.

7 BY repealing and reenacting, with amendments,
8 Article – Transportation
9 Section 20–110
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2007 Supplement)

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

14 **Article – Transportation**

15 20–110.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) “Law enforcement agency” means an agency that is listed in §
18 3–101(e) of the Public Safety Article.

19 (3) “Motor vehicle accident” has the meaning stated in § 27–401 of the
20 Insurance Article.

21 (4) (i) “Newspaper” includes a newspaper of general circulation
22 that is:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 1. Published at least once a week;
- 2 2. Includes stories of general interest to the public; and
- 3 3. Used primarily for the dissemination of news.

4 (ii) "Newspaper" does not include a publication:

5 1. That is intended primarily for members of a
6 particular profession or occupational group;

7 2. With the primary purpose of distributing advertising;
8 or

9 3. With the primary purpose of publishing names and
10 other personal identifying information regarding parties to a motor vehicle accident.

11 (5) "Report" means a report completed by an officer of a law
12 enforcement agency that:

13 (i) Indicates that a motor vehicle accident occurred; and

14 (ii) Includes information about the persons involved in the
15 motor vehicle accident including:

16 1. Names;

17 2. Telephone numbers; and

18 3. Addresses.

19 (b) For 60 days following the date a report is filed with a law enforcement
20 agency, only the following persons may access the report:

21 (1) The individuals involved in the motor vehicle accident;

22 (2) The legal representative of an individual involved in the motor
23 vehicle accident;

24 (3) The insurance producer, insurer, or employee or agent of the
25 insurer of an individual involved in the motor vehicle accident;

26 (4) A State's Attorney or other prosecutor;

27 (5) A representative of a victim services program;

28 (6) An employee of a radio or television station licensed by the Federal
29 Communications Commission;

1 (7) An employee of a newspaper; [and]

2 (8) A HOSPITAL OR AN EMPLOYEE OR AGENT OF A HOSPITAL
3 THAT PROVIDED MEDICAL OR OTHER SERVICES TO AN INDIVIDUAL INJURED IN
4 THE MOTOR VEHICLE ACCIDENT; AND

5 [(8)] (9) A unit of local, State, or federal government that is
6 otherwise authorized to have access to a report in furtherance of the unit's duties.

7 (c) (1) Except as provided in paragraph (2) of this subsection, a person
8 that accesses a report within 60 days after the date a report is filed shall present to
9 the officer of a law enforcement agency in which the report is filed:

10 (i) A valid driver's license or other State-issued identification
11 card;

12 (ii) Proof that the person is a person authorized to receive the
13 report under subsection (b) of this section; and

14 (iii) A statement indicating that from the time the person is
15 granted access to the report until 60 days after the date the report is filed:

16 1. The report will not be used for any commercial
17 solicitation of an individual listed in the report; and

18 2. The person will not knowingly disclose any
19 information contained in the report to a third party for commercial solicitation of an
20 individual listed in the report.

21 (2) Paragraph (1) of this subsection does not apply to an insurance
22 producer, insurer, or employee or agent of the insurer of an individual involved in the
23 motor vehicle accident.

24 (d) This section does not prohibit the dissemination or publication of news to
25 the general public by any legitimate media entitled to access reports.

26 (e) (1) A person who obtains a report in violation of this subsection is
27 guilty of a felony and on conviction is subject to a fine not exceeding \$10,000 or
28 imprisonment not exceeding 15 years or both.

29 (2) An officer of a law enforcement agency who knowingly discloses a
30 report to a person not entitled to access the report under this section is guilty of a
31 felony and on conviction is subject to a fine not exceeding \$10,000 or imprisonment not
32 exceeding 15 years or both.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2008.