

# HOUSE BILL 441

R7

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By: **Delegates Smigiel, Anderson, Boteler, Carter, Costa, Eckardt, Frank, George, Haddaway, Jennings, McConkey, and Weir**  
Introduced and read first time: January 29, 2008  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Motor Vehicle Accident Reports – Access**

3 FOR the purpose of exempting an individual involved in a motor vehicle accident and  
4 the legal representative of an individual involved in a motor vehicle accident  
5 from a certain requirement to provide certain information and identification to  
6 a law enforcement agency in order to obtain a copy of a certain report of the  
7 motor vehicle accident; and generally relating to motor vehicle accident reports.

8 BY repealing and reenacting, with amendments,  
9 Article – Transportation  
10 Section 20–110  
11 Annotated Code of Maryland  
12 (2006 Replacement Volume and 2007 Supplement)

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

15 **Article – Transportation**

16 20–110.

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

18 (2) “Law enforcement agency” means an agency that is listed in §  
19 3–101(e) of the Public Safety Article.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 (4) (i) "Newspaper" includes a newspaper of general circulation  
2 that is:

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

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

- 7 1. That is intended primarily for members of a  
8 particular profession or occupational group;
- 9 2. With the primary purpose of distributing advertising;  
10 or
- 11 3. With the primary purpose of publishing names and  
12 other personal identifying information regarding parties to a motor vehicle accident.

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

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

16 (ii) Includes information about the persons involved in the  
17 motor vehicle accident including:

- 18 1. Names;
- 19 2. Telephone numbers; and
- 20 3. Addresses.

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

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

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

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

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

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

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

3 (7) An employee of a newspaper; and

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

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

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

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

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

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

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

20 (2) Paragraph (1) of this subsection does not apply to [an]:

21 (I) **AN INDIVIDUAL INVOLVED IN THE MOTOR VEHICLE**  
22 **ACCIDENT;**

23 (II) **THE LEGAL REPRESENTATIVE OF AN INDIVIDUAL**  
24 **INVOLVED IN THE MOTOR VEHICLE ACCIDENT; AND**

25 (III) **AN** insurance producer, insurer, or employee or agent of the  
26 insurer of an individual involved in the motor vehicle accident.

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

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

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

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