

HOUSE BILL 488

C4, R7

8lr1810

By: **Delegate Davis**

Introduced and read first time: January 30, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Accident Reports – Access**

3 FOR the purpose of altering the period of time during which certain persons may
4 access a certain motor vehicle accident report; authorizing owners of certain
5 motor vehicles and property to access a certain motor vehicle accident report
6 during a certain time following the date the motor vehicle accident occurred;
7 requiring a person that accesses a certain motor vehicle accident report during a
8 certain time after the motor vehicle accident occurred to present certain
9 information to certain authorized employees; providing for certain exceptions;
10 providing that certain persons who knowingly disclose a certain motor vehicle
11 accident report to certain persons are subject to a certain penalty; and generally
12 relating to motor vehicle accident reports.

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 20–110
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2007 Supplement)

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

20 **Article – Transportation**

21 20–110.

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

23 (2) “Law enforcement agency” means an agency that is listed in §
24 3–101(e) of the Public Safety Article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) "Motor vehicle accident" has the meaning stated in § 27-401 of the
2 Insurance Article.

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

5 1. Published at least once a week;

6 2. Includes stories of general interest to the public; and

7 3. Used primarily for the dissemination of news.

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

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

11 2. With the primary purpose of distributing advertising;
12 or

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

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

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

18 (ii) Includes information about the persons involved in the
19 motor vehicle accident including:

20 1. Names;

21 2. Telephone numbers; and

22 3. Addresses.

23 (b) For 60 days following the date a [report is filed with a law enforcement
24 agency] **MOTOR VEHICLE ACCIDENT OCCURRED**, only the following persons may
25 access the report:

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

27 (2) **THE OWNER OF A MOTOR VEHICLE INVOLVED IN THE MOTOR**
28 **VEHICLE ACCIDENT OR PROPERTY DAMAGED IN THE MOTOR VEHICLE**
29 **ACCIDENT;**

1 **(3)** The legal representative of an individual involved in the motor
2 vehicle accident;

3 **[(3)](4)** The insurance producer, insurer, or employee or agent of the
4 insurer of an individual involved in the motor vehicle accident;

5 **[(4)](5)** A State's Attorney or other prosecutor;

6 **[(5)](6)** A representative of a victim services program;

7 **[(6)](7)** An employee of a radio or television station licensed by the
8 Federal Communications Commission;

9 **[(7)](8)** An employee of a newspaper; and

10 **[(8)](9)** A unit of local, State, or federal government that is
11 otherwise authorized to have access to a report in furtherance of the unit's duties.

12 (c) (1) Except as provided in paragraph (2) of this subsection, a person
13 that accesses a report within 60 days after the date a [report is filed] **MOTOR**
14 **VEHICLE ACCIDENT OCCURRED** shall present to [the] **AN officer OR AUTHORIZED**
15 **EMPLOYEE** of a law enforcement agency in which the report is filed:

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

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

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

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

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

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

28 **(I)** **AN** insurance producer, insurer, or employee or agent of the
29 insurer of an individual involved in the motor vehicle accident;

1 **(II) AN INDIVIDUAL INVOLVED IN THE MOTOR VEHICLE**
2 **ACCIDENT, THE OWNER OF A MOTOR VEHICLE INVOLVED OR PROPERTY**
3 **DAMAGED IN THE MOTOR VEHICLE ACCIDENT;**

4 **(III) A STATE'S ATTORNEY OR OTHER PROSECUTOR; OR**

5 **(IV) A UNIT OF LOCAL, STATE, OR FEDERAL GOVERNMENT**
6 **THAT IS OTHERWISE AUTHORIZED TO HAVE ACCESS TO A REPORT IN**
7 **FURTHERANCE OF THE UNIT'S DUTIES.**

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

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

13 (2) [An officer of a law enforcement agency] **A PERSON** who
14 knowingly discloses a report to a person not entitled to access the report under this
15 section is guilty of a felony and on conviction is subject to a fine not exceeding \$10,000
16 or imprisonment not exceeding 15 years or both.

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