

HOUSE BILL 1252

R7

EMERGENCY BILL

8lr0946

By: **Delegates McComas, Aumann, Beitzel, DeBoy, Eckardt, George, McConkey, McDonough, Miller, Myers, Norman, Shewell, Smigiel, and Stocksdale**

Introduced and read first time: February 8, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of authorizing the employees and agents of certain prosecutors to
4 access a certain motor vehicle accident report during a certain time period after
5 the report is filed; exempting certain prosecutors and the employees and agents
6 of certain prosecutors from a requirement that a person accessing a certain
7 motor vehicle accident report within a certain time period after the report is
8 filed must present a certain driver's license or identification card, proof of
9 certain authorization, and a certain statement to a certain officer; altering
10 certain penalties imposed for, and altering the classification of certain offenses
11 related to, obtaining or knowingly disclosing a certain motor vehicle accident
12 report in violation of certain provisions of law; making a stylistic change;
13 making this Act an emergency measure; and generally relating to reports of
14 motor vehicle accidents.

15 By repealing and reenacting, with amendments,
16 Article – Transportation
17 Section 20–110
18 Annotated Code of Maryland
19 (2006 Replacement Volume and 2007 Supplement)

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

22 **Article – Transportation**

23 20–110.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

10 (ii) “Newspaper” does not include a publication:

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

13 2. With the primary purpose of distributing advertising;
14 or

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

17 (5) “Report” means a report completed by an officer of a law
18 enforcement agency that:

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

20 (ii) Includes information about the persons involved in the
21 motor vehicle accident including:

- 22 1. Names;
- 23 2. Telephone numbers; and
- 24 3. Addresses.

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

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

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

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

3 (4) A State's Attorney or other prosecutor **OR AN EMPLOYEE OR**
4 **AGENT OF A STATE'S ATTORNEY OR OTHER PROSECUTOR;**

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

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

8 (7) An employee of a newspaper; and

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

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

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

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

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

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

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

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

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

28 (II) **A STATE'S ATTORNEY OR OTHER PROSECUTOR OR AN**
29 **EMPLOYEE OR AGENT OF A STATE'S ATTORNEY OR OTHER PROSECUTOR.**

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

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

4 (2) An officer of a law enforcement agency who knowingly discloses a
5 report to a person not entitled to access the report under this section is guilty of a
6 [felony] **MISDEMEANOR** and on conviction is subject to a fine not exceeding \$10,000 or
7 imprisonment not exceeding [15 years] **18 MONTHS** or both.

8 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act is an emergency
9 measure, is necessary for the immediate preservation of the public health or safety,
10 has been passed by a ye and nay vote supported by three-fifths of all the members
11 elected to each of the two Houses of the General Assembly, and shall take effect from
12 the date it is enacted.