

SENATE BILL 796

R7

EMERGENCY BILL

8lr2931

By: **Senators Astle and Pipkin**

Introduced and read first time: February 6, 2008

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of authorizing a member of the Maryland General Assembly to
4 access a motor vehicle accident report under certain circumstances; providing
5 that a designated employee of a law enforcement agency may be presented with
6 certain documentation under certain circumstances; exempting certain entities
7 that may access motor vehicle accident reports from a requirement that they
8 present certain documentation to an officer or designated employee of a law
9 enforcement agency; making a certain violation related to disclosing a motor
10 vehicle accident report a misdemeanor; making stylistic changes; making this
11 Act an emergency measure; and generally relating to motor vehicle accident
12 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] **IS PUBLISHED** at least once a week;

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

7 3. [Used] **IS USED** primarily for the dissemination of
8 news.

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

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

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

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

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

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

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

21 1. Names;

22 2. Telephone numbers; and

23 3. Addresses.

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

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

27 (2) The legal representative of an individual involved in the motor
28 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;

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

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

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

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

10 **(9) A MEMBER OF THE MARYLAND GENERAL ASSEMBLY.**

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] **AN officer OR A DESIGNATED EMPLOYEE** of a law enforcement agency in which
14 the report is filed:

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

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

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

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

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

26 (2) Paragraph (1) of this subsection does not apply to **THE**
27 **FOLLOWING ENTITIES:**

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

1 (II) A UNIT OF LOCAL, STATE, OR FEDERAL GOVERNMENT
2 THAT IS OTHERWISE AUTHORIZED TO HAVE ACCESS TO A REPORT IN
3 FURTHERANCE OF THE UNIT'S DUTIES;

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

5 (IV) A MEMBER OF THE MARYLAND GENERAL ASSEMBLY.

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

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

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

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