

SENATE BILL 796

R7

EMERGENCY BILL

8lr2931

By: **Senators Astle and Pipkin**

Introduced and read first time: February 6, 2008

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 14, 2008

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2008

CHAPTER _____

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~~ prohibiting a
11 person from accessing a certain motor vehicle accident report for certain
12 purposes under certain circumstances; providing for a certain penalty; repealing
13 certain provisions of law concerning access to and disclosure of a certain motor
14 vehicle accident report; defining certain terms; making this Act an emergency
15 measure; and generally relating to motor vehicle accident reports.

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

21 BY repealing and reenacting, with amendments,
22 Article - Business Occupations and Professions
23 Section 10-604

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
 2 (2004 Replacement Volume and 2007 Supplement)

3 BY repealing and reenacting, without amendments,
 4 Article – Business Occupations and Professions
 5 Section 10–606(c)
 6 Annotated Code of Maryland
 7 (2004 Replacement Volume and 2007 Supplement)

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

10 **Article – Transportation**

11 ~~20–110.~~

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

13 ~~(2) “Law enforcement agency” means an agency that is listed in §~~
 14 ~~3–101(e) of the Public Safety Article.~~

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

17 ~~(4) (i) “Newspaper” includes a newspaper of general circulation~~
 18 ~~that [is]:~~

19 ~~1. [Published] IS PUBLISHED at least once a week;~~

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

21 ~~3. [Used] IS USED primarily for the dissemination of~~
 22 ~~news.~~

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

24 ~~1. That is intended primarily for members of a~~
 25 ~~particular profession or occupational group;~~

26 ~~2. With the primary purpose of distributing advertising;~~
 27 ~~or~~

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

30 ~~(5) “Report” means a report completed by an officer of a law~~
 31 ~~enforcement agency that:~~

- 1 (i) ~~Indicates that a motor vehicle accident occurred; and~~
- 2 (ii) ~~Includes information about the persons involved in the~~
3 ~~motor vehicle accident including:~~
- 4 1. ~~Names;~~
- 5 2. ~~Telephone numbers; and~~
- 6 3. ~~Addresses.~~
- 7 (b) ~~For 60 days following the date a report is filed with a law enforcement~~
8 ~~agency, only the following persons may access the report:~~
- 9 (1) ~~The individuals involved in the motor vehicle accident;~~
- 10 (2) ~~The legal representative of an individual involved in the motor~~
11 ~~vehicle accident;~~
- 12 (3) ~~The insurance producer, insurer, or employee or agent of the~~
13 ~~insurer of an individual involved in the motor vehicle accident;~~
- 14 (4) ~~A State's Attorney or other prosecutor;~~
- 15 (5) ~~A representative of a victim services program;~~
- 16 (6) ~~An employee of a radio or television station licensed by the Federal~~
17 ~~Communications Commission;~~
- 18 (7) ~~An employee of a newspaper; [and]~~
- 19 (8) ~~A unit of local, State, or federal government that is otherwise~~
20 ~~authorized to have access to a report in furtherance of the unit's duties; AND~~
- 21 (9) ~~A MEMBER OF THE MARYLAND GENERAL ASSEMBLY.~~
- 22 (e) (1) ~~Except as provided in paragraph (2) of this subsection, a person~~
23 ~~that accesses a report within 60 days after the date a report is filed shall present to~~
24 ~~[the] AN officer OR A DESIGNATED EMPLOYEE of a law enforcement agency in which~~
25 ~~the report is filed:~~
- 26 (i) ~~A valid driver's license or other State-issued identification~~
27 ~~card;~~
- 28 (ii) ~~Proof that the person is a person authorized to receive the~~
29 ~~report under subsection (b) of this section; and~~

1 ~~(iii) A statement indicating that from the time the person is~~
 2 ~~granted access to the report until 60 days after the date the report is filed;~~

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

5 ~~2. The person will not knowingly disclose any~~
 6 ~~information contained in the report to a third party for commercial solicitation of an~~
 7 ~~individual listed in the report.~~

8 ~~(2) Paragraph (1) of this subsection does not apply to THE~~
 9 ~~FOLLOWING ENTITIES:~~

10 ~~(I) [an] AN insurance producer, insurer, or employee or agent~~
 11 ~~of the insurer of an individual involved in the motor vehicle accident;~~

12 ~~(II) A UNIT OF LOCAL, STATE, OR FEDERAL GOVERNMENT~~
 13 ~~THAT IS OTHERWISE AUTHORIZED TO HAVE ACCESS TO A REPORT IN~~
 14 ~~FURTHERANCE OF THE UNIT'S DUTIES;~~

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

16 ~~(IV) A MEMBER OF THE MARYLAND GENERAL ASSEMBLY.~~

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

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

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

26 Article – Business Occupations and Professions

27 10-604.

28 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
 29 MEANINGS INDICATED.

30 (2) “LAW ENFORCEMENT AGENCY” MEANS AN AGENCY THAT IS
 31 LISTED IN § 3-101(E) OF THE PUBLIC SAFETY ARTICLE.

1 **(3) "MOTOR VEHICLE ACCIDENT" HAS THE MEANING STATED IN §**
2 **27-401 OF THE INSURANCE ARTICLE.**

3 **(4) "REPORT" MEANS A REPORT COMPLETED BY A POLICE**
4 **OFFICER OF A LAW ENFORCEMENT AGENCY THAT:**

5 **(I) INDICATES THAT A MOTOR VEHICLE ACCIDENT**
6 **OCCURRED; AND**

7 **(II) INCLUDES INFORMATION ABOUT A PERSON INVOLVED**
8 **IN THE MOTOR VEHICLE ACCIDENT, INCLUDING THE PERSON'S NAME,**
9 **TELEPHONE NUMBER, AND ADDRESS.**

10 **[(a)] (B) Without an existing relationship or interest in an issue:**

11 **(1) a person may not, for personal gain, solicit another person to sue or**
12 **to retain a lawyer to represent the other person in a lawsuit;**

13 **(2) A PERSON MAY NOT, FOR PERSONAL GAIN, ACCESS A REPORT**
14 **FOR THE PURPOSE OF SOLICITING ANOTHER PERSON TO SUE OR TO RETAIN A**
15 **LAWYER TO REPRESENT THE OTHER PERSON; and**

16 **[(2)] (3) a lawyer, except as provided in the Rules of Professional**
17 **Conduct, may not:**

18 **(i) for personal gain, solicit another person to sue or to retain**
19 **the lawyer to represent the person in a lawsuit;**

20 **(ii) directly or indirectly employ or in any way compensate or**
21 **agree to employ or compensate any person as an expert witness or otherwise for the**
22 **purpose of having that person solicit or attempt to solicit clients for the lawyer;**

23 **(iii) knowingly represent a person who retained the lawyer as a**
24 **result of solicitation prohibited under this section; or**

25 **(iv) cause a case to be instituted without the authority of a**
26 **client.**

27 **[(b)] (C) Any solicitation involving acts described in this section is prima**
28 **facie evidence that the person soliciting is acting for gain.**

29 10-606.

1 (c) Except as provided in subsections (a) and (b) of this section, a person who
 2 violates any provision of this title is guilty of a misdemeanor and on conviction is
 3 subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.