

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 441
Judiciary

(Delegate Smigiel, *et al.*)

Vehicle Laws - Motor Vehicle Accident Reports - Access

This bill specifies that when requesting access to a motor vehicle accident report within 60 days of the date the report was filed, an individual involved in a motor vehicle accident and that person's legal representative are not subject to the requirements to present State-issued identification, proof of authorization to receive the report, and a statement pledging nondisclosure, as specified, to an officer of the law enforcement agency.

Fiscal Summary

State Effect: Any change in State activities would not materially affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A "motor vehicle accident" is defined as an occurrence involving a motor vehicle that results in damage to property or injury to a person. "Report" is defined as a report completed by an officer of a law enforcement agency that indicates that a motor vehicle accident has occurred and includes information about the persons involved in the accident, including their names, telephone numbers, and addresses.

For 60 days following a report's filing date, it may be accessed only by • the individuals involved in the accident or their legal representatives; • the insurance producer, insurer, or employee or agent of the insurer of an individual involved in the accident; • a State's Attorney or other prosecutor; • a representative of a victim services program; • an employee of a radio or television station licensed by the Federal Communications Commission; • an employee of a newspaper; or • a unit of local, State, or federal government that is otherwise authorized to have access to a report in furtherance of its duties.

With specified exceptions, a person that accesses a report within 60 days must present a valid driver's license or other identification and proof that the person is authorized to receive the report. The person also has to present a statement indicating that from the time the person is granted access until 60 days after the report's filing date • the report will not be used for any commercial solicitation of an individual listed in the report; and • the person will not knowingly disclose any information in the report to a third party for commercial solicitation of an individual listed in the report.

The dissemination or publication of news to the general public by legitimate media entitled to access reports is not prohibited.

A person who obtains a report in violation of the law or an officer of a law enforcement agency who knowingly discloses a report to a person who is not entitled to access the report is guilty of a felony and is subject to a fine of up to \$10,000 and/or imprisonment for up to 15 years.

Background: This bill amends provisions enacted by Chapter 651 of 2007. The law reflects model legislation recommended by the National Association of Insurance Commissioners and the National Conference of Insurance Legislators.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Carroll County, Harford County, Montgomery County, Prince George's County, Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, National Association of Insurance Commissioners, National Association of Insurance Legislators, Department of Legislative Services

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