

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 249
Judiciary

(Delegate Morhaim, *et al.*)

Motor Vehicles - Accident Reports - Access

This bill allows a hospital or a hospital's employee or agent that provided medical or other services to an individual injured in a motor vehicle accident to access a report of the accident within 60 days following the date it is filed with a law enforcement agency.

This access is subject to the same requirements that other authorized recipients must meet.

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, specifically 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 violator is guilty of a felony and on conviction is subject to a fine of up to \$10,000 and/or imprisonment for up to 15 years.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Maryland Insurance Administration, Maryland Department of Transportation, Department of Legislative Services

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mam/ljm

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