

**HB0681-ET-FAV.pdf**

Uploaded by: Nina Themelis

Position: FAV



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**HB0681**

March 8, 2024

**TO:** Members of the House Environment and Transportation Committee

**FROM:** Nina Themelis, Director of Mayor's Office of Government Relations

**RE:** House Bill 681 – Motor Vehicle Administration Records – Access to Digital Photographic Images and Signatures – Baltimore City Agencies

**POSITION: Support**

Chair Korman, Vice Chair Boyce, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) supports House Bill (HB) 681.

HB 681 will provide better access to MVA photos for Baltimore City's Special Investigations Unit (SIU) within the Department of Housing and Community Development (DHCD). This legislation will decrease the amount of time it takes to obtain a photo through the MVA which will aid in the identification of illegal dumpers.

Baltimore City received over 15,000 service requests in calendar year 2023 specific to illegal dumping and over 20,000 additional complaints were received for other sanitation related issues. Baltimore City's SIU, who are charged with investigating illegal dumping, currently have access to MVA driver and vehicle records. These are utilized for investigative purposes to identify individuals and vehicles used in illegal dumping as well as locating individuals, estates, landlords, and agents associated with properties DHCD is seeking to investigate and/or serve. However, our investigators currently need to put in a request through Baltimore City Police Department (BPD) to obtain a photo and this can cause significant delays.

SIU is unable to review the MVA driver's license photos per a specific provision of MD Transportation Article specifying sharing of digital photos. Trans., § 12-111(b)(6). "The Administration may make a digital photographic image or signature of an individual, or the actual stored data thereof, recorded by the Administration available to: (i) The courts; (ii) Criminal justice agencies; (iii) Driver license authorities; (iv) The individual; (v) The individual's attorney; (vi) Third parties designated by the individual; and (vii) The Child Support Administration."

This legislation would clarify that, for purposes of this section, DHCD/SIU is deemed a "criminal justice agency" that can receive photo images. By adding "criminal justice agency" to include Baltimore City Department of Housing and Community Development and any other agency designated by the mayor to enforce the State illegal dumping and litter control article under §10-110 of the criminal law article.

Having access to the MVA photos would assist Investigators in identifying suspects in illegal dumping cases as well as positively identifying individuals being served subpoenas for upcoming DHCD court hearings.

As an example, we had a single individual dump on nine separate occasions over a four-month period. It wasn't until after the eighth dumping that we obtained the MVA photo and were able to identify him and file the criminal charges. He dumped the ninth time on the same day that charges were filed for the first eight cases. In our experience once a dumper has been identified and contacted, they curb their behavior.

Being able to quickly identify dumpers and get in contact with them will significantly decrease illegal dumping in Baltimore. Having access to MVA photos will greatly assist in identifying the dumpers in a timely manner.

For these reasons, the BCA respectfully request a **favorable** report on HB 681.

# **HB0681- MVA - Records - Access to Digital Photogra**

Uploaded by: Patricia Westervelt

Position: INFO

March 8, 2024

The Honorable Marc Korman  
Chair, House Environment and Transportation Committee  
251 House Office Building  
Annapolis MD 21401

***RE: Letter of Information – House Bill 681 – Vehicle Laws - Motor Vehicle Administration  
Records - Access to Digital Photographic Images and Signatures - Baltimore City  
Agencies***

Dear Chair Korman and Committee Members:

The Maryland Department of Transportation (MDOT) offers the following information on House Bill 681 for the Committee's consideration.

House Bill 681 would require the Maryland Motor Vehicle Administration (MVA) to provide access to certain records to certain Baltimore City agencies including the Baltimore City Department of Housing and Community Development, and any other agency designated by the Baltimore City Mayor.

Under the Public Information Act (PIA), photos and signatures are considered “personal information,” and are not disclosable as public records. (See GP §4-101.) The objective of the Driver's Privacy Protection Act (DPPA) and PIA is to protect people by preventing the identification of individuals. Photographs and signatures are specifically controlled by TR §12-111(b)(5) and (6), which generally prohibit disclosure of photos/signatures, with limited exceptions. Those exceptions are limited to three primary categories: criminal justice agencies, the individual and their designees, and for child support enforcement. These exceptions follow a secure process to apply for access to this information and must be pre-approved. Allowing the disclosure of the images to a broader audience presents additional risks for the individuals whose photos are retrieved.

Additionally, it would be challenging for the MVA to administer a privacy exception that would allow photo sharing to be subject to the discretion of the Mayor of Baltimore City.

The Maryland Department of Transportation respectfully requests the Committee consider this information when deliberating House Bill 681.

Respectfully submitted,

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