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Jennifer Golub

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HOUSE BILL 722: MOTOR VEHICLE ADMINISTRATION - PRIVACY PROTECTION ACT OF 1999

By Jennifer Golub

The purpose of this House Bill 722 (crossfiled with Senate Bill 387) is to “prohibit disclosure, except under certain circumstances, of Motor Vehicle Administration records containing certain personal information unless the individual who is the subject of the record consents to the disclosure in writing.” This consent authorizes a person to obtain certain personal information. Personal information is defined in the Act as that which identifies a person including that person’s address, driver’s license number “or any other identification number, medical, or disability information, name, photograph or computer generated image, Social Security number, or telephone number.” Personal information does not include that person’s “driving status, offenses, zip code, or information regarding vehicular accidents.” The custodian of records at the MVA cannot disclose personal information without written consent from the “person in interest,” the person who is the subject of the records. Nor can the custodian disclose any personal information for reasons of surveys, marketing, and solicitations, phone or otherwise, without written consent. The person in interest may withdraw consent by notifying the custodian of records at the MVA.

This Act, however, is not an overall ban on the release of information. There are many grounds for the release of such information as listed in the State Government Article of the Annotated Code of Maryland, section 10-616(p). For example, information shall be released in connection with a civil or criminal proceeding or for use by an insurer in connection with rating, underwriting, claims investigation, and anti-fraud activities, and simply to obtain correct information. Some additional reasons a custodian may be required to disclose such information is for use by law enforcement to carry out its function in connection with matters of vehicle or driver safety, theft, emissions, alterations, recalls, performance of parts, and removal of nonowner records.

The Motor Vehicle Administration will charge a fee for information obtained pursuant to the Act and the information can not be used for any purpose other than that for which it was furnished. This Act repeals and reenacts State Government section 10-611; State Government section 10-616(p); and Transportation section 12-112. This Act was passed by the House on its third reading with a vote of 130-3 and passed the Senate on its third reading by a vote of 45-1.

The Motor Vehicle Administration Privacy Protection Act of 1999 takes effect on July 1, 2000.