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By: Delegates Stein, Morales, Ali, Angel, Atterbeary, B. Barnes, D. Barnes, Barve, Brooks, Carr, Cullison, Dumais, Ebersole, Fennell, Fraser-Hidalgo, Frick, Frush, Gaines, Gilchrist, Gutierrez, Hayes, Healey, Hettleman, Hill, Hixson, Kaiser, Kelly, Knotts, Korman, Lafferty, Lam, J. Lewis, R. Lewis, Lierman, Luedtke, McCray, McIntosh, A. Miller, Moon, Morhaim, Mosby, Pena-Melnyk, Platt, Proctor, Queen, Reznik, Robinson, Rosenberg, Sample-Hughes, Sanchez, Tarlau, Valderrama, Valentino-Smith, Vallario, Waldstreicher, A. Washington, M. Washington, Wilkins, and P. Young

Introduced and read first time: February 9, 2018 Assigned to: Environment and Transportation

A BILL ENTITLED

Public Information Act – Motor Vehicle Administration – Warrant or Subpoena
for Personal Information

FOR the purpose of authorizing a custodian of records for the Motor Vehicle Administration to disclose certain personal information to United States Immigration and Customs Enforcement only after being provided with a valid warrant or a valid subpoena issued by a federal court or a court of this State; making this Act an emergency measure; and generally relating to the disclosure of Motor Vehicle Administration records under the Public Information Act.

- 10 BY repealing and reenacting, with amendments,
- 11 Article General Provisions
- 12 Section 4–320

AN ACT concerning

- 13 Annotated Code of Maryland
- 14 (2014 Volume and 2017 Supplement)
- 15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 16 That the Laws of Maryland read as follows:
- 17 Article General Provisions
- 18 4–320.

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19 (a) (1) In this section, "telephone solicitation" means the initiation of a

- telephone call to an individual or to the residence or business of an individual to encourage the purchase or rental of or investment in property, goods, or services.
- 3 (2) "Telephone solicitation" does not include a telephone call or message:
- 4 (i) to an individual who has given express permission to the person 5 making the telephone call;
- 6 (ii) to an individual with whom the person has an established 7 business relationship; or
- 8 (iii) by a tax–exempt, nonprofit organization.
- 9 (b) Except as provided in subsections (c) through (f) of this section, a custodian 10 may not knowingly disclose a public record of the Motor Vehicle Administration containing 11 personal information.
- 12 (c) A custodian shall disclose personal information when required by federal law.
- 13 (d) (1) This subsection applies only to the disclosure of personal information 14 for any use in response to a request for an individual motor vehicle record.
- 15 (2) The custodian may not disclose personal information without written consent from the person in interest.
- 17 (3) (i) At any time the person in interest may withdraw consent to disclose personal information by notifying the custodian.
- 19 (ii) The withdrawal by the person in interest of consent to disclose 20 personal information shall take effect as soon as practicable after it is received by the 21 custodian.
- (e) (1) This subsection applies only to the disclosure of personal information for inclusion in lists of information to be used for surveys, marketing, and solicitations.
- 24 (2) The custodian may not disclose personal information for surveys, 25 marketing, and solicitations without written consent from the person in interest.
- 26 (3) (i) At any time the person in interest may withdraw consent to disclose personal information by notifying the custodian.
- 28 (ii) The withdrawal by the person in interest of consent to disclose 29 personal information shall take effect as soon as practicable after it is received by the 30 custodian.
- 31 (4) The custodian may not disclose personal information under this 32 subsection for use in telephone solicitations.

1 2 3	(5) Personal information disclosed under this subsection may be used only for surveys, marketing, or solicitations and only for a purpose approved by the Motor Vehicle Administration.				
4 5	(f) Notwithstanding subsections (d) and (e) of this section, a custodian shall disclose personal information:				
6 7 8	•		EXCEPT AS PROVIDED UNDER SUBSECTION (J) OF THIS SECTION, ederal, state, or local government, including a law enforcement agency, or a ing out its functions;		
9		(2)	for us	e in connection with matters of:	
10			(i)	motor vehicle or driver safety;	
11			(ii)	motor vehicle theft;	
12			(iii)	motor vehicle emissions;	
13			(iv)	motor vehicle product alterations, recalls, or advisories;	
14			(v)	performance monitoring of motor vehicle parts and dealers; and	
15 16	vehicle man	ufactu	(vi) rers;	removal of nonowner records from the original records of motor	
17 18 19 20	(3) for use by a private detective agency licensed by the Secretary of State Police under Title 13 of the Business Occupations and Professions Article or a security guard service licensed by the Secretary of State Police under Title 19 of the Business Occupations and Professions Article for a purpose allowed under this subsection;				
21 22 23 24	(4) EXCEPT AS PROVIDED UNDER SUBSECTION (J) OF THIS SECTION, for use in connection with a civil, an administrative, an arbitral, or a criminal proceeding in a federal, state, or local court or regulatory agency for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments or orders;				
25 26 27	(5) for purposes of research or statistical reporting as approved by the Motor Vehicle Administration provided that the personal information is not published, redisclosed, or used to contact the individual;				
28 29 30	(6) for use by an insurer, an insurance support organization, or a self-insured entity, or its employees, agents, or contractors, in connection with rating, underwriting, claims investigating, and antifraud activities;				

for use in the normal course of business activity by a legitimate business

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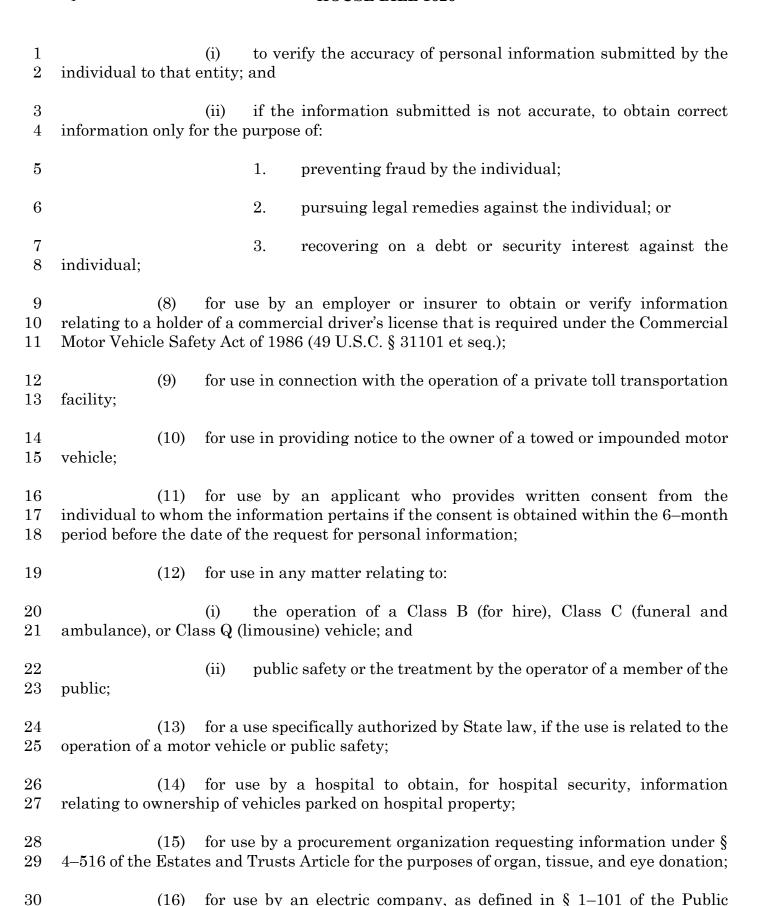
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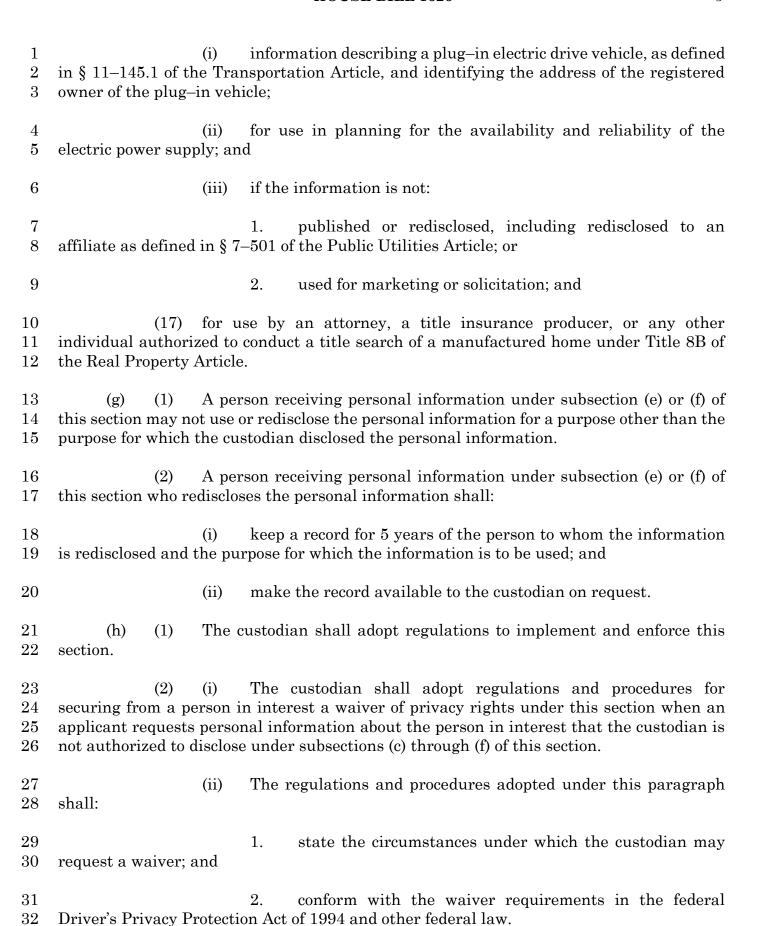
(7)

entity or its agents, employees, or contractors, but only:

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Utilities Article, but only:





- (i) The custodian may develop and implement methods for monitoring compliance with this section and ensuring that personal information is used only for the purposes for which it is disclosed.
- (J) THE CUSTODIAN MAY DISCLOSE PERSONAL INFORMATION TO UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT ONLY AFTER BEING PROVIDED WITH A VALID WARRANT OR A VALID SUBPOENA ISSUED BY A FEDERAL COURT OR A COURT OF THIS STATE.

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