

HOUSE BILL 488

C2, R7

EMERGENCY BILL
ENROLLED BILL

(8lr1810)

—Judiciary/Judicial Proceedings—

Introduced by ~~Delegate Davis~~ **Delegates Davis, Anderson, Aumann, Beitzel, Boteler, Cardin, Carter, Costa, DeBoy, Eckardt, Frank, George, Griffith, Haddaway, Jennings, Lafferty, McComas, McConkey, McDonough, Miller, Morhaim, Myers, Norman, Shewell, Smigiel, Stein, Stocksdale, and Weir**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Motor Vehicle Accident Reports – Access**

3 FOR the purpose of ~~altering the period of time during which certain persons may~~
4 ~~access a certain motor vehicle accident report; authorizing owners of certain~~
5 ~~motor vehicles and property to access a certain motor vehicle accident report~~
6 ~~during a certain time following the date the motor vehicle accident occurred;~~
7 ~~requiring a person that accesses a certain motor vehicle accident report during a~~
8 ~~certain time after the motor vehicle accident occurred to present certain~~
9 ~~information to certain authorized employees; providing for certain exceptions;~~
10 ~~providing that certain persons who knowingly disclose a certain motor vehicle~~
11 ~~accident report to certain persons are subject to a certain penalty~~ prohibiting a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 certain person from accessing a certain motor vehicle accident report for certain
 2 purposes under certain circumstances; providing for a certain penalty; repealing
 3 certain provisions of law concerning access to and disclosure of a certain motor
 4 vehicle accident report; defining certain terms; making this Act an emergency
 5 measure; and generally relating to motor vehicle accident reports.

6 BY repealing ~~and reenacting, with amendments,~~
 7 Article – Transportation
 8 Section 20–110
 9 Annotated Code of Maryland
 10 (2006 Replacement Volume and 2007 Supplement)

11 BY repealing and reenacting, with amendments,
 12 Article – Business Occupations and Professions
 13 Section 10–604
 14 Annotated Code of Maryland
 15 (2004 Replacement Volume and 2007 Supplement)

16 BY repealing and reenacting, without amendments,
 17 Article – Business Occupations and Professions
 18 Section 10–606(c)
 19 Annotated Code of Maryland
 20 (2004 Replacement Volume and 2007 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Transportation**

24 ~~20–110.~~

25 (a) ~~(1) In this section the following words have the meanings indicated.~~

26 ~~(2) “Law enforcement agency” means an agency that is listed in §~~
 27 ~~3–101(e) of the Public Safety Article.~~

28 ~~(3) “Motor vehicle accident” has the meaning stated in § 27–401 of the~~
 29 ~~Insurance Article.~~

30 ~~(4) (i) “Newspaper” includes a newspaper of general circulation~~
 31 ~~that is:~~

32 ~~1. Published at least once a week;~~

33 ~~2. Includes stories of general interest to the public; and~~

34 ~~3. Used primarily for the dissemination of news.~~

1 (ii) ~~“Newspaper” does not include a publication:~~

2 ~~1. That is intended primarily for members of a~~
3 ~~particular profession or occupational group;~~

4 ~~2. With the primary purpose of distributing advertising;~~
5 ~~or~~

6 ~~3. With the primary purpose of publishing names and~~
7 ~~other personal identifying information regarding parties to a motor vehicle accident.~~

8 (5) ~~“Report” means a report completed by an officer of a law~~
9 ~~enforcement agency that:~~

10 (i) ~~Indicates that a motor vehicle accident occurred; and~~

11 (ii) ~~Includes information about the persons involved in the~~
12 ~~motor vehicle accident including:~~

13 ~~1. Names;~~

14 ~~2. Telephone numbers; and~~

15 ~~3. Addresses.~~

16 (b) ~~For 60 days following the date a [report is filed with a law enforcement~~
17 ~~agency] **MOTOR VEHICLE ACCIDENT OCCURRED**, only the following persons may~~
18 ~~access the report:~~

19 (1) ~~The individuals involved in the motor vehicle accident;~~

20 (2) ~~**THE OWNER OF A MOTOR VEHICLE INVOLVED IN THE MOTOR**~~
21 ~~**VEHICLE ACCIDENT OR PROPERTY DAMAGED IN THE MOTOR VEHICLE**~~
22 ~~**ACCIDENT;**~~

23 (3) ~~The legal representative of an individual involved in the motor~~
24 ~~vehicle accident;~~

25 ~~[(3)](4) The insurance producer, insurer, or employee or agent of the~~
26 ~~insurer of an individual involved in the motor vehicle accident;~~

27 ~~[(4)](5) A State’s Attorney or other prosecutor;~~

28 ~~[(5)](6) A representative of a victim services program;~~

1 ~~[(6)](7) An employee of a radio or television station licensed by the~~
2 ~~Federal Communications Commission;~~

3 ~~[(7)](8) An employee of a newspaper; and~~

4 ~~[(8)](9) A unit of local, State, or federal government that is~~
5 ~~otherwise authorized to have access to a report in furtherance of the unit's duties.~~

6 (e) ~~(1) Except as provided in paragraph (2) of this subsection, a person~~
7 ~~that accesses a report within 60 days after the date a [report is filed] MOTOR~~
8 ~~VEHICLE ACCIDENT OCCURRED shall present to [the] AN officer OR AUTHORIZED~~
9 ~~EMPLOYEE of a law enforcement agency in which the report is filed:~~

10 ~~(i) A valid driver's license or other State-issued identification~~
11 ~~card;~~

12 ~~(ii) Proof that the person is a person authorized to receive the~~
13 ~~report under subsection (b) of this section; and~~

14 ~~(iii) A statement indicating that from the time the person is~~
15 ~~granted access to the report until 60 days after the date the report is filed:~~

16 ~~1. The report will not be used for any commercial~~
17 ~~solicitation of an individual listed in the report; and~~

18 ~~2. The person will not knowingly disclose any~~
19 ~~information contained in the report to a third party for commercial solicitation of an~~
20 ~~individual listed in the report.~~

21 ~~(2) Paragraph (1) of this subsection does not apply to [an]:~~

22 ~~(I) AN insurance producer, insurer, or employee or agent of the~~
23 ~~insurer of an individual involved in the motor vehicle accident;~~

24 ~~(II) AN INDIVIDUAL INVOLVED IN THE MOTOR VEHICLE~~
25 ~~ACCIDENT, THE OWNER OF A MOTOR VEHICLE INVOLVED OR PROPERTY~~
26 ~~DAMAGED IN THE MOTOR VEHICLE ACCIDENT;~~

27 ~~(III) A STATE'S ATTORNEY OR OTHER PROSECUTOR; OR~~

28 ~~(IV) A UNIT OF LOCAL, STATE, OR FEDERAL GOVERNMENT~~
29 ~~THAT IS OTHERWISE AUTHORIZED TO HAVE ACCESS TO A REPORT IN~~
30 ~~FURTHERANCE OF THE UNIT'S DUTIES.~~

1 ~~(d) This section does not prohibit the dissemination or publication of news to~~
2 ~~the general public by any legitimate media entitled to access reports.~~

3 ~~(e) (1) A person who obtains a report in violation of this subsection is~~
4 ~~guilty of a felony and on conviction is subject to a fine not exceeding \$10,000 or~~
5 ~~imprisonment not exceeding 15 years or both.~~

6 ~~(2) [An officer of a law enforcement agency] A PERSON who~~
7 ~~knowingly discloses a report to a person not entitled to access the report under this~~
8 ~~section is guilty of a felony and on conviction is subject to a fine not exceeding \$10,000~~
9 ~~or imprisonment not exceeding 15 years or both.~~

10 Article - Business Occupations and Professions

11 10-604.

12 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
13 MEANINGS INDICATED.

14 (2) "LAW ENFORCEMENT AGENCY" MEANS AN AGENCY THAT IS
15 LISTED IN § 3-101(E) OF THE PUBLIC SAFETY ARTICLE.

16 (3) "MOTOR VEHICLE ACCIDENT" HAS THE MEANING STATED IN §
17 27-401 OF THE INSURANCE ARTICLE.

18 (4) "REPORT" MEANS A REPORT COMPLETED BY A POLICE
19 OFFICER OF A LAW ENFORCEMENT AGENCY THAT:

20 (I) INDICATES THAT A MOTOR VEHICLE ACCIDENT
21 OCCURRED; AND

22 (II) INCLUDES INFORMATION ABOUT A PERSON INVOLVED
23 IN THE MOTOR VEHICLE ACCIDENT, INCLUDING THE PERSON'S NAME,
24 TELEPHONE NUMBER, AND ADDRESS.

25 [(a)] (B) Without an existing relationship or interest in an issue:

26 (1) a person may not, for personal gain, solicit another person to sue or
27 to retain a lawyer to represent the other person in a lawsuit;

28 (2) A PERSON WHO IS NOT A LAWYER MAY NOT, FOR PERSONAL
29 GAIN, ACCESS A REPORT FOR THE PURPOSE OF SOLICITING ANOTHER PERSON
30 TO SUE OR TO RETAIN A LAWYER TO REPRESENT THE OTHER PERSON; and

1 [(2)] (3) a lawyer, except as provided in the Rules of Professional
 2 Conduct, may not:

3 (i) for personal gain, solicit another person to sue or to retain
 4 the lawyer to represent the person in a lawsuit;

5 (ii) directly or indirectly employ or in any way compensate or
 6 agree to employ or compensate any person as an expert witness or otherwise for the
 7 purpose of having that person solicit or attempt to solicit clients for the lawyer;

8 (iii) knowingly represent a person who retained the lawyer as a
 9 result of solicitation prohibited under this section; or

10 (iv) cause a case to be instituted without the authority of a
 11 client.

12 [(b)] (C) Any solicitation involving acts described in this section is prima
 13 facie evidence that the person soliciting is acting for gain.

14 10-606.

15 (c) Except as provided in subsections (a) and (b) of this section, a person who
 16 violates any provision of this title is guilty of a misdemeanor and on conviction is
 17 subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

18 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
 19 ~~July 1, 2008.~~

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.