

HOUSE BILL 1279

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CF 2lr2945

By: **Delegates Malone and McHale**

Introduced and read first time: February 14, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Administration – Plug-In Vehicles – Disclosure of Personal**
3 **Information**

4 FOR the purpose of requiring a custodian of certain records of the Motor Vehicle
5 Administration containing personal information to disclose certain personal
6 information related to plug-in vehicles for certain use by an electric company
7 subject to certain restrictions; and generally relating to the disclosure of
8 personal information related to plug-in vehicles from the records of the Motor
9 Vehicle Administration.

10 BY repealing and reenacting, without amendments,
11 Article – State Government
12 Section 10–616(p)(1)
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2011 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – State Government
17 Section 10–616(p)(5)
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2011 Supplement)

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

22 **Article – State Government**

23 10–616.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (p) (1) Except as provided in paragraphs (2) through (5) of this subsection,
2 a custodian may not knowingly disclose a public record of the Motor Vehicle
3 Administration containing personal information.

4 (5) Notwithstanding the provisions of paragraphs (3) and (4) of this
5 subsection, a custodian shall disclose personal information:

6 (i) for use by a federal, state, or local government, including a
7 law enforcement agency, or a court in carrying out its functions;

8 (ii) for use in connection with matters of:

- 9 1. motor vehicle or driver safety;
- 10 2. motor vehicle theft;
- 11 3. motor vehicle emissions;
- 12 4. motor vehicle product alterations, recalls, or
13 advisories;
- 14 5. performance monitoring of motor vehicle parts and
15 dealers; and
- 16 6. removal of nonowner records from the original records
17 of motor vehicle manufacturers;

18 (iii) for use by a private detective agency licensed by the
19 Secretary of State Police under Title 13 of the Business Occupations and Professions
20 Article or a security guard service licensed by the Secretary of State Police under Title
21 19 of the Business Occupations and Professions Article for a purpose permitted under
22 this paragraph;

23 (iv) for use in connection with a civil, administrative, arbitral, or
24 criminal proceeding in a federal, state, or local court or regulatory agency for service of
25 process, investigation in anticipation of litigation, and execution or enforcement of
26 judgments or orders;

27 (v) for purposes of research or statistical reporting as approved
28 by the Motor Vehicle Administration provided that the personal information is not
29 published, redisclosed, or used to contact the individual;

30 (vi) for use by an insurer, insurance support organization, or
31 self-insured entity, or its employees, agents, or contractors, in connection with rating,
32 underwriting, claims investigating, and antifraud activities;

1 (vii) for use in the normal course of business activity by a
2 legitimate business entity, its agents, employees, or contractors, but only:

3 1. to verify the accuracy of personal information
4 submitted by the individual to that entity; and

5 2. if the information submitted is not accurate, to obtain
6 correct information only for the purpose of:

7 A. preventing fraud by the individual;

8 B. pursuing legal remedies against the individual; or

9 C. recovering on a debt or security interest against the
10 individual;

11 (viii) for use by an employer or insurer to obtain or verify
12 information relating to a holder of a commercial driver's license that is required under
13 the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. § 31101 et seq.);

14 (ix) for use in connection with the operation of a private toll
15 transportation facility;

16 (x) for use in providing notice to the owner of a towed or
17 impounded motor vehicle;

18 (xi) for use by an applicant who provides written consent from
19 the individual to whom the information pertains if the consent is obtained within the
20 6-month period before the date of the request for personal information;

21 (xii) for use in any matter relating to:

22 1. the operation of a Class B (for hire), Class C (funeral
23 and ambulance), or Class Q (limousine) vehicle; and

24 2. public safety or the treatment by the operator of a
25 member of the public;

26 (xiii) for a use specifically authorized by the law of this State, if
27 the use is related to the operation of a motor vehicle or public safety;

28 (xiv) for use by a hospital to obtain, for hospital security
29 purposes, information relating to ownership of vehicles parked on hospital property;
30 [and]

1 (xv) for use by a procurement organization requesting
2 information under § 4-516 of the Estates and Trusts Article for the purposes of organ,
3 tissue, and eye donation; AND

4 (XVI) FOR USE BY AN ELECTRIC COMPANY, AS DEFINED IN §
5 1-101 OF THE PUBLIC UTILITIES ARTICLE, BUT ONLY:

6 1. INFORMATION DESCRIBING A PLUG-IN VEHICLE,
7 AS DEFINED IN § 25-108 OF THE TRANSPORTATION ARTICLE, AND IDENTIFYING
8 THE ADDRESS OF THE REGISTERED OWNER OF THE PLUG-IN VEHICLE;

9 2. FOR USE IN PLANNING FOR THE AVAILABILITY
10 AND RELIABILITY OF THE ELECTRIC POWER SUPPLY; AND

11 3. IF THE INFORMATION IS NOT:

12 A. PUBLISHED OR REDISCLOSED, INCLUDING
13 REDISCLOSED TO AN AFFILIATE AS DEFINED IN § 7-501 OF THE PUBLIC
14 UTILITIES ARTICLE; OR

15 B. USED FOR MARKETING OR SOLICITATION
16 PURPOSES.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2012.