

HOUSE BILL 1118

R7

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CF SB 885

By: ~~Delegate Fraser-Hidalgo~~ Delegates Fraser-Hidalgo, Anderton, Boyce, Harrison, Healey, Jacobs, Lierman, Love, and Parrott

Introduced and read first time: February 6, 2020

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2020

CHAPTER _____

1 AN ACT concerning

2 **Motor Vehicle Administration – ~~Records – Voluntary Disclosure of~~**
3 **~~Developmental Disability~~ Voluntary Developmental Disability Self-Disclosure**
4 **Cards – Design and Issuance**

5 FOR the purpose of ~~authorizing certain persons to voluntarily disclose certain diagnosed~~
6 ~~developmental disabilities to the Motor Vehicle Administration; requiring the~~
7 ~~Administration to keep records of a voluntary disclosure separate from other records;~~
8 ~~prohibiting the Administration from opening a voluntary disclosure to public~~
9 ~~inspection, subject to certain exceptions; prohibiting the Administration from using~~
10 ~~a voluntary disclosure by a person as a basis for referring the person to the Medical~~
11 ~~Advisory Board; and generally relating to voluntary disclosures of developmental~~
12 ~~disabilities to the Motor Vehicle Administration~~ requiring the Motor Vehicle
13 Administration to design a voluntary developmental disability self-disclosure card;
14 establishing certain requirements for the card; requiring the Administration to
15 consult with certain groups in designing the card; requiring the Administration to
16 make the card available to certain individuals on request; prohibiting the
17 Administration from keeping records relating to the issuance of a card under this
18 Act, subject to a certain exception; and generally relating to voluntary developmental
19 disability self-disclosure cards.

20 ~~BY repealing and reenacting, with amendments,~~
21 ~~Article – Transportation~~
22 ~~Section 12-111(b)~~
23 ~~Annotated Code of Maryland~~

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.



~~(2012 Replacement Volume and 2019 Supplement)~~

BY adding to

Article – Transportation

Section 16–118.1

Annotated Code of Maryland

(2012 Replacement Volume and 2019 Supplement)

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

Article – Transportation

~~12–111.~~

~~(b) (1) Subject to § 4–320 of the General Provisions Article, and except as otherwise provided by law, all records of the Administration are public records and open to public inspection during office hours.~~

~~(2) Subject to paragraph (4) of this subsection, the Administrator may classify as confidential and not open to public inspection any record or record entry:~~

~~(i) That is over 5 years old; or~~

~~(ii) That relates to any happening that occurred over 5 years earlier.~~

~~(3) Subject to § 4–320 of the General Provisions Article, a record or record entry of any age shall be open to inspection by authorized representatives of any federal, State, or local governmental agency.~~

~~(4) Subject to paragraph (3) of this subsection, the Administrator may not open to public inspection any record or record entry that is:~~

~~(i) All or part of a licensed driver's public driving record; and~~

~~(ii) Over 3 years old.~~

~~(5) Subject to paragraph (6) of this subsection, the Administration may not permit public inspection of a digital photographic image or signature of an individual, or the actual stored data thereof, recorded by the Administration.~~

~~(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.~~

~~(7) (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (H) OF THIS PARAGRAPH, THE ADMINISTRATOR MAY NOT OPEN TO PUBLIC INSPECTION A VOLUNTARY DISCLOSURE OF A DEVELOPMENTAL DISABILITY RECORDED UNDER § 16-118.1 OF THIS ARTICLE.~~

~~(H) THE ADMINISTRATOR MAY SHARE A VOLUNTARY DISCLOSURE UNDER § 16-118.1 OF THIS ARTICLE WITH A LAW ENFORCEMENT AGENCY OR A COURT.~~

~~16-118.1.~~

~~(A) A PERSON AT LEAST 18 YEARS OLD WHO IS DIAGNOSED WITH A DEVELOPMENTAL DISABILITY, INCLUDING AUTISM, MAY VOLUNTARILY DISCLOSE THE DIAGNOSIS TO THE ADMINISTRATION.~~

~~(B) THE ADMINISTRATION SHALL KEEP RECORDS OF A VOLUNTARY DISCLOSURE SEPARATE FROM ANY OTHER RECORDS.~~

~~(C) THE ADMINISTRATION MAY SHARE INFORMATION DISCLOSED UNDER THIS SECTION ONLY WITH A LAW ENFORCEMENT AGENCY OR A COURT.~~

~~(D) THE ADMINISTRATOR MAY NOT USE INFORMATION DISCLOSED BY A PERSON UNDER THIS SECTION AS A BASIS FOR REFERRING THE PERSON TO THE MEDICAL ADVISORY BOARD UNDER § 16-118 OF THIS SUBTITLE.~~

~~16-118.1.~~

(A) (1) THE ADMINISTRATION SHALL DEVELOP A FORM FOR A VOLUNTARY DEVELOPMENTAL DISABILITY SELF-DISCLOSURE CARD.

(2) A VOLUNTARY DEVELOPMENTAL DISABILITY SELF-DISCLOSURE CARD SHALL:

(I) BE APPROXIMATELY THE SAME SIZE AS A DRIVER'S LICENSE;

(II) BE PRINTED ON BLUE PAPER;

(III) INCLUDE SPACE FOR AN INDIVIDUAL TO PROVIDE DETAILS ON A DEVELOPMENTAL DISABILITY; AND

(IV) INCLUDE WRITTEN GUIDANCE ON EFFECTIVE COMMUNICATION BETWEEN LAW ENFORCEMENT OFFICERS AND PEOPLE WITH DEVELOPMENTAL DISABILITIES.

(2) IN DEVELOPING THE FORM REQUIRED BY THIS SUBSECTION, THE ADMINISTRATION SHALL CONSULT WITH THE MARYLAND CHIEFS OF POLICE ASSOCIATION AND AT LEAST ONE INDEPENDENT ORGANIZATION THAT ADVOCATES ON BEHALF OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

(B) (1) BEGINNING JANUARY 1, 2021, THE ADMINISTRATION SHALL MAKE A VOLUNTARY DEVELOPMENTAL DISABILITY SELF-DISCLOSURE CARD AVAILABLE TO ANY INDIVIDUAL OF DRIVING AGE WHO REQUESTS ONE.

(2) IF AN INDIVIDUAL WHO REQUESTS A VOLUNTARY DEVELOPMENTAL DISABILITY SELF-DISCLOSURE CARD IS A MINOR, THE ADMINISTRATION SHALL PROVIDE THE CARD TO THE INDIVIDUAL'S PARENT OR GUARDIAN.

(C) EXCEPT AS REQUIRED BY § 16-118 OF THIS SUBTITLE, THE ADMINISTRATION MAY NOT MAINTAIN ANY RECORDS RELATING TO THE ISSUANCE OF A VOLUNTARY DEVELOPMENTAL DISABILITY SELF-DISCLOSURE CARD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.