

HOUSE BILL 1118

R7

0lr3263
CF SB 885

By: **Delegate Fraser-Hidalgo**

Introduced and read first time: February 6, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Administration – Records – Voluntary Disclosure of**
3 **Developmental Disability**

4 FOR the purpose of authorizing certain persons to voluntarily disclose certain diagnosed
5 developmental disabilities to the Motor Vehicle Administration; requiring the
6 Administration to keep records of a voluntary disclosure separate from other records;
7 prohibiting the Administration from opening a voluntary disclosure to public
8 inspection, subject to certain exceptions; prohibiting the Administration from using
9 a voluntary disclosure by a person as a basis for referring the person to the Medical
10 Advisory Board; and generally relating to voluntary disclosures of developmental
11 disabilities to the Motor Vehicle Administration.

12 BY repealing and reenacting, with amendments,
13 Article – Transportation
14 Section 12–111(b)
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2019 Supplement)

17 BY adding to
18 Article – Transportation
19 Section 16–118.1
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2019 Supplement)

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

24 **Article – Transportation**

25 12–111.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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 (II) OF THIS PARAGRAPH, THE ADMINISTRATOR MAY NOT OPEN TO PUBLIC INSPECTION A VOLUNTARY DISCLOSURE OF A DEVELOPMENTAL DISABILITY RECORDED UNDER §

1 **16-118.1 OF THIS ARTICLE.**

2 **(II) THE ADMINISTRATOR MAY SHARE A VOLUNTARY**
3 **DISCLOSURE UNDER § 16-118.1 OF THIS ARTICLE WITH A LAW ENFORCEMENT**
4 **AGENCY OR A COURT.**

5 **16-118.1.**

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

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

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

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

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