

CONSTITUTIONAL & ADMINISTRATIVE LAW COMMITTEE

FIRST READER: 2/12/82 Hearing Scheduled: 3/8/82
Date of Committee Action: Vote Recorded: 3/23/82
Favorable: ✓ Favorable with Amendments:
Unfavorable & Hold: 3/22 Hold:
Other:
Reconsideration:
Reported To Floor On:

HB 1482

SECOND READER:
Favorable: Further Amendments:
Unfavorable:
Other Action:

82

THIRD READER:
Favorable:
Unfavorable:
Other Action:
House Action to Senate Amendments:

HB 1482

When this comes up
for vote, call

Art Drea

565-7467

DEPARTMENT OF FISCAL SERVICES

MARYLAND GENERAL ASSEMBLY
LEGISLATIVE SERVICES BUILDING
ANNAPOLIS, MARYLAND 21401

Telephone
(301) 841-3710

FISCAL NOTE

House Bill 1482 (Delegate Kopp) (Departmental - Information Practices Commission)

Constitutional and Administrative Law

FUNDS AFFECTED: <input type="checkbox"/> GENERAL <input type="checkbox"/> SPECIAL <input type="checkbox"/> SEE TEXT FOR _____					
FISCAL IMPACT SUMMARY	FY 1983	FY 1984	FY 1985	FY 1986	FY 1987
State Revenues	0	0	0	0	0
State Expenditures	0	0	0	0	0
Net Increase/(Decrease) in State Funds	0	0	0	0	0
SOURCE OF ESTIMATE: <input type="checkbox"/> Agency/DFS Concurs <input checked="" type="checkbox"/> DFS <input type="checkbox"/> DFS & Agency		LOCAL IMPACT: <input checked="" type="checkbox"/> None <input type="checkbox"/> Revenues <input type="checkbox"/> Expenditures Net Local Effect: _____ (1st FY)			

Summary of Legislation

This bill provides that a federal, State, or local governmental agency requesting a record of the Motor Vehicle Administration for employment purposes is entitled only to the same information which is available to a non-governmental requester.

State Revenues and Expenditures

The Department of Fiscal Services advises that legislation limiting disclosure of driving records for employment purposes would have no effect upon State revenues and expenditures.

Per: A. Newlove *an*
vw
March 3, 1982

R. Lee Benson
R. Lee Benson, Director
Division of Fiscal Research

HOUSE OF DELEGATES

2lr1786

No. 1482

41

By: Delegate Kopp (Departmental - Information Practices Commission) 26
Introduced and read first time: February 12, 1982 28
Assigned to: Constitutional and Administrative Law 30
----- 32

A BILL ENTITLED 35

AN ACT concerning 39

Driving Records - Disclosure to Governmental Employers 42

FOR the purpose of requiring that the Motor Vehicle Administration disclose certain records to governmental employers to the same extent that disclosure is made to private employers. 46
47
48

BY repealing and reenacting, with amendments, 50

Article - Transportation 53
Section 12-111 55
Annotated Code of Maryland 57
(1977 Volume and 1981 Supplement) 58

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland read(s) as follows: 61
62

Article - Transportation 65

12-111. 69

(a) The Administration shall keep a record of each application or other document filed with it and each certificate or other official document that it issues. 73
74

(b) (1) Except as otherwise provided by law, all records of the Administration are public records and open to public inspection during office hours. 78
79

(2) In his discretion, the Administrator may classify as confidential and not open to public inspection any record or record entry: 82
83

(i) That is over 5 years old; or 86

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Numerals at right identify computer lines of text.

claims, if any, which is attributable to the requirement that drivers under (ii) That relates to any happening that occurred over 5 years earlier in a driver's license.

(3) (I) Any record or record entry of any page shall be open to inspection by authorized representatives of any federal, State, or local governmental agency. driving an emergency vehicle that are on record with the Motor Vehicle Administration. (II) HOWEVER, A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY REQUESTING A RECORD FOR EMPLOYMENT PURPOSES SHALL BE PROVIDED ONLY INFORMATION THAT IS AVAILABLE FOR INSPECTION BY A NONGOVERNMENTAL REQUESTER.

(c) Except for records required by law to be kept in their original or other specified form, the Administrator may order any record of the Administration to be kept on microfilm or in other microform, and the original destroyed.

(d) Except for records required by law to be kept longer, the Administrator may destroy any record of the Administration that it has kept for 3 years or more and that the Administrator considers obsolete and unnecessary to the work of the Administration. RECLASSIFYING THE INSURED IN A DIFFERENT CLASSIFICATION OR TERRITORY, THE INSURER SHALL ADJUST THE PREMIUM CHARGED THE INSURED FROM THE DATE OF NOTICE SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1982.

SECTION 2 AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1982.

~~BBB~~

H.B. 1482

Woods

Bureau of determine

"validity" of request —

School bus driver —

==== Past driving record —

Pattern of violations —

Complete driving record

now protected —

====
Maintenance personnel

HB 1482 - Kopp (Information Practices Commission)

Driving Records - Disclosure to Governmental Employees

Amends Transportation Article, §12-111

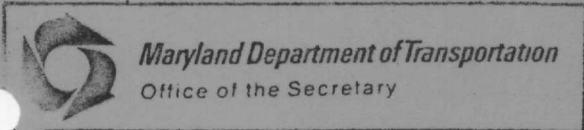
Provides that MVA information requested by a governmental entity for "employment purposes" shall be restricted to the same extent that it would be for a non-governmental requester.

HISTORY

None specifically.

This is a product of the Information Practices Commission.

dist 3/8/82



Maryland Department of Transportation
Office of the Secretary

DATE:

3/8/82

BILL NO.

HB 1482

COMMITTEE: CAL

SUBJECT: Driving Records - Disclosure
to Governmental Employers

DOT POSITION: SUPPORT

EXPLANATION: Except for personal requests or those of an individual's attorney, requests for driving records show entries for the last three years.

COMMENTS: HB 1482 would require MVA to provide governmental agencies the same driver record information that is provided to private employers. This bill would restrict government agencies from obtaining the full driving record if requested for employment purposes.

Dist 3/9/92

MARYLAND STATE DEPARTMENT OF EDUCATION

COMMITTEE: Constitutional and Administrative Law BILL No.: HB 1482

SPEAKER: Wm. Richard Alexander MSDE POSITION: Opposed

TITLE: Specialist in Pupil Transportation

RATIONALE:

One of the most important factors when hiring a school bus driver is the individuals driving record. In addition to ascertaining whether the individual has any current points, it is important that we determine whether the past driving record for the individual is satisfactory. A person with a pattern of driving violations over several years is not a good risk. By having a complete driving record we can eliminate this type of employee and provide our pupil passengers with the safest possible driver.

The Motor Vehicle Laws of Maryland afford an individual adequate protection by permitting the driving record to be expunged under certain conditions (TR §16-117.1). This procedure does protect the individual and at the same time the basis for expunging the record does not adversely affect us. We, therefore, strongly oppose this Bill.

Effect of amendment. — The 1980 amendment, effective July 1, 1980, added paragraph (3) in subsection (b).

§ 16-117.1. Expungement of certain driving records.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) "Criminal offense" does not include any violation of the Maryland Vehicle Law.

(3) "Moving violation" means a moving violation of the Maryland Vehicle Law other than a violation of any of its size, weight, load, equipment, or inspection provisions.

(b) *When Administration may expunge records.* — Except as provided in subsection (c) of this section, if a licensee applies for the expungement of his public driving record, the Administration shall expunge the record if, at the time of application:

(1) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 3 years, and his license never has been suspended or revoked;

(2) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 5 years, and his record shows not more than one suspension and no revocations; or

(3) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 10 years, regardless of the number of suspensions or revocations.

(c) *When Administration may refuse to expunge.* — The Administration may refuse to expunge a driving record if it determines that the individual requesting the expungement has not driven a motor vehicle on the highways during the particular conviction-free period on which he bases his request. (An. Code 1957, art. 66½, § 6-117; 1977, ch. 14, § 2.)

REVISOR'S NOTE

This section formerly appeared as Article 66½, § 6-117 (e).

Subsection (a) of this section is revised to clarify the intended distinction between the terms there defined.

Subsection (b) of this section is revised to avoid the former, unintended — as seen from subsection (c) of this section — implication that the expungement is discretionary with the Administration.

The only other changes are in style.

Definitional cross references:	
"Administration":	§ 11-102
"Conviction":	§ 11-110
"Highway":	§ 11-127
"License (to drive)":	§ 11-128
"Motor vehicle":	§ 11-135
"Revoke (license to drive)":	§ 11-150
"Suspend (license to drive)":	§ 11-164



THE HOWARD COUNTY PUBLIC SCHOOL SYSTEM

10910 Route 108

Ellicott City, Maryland 21043

(301) 992-0500

March 3, 1982

HB1482 "Driving Records - Disclosure
to Government Employers"

Sponsor: Delegate Kopp

Concern: School systems, particularly as related to school bus driver employment and screening, utilize the full driving record as provided by the Motor Vehicle Administration. A shortened version (expunged) of a person's driving record would hamper school officials.

1. HB1482 would limit school officials to fully assess a current or prospective school bus driver concerning his or her past driving record and driving behavior.
2. Full driving records have proven to be a valuable employment asset concerning employment, retention, assignment, and/or termination of bus drivers.

Suggested
Amendment:

Add after nongovernmental requester, line 99, add;
except for information requested by local school
systems.

March 10, 1982

Nancy -

Here is the memo with
the proposed amendment I
mentioned to you Sunday
re. HB 1482.

Bob Lazarewicz was pleased
that you are amenable to
the amendment. He also
recognized your reason for
introducing the bill. He'll
be calling you to see if you
want any additional info
before adding the amendment.

Thanks.

Luis (Stoner)

3/8/82

memo

ANNE ARUNDEL COUNTY Public Schools

Date:
March 8, 1982

Filing Code:

To: Chairman, Constitutional & Administrative Law
Committee - Maryland House of Delegates

From: William P. Kerns, Supervisor
Office of Transportation

Subject: HOUSE BILL 1482
DRIVING RECORDS - DISCLOSURE TO
GOVERNMENTAL EMPLOYERS

cc: C. Berry Carter

The Maryland Association of Pupil Transportation respectfully requests the following amendment be added to House Bill 1482, Line 100:

...EXCEPT FOR INFORMATION REQUESTED BY SCHOOL SYSTEMS.

The Maryland Association of Pupil Transportation is composed of Directors and Supervisors of Pupil Transportation for the 23 Maryland counties and for Baltimore City. As such, under COMAR 13A.06.07 Pupil Transportation adopted by the Maryland State Board of Education on November 18, 1981, Sub-section .02 Administration (B)(2) School Bus Driver (a)(ii) we are required to review a prospective school vehicle driver's record to determine if that person has not more than 2 current points and that individual has a satisfactory past driving record.

Under the present arrangements with the M.V.A., we may obtain information that is contained on a person's driving record. To place a 5-year limit seriously impairs our ability to find the "repeater", a driver who may keep his total points down to 2 or 3, but has a history of minor traffic violations. This person's disregard for the "rules of the road" make him a poor risk to be entrusted with the safety of Maryland's school children.

Furthermore, there are other school system employees that must drive vehicles in relation to their assigned duties, i.e., maintenance personnel. The past driving records of these employees are important to those entrusted with hiring the most capable and responsible applicants.

Attached you will find an example of a driving record that is indicative of a "repeater" offender. Had we requested a copy of this person's record prior to April 18, 1978 and had the proposed House Bill 1482 been in effect, we would only have information shown between the two broken lines (July 8, 1973 to July 24, 1977). Please note the seriousness of the record dating from 1942 through the accident of February 2, 1981 involving driving in an intoxicated condition and negligent driving.

[REDACTED] SUS-REV NO WAR NO REC-ENT YES 1 01
5-05 142 1 M 07-26-23 CF095820
[REDACTED]

TITLES 05446385 06032041 06858923 06865361 07121121
LIC-TYPE T TP TY ISS-DT EXP-DT VAL-DT ORG-ISS-DT
CLASS C R F 05-01-81 07-26-85 05-01-81

DATE	DISPOSITION	DESCRIPTION	POINTS
04-04-81	REGCOR C	ADDRESS CHANGE	
08-13-42	5.00	STOP SIGN	
09-28-42	25.00	RECKLESS DRIVING	
10-15-42	90D	HEARING-SUSPENDED	
10-15-42	02Y	HEARING-PROBATION	
01-15-43		SUSPENSION WITHDRAWN	
12-17-48	5.00	SPEEDING	
05-03-51	2.00	AUTOMATIC SIGNAL	
01-22-52	25.00	RECKLESS DRIVING	
02-21-52	01Y	HEARING-PROBATION	
11-05-53	5.00	INADEQUATE BRAKES	
11-05-53	5.00	AUTOMATIC SIGNAL	
04-01-54	5.00	AUTOMATIC SIGNAL	
05-03-54	15.00	SPEEDING	
05-10-54	5.00	SPEEDING	
01-20-55	5.00	FAIL STOP AT THROUGH HIGHWAY	
02-02-55		REPRIMAND	
05-04-55	5.00	SPEEDING	
05-26-55	60D	HEARING-SUSPENDED	
05-25-55	5.00	AUTOMATIC SIGNAL	
07-26-55		SUSPENSION WITHDRAWN	
11-13-56	10.00 SS	RECKLESS DRIVING	
01-15-57	FR 493219 OK	FIN RESP-SUSPENDED	
11-27-57	FR 542178 OK	FIN RESP-SUSPENDED	

02

5-05 142 1 M 07-26-23 CF095820

02-28-58	10.00	SPEEDING	
04-24-58	100.00	DR AFTER REF CANC SUS OR REV	
06-27-58		REVOKED	
01-20-59	5.00	OPERATING WITHOUT A LICENSE	
01-20-59	5.00	FAIL TO GRANT RIGHT OF WAY	
04-06-59		HEARING-REVOKED	
08-14-59		SR22 FILED-REINSTATED	
06-05-60	10.00	STOP SIGN	
12-22-60	10.00	FAIL TO KEEP RIGHT OF CENTER	
10-16-65	15.00	EXCEED SPEED LIMIT BY TEN MILE	03*
02-03-66		P SYS-WARNING LETTER MAILED	
08-30-67	12.00	EXCEED SPEED LIMIT BY TEN MILE	03*
12-07-67	010968	HEARING SCHEDULED	
01-09-68	JB-6M	HEARING-PROBATION	
09-27-68	J-828	JUDG-LIC + TAGS SUSPENDED	
05-15-69	J-828	INVEST TO SECURE LIC + TAGS	
06-06-69	J-828	INVESTIGATION REQUEST CANC	
09-15-69	J-828	JUDG-INSTALL AGREE-SUS WDN	
09-18-69	7-71R	LICENSE RETURNED BY MVA	
09-18-69	032471T	LICENSE RETURNED BY MVA	
08-13-69	L 0	FAIL OBEY TRAFFIC DEVICE	
08-12-69	10.00	CROSSING CENTER LINE	01*
08-12-69	5.00	OPERATING ON EXPIRED LICENSE	
01-07-70		P SYS-WARNING LETTER MAILED	
06-03-70	L 0	FAIL OBEY TRAFFIC DEVICE	
09-21-70	L 0	FAIL OBEY TRAFFIC DEVICE	
03-12-71	5.00	XSTOP SIGN	03*
04-28-71		P SYS-WARNING LETTER MAILED	
06-08-73		FAIL OBEY TRAFFIC DEVICE	01*
09-29-73		AUTOMATIC SIGNAL	01*

03

5-05 142 1 M 07-26-23 CF095820

06-24-77		EXCEED SPEED LIMIT BY 10 MPH	02*
04-18-78		EXCEED SPEED LIMIT BY 10 MPH	02*
07-17-78		P SYS-WARNING LETTER MAILED	
01-03-79	83380662	INSURANCE SUS LETTER MAILED	
01-16-79	83380662	LIC SUS FAIL TO COMPLY-INS REQ	
01-22-79	83380662	INVEST TO SECURE LIC + TAGS	
02-16-79	011679	SUSPENSION WITHDRAWN	
02-16-79	83380662	INVESTIGATION REQUEST CANC	
10-17-79		EXCEED SPEED LIMIT BY 10 MPH	02
12-26-79		P SYS-WARNING LETTER MAILED	
02-02-81		XDRIVE IN INTOXICATED CONDITION	12
02-02-81		XNEGLIGENT DRIVING	
07-29-81		REVOCATION LETTER MAILED	
08-07-81		HEARING REQUESTED-REV ABEY	

RECORD END TOTAL CURRENT POINTS 14

SEP 16 1981

HB 1482

Drea Assumes that MVA records are available for governmental ~~offices~~ entities to the same extent that they are available to non-governmental entities but only with regard to requests made for "employment purposes"

Woods What about school bus drivers?

A They should be treated the same as cab drivers and Greyhound bus drivers

Koss Did the Commission consider other restrictions to access of MVA records

A Yes. We had considered giving the Administrator some discretion but decided that it was too complex

Bricker MVA
We support

Alexander Dept of Ed - Transportation Div

We are opposed
We must look at the past driving record of prospective school bus drivers
Let them get their records expunged

Memo

A.A. Co Public Schools

Request exemption for school
systems

We need the whole record
for hiring school bus drivers



HOUSE OF DELEGATES

ANNAPOLIS, MARYLAND

Constitutional and Administrative Law

KOPP
SPONSOR/SPONSORS

SPEAKERS AND APPEARANCES

MARCH 8
DATE OF HEARING

BILL NO. & HB 1482 - DRIVING RECORDS -

SHORT TITLE: DISCLOSURE TO GOVERNMENTAL EMPLOYERS

PROPONENTS

Del. Kopp
NAME (please print) AFFILIATION

ADDRESS

Arthur S. Drea
NAME (please print) AFFILIATION

ADDRESS

Dennis Hanratty
NAME (please print) AFFILIATION

ADDRESS

Wm. BRICKER MVA
NAME (please print) AFFILIATION

ADDRESS

NAME (please print) AFFILIATION

ADDRESS

Check box and/or boxes:

- ORAL TESTIMONY
- WRITTEN STATEMENT FILED
- RECORD OF APPEARANCE ONLY

- ORAL TESTIMONY
- WRITTEN STATEMENT FILED
- RECORD OF APPEARANCE ONLY

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- ORAL TESTIMONY
- WRITTEN STATEMENT FILED
- RECORD OF APPEARANCE ONLY

OPPONENTS

RICHARD ALEXANDER MD. STATE DEPT OF ED.
NAME (please print) AFFILIATION

ADDRESS

WILLIAM P. KEENS MD. ASSOC. OF PUPIL TRANSPORTATION
NAME (please print) AFFILIATION

ADDRESS

NAME (please print) AFFILIATION

ADDRESS

NAME (please print) AFFILIATION

ADDRESS

NAME (please print) AFFILIATION

Check box and/or boxes:

- ORAL TESTIMONY
- WRITTEN STATEMENT FILED
- RECORD OF APPEARANCE ONLY

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DEPARTMENT OF FISCAL SERVICES

MARYLAND GENERAL ASSEMBLY
LEGISLATIVE SERVICES BUILDING
ANNAPOLIS, MARYLAND 21401

Telephone
(301) 841-3710

FISCAL NOTE

House Bill 1482 (Delegate Kopp) (Departmental - Information Practices Commission)

Constitutional and Administrative Law

FUNDS AFFECTED: <input type="checkbox"/> GENERAL <input type="checkbox"/> SPECIAL <input type="checkbox"/> SEE TEXT FOR _____					
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State Expenditures	0	0	0	0	0
Net Increase/(Decrease) in State Funds	0	0	0	0	0
SOURCE OF ESTIMATE: <input type="checkbox"/> Agency/DFS Concurs <input checked="" type="checkbox"/> DFS <input type="checkbox"/> DFS & Agency		LOCAL IMPACT: <input checked="" type="checkbox"/> None <input type="checkbox"/> Revenues <input type="checkbox"/> Expenditures Net Local Effect: _____ (1st FY)			

Summary of Legislation

This bill provides that a federal, State, or local governmental agency requesting a record of the Motor Vehicle Administration for employment purposes is entitled only to the same information which is available to a non-governmental requester.

State Revenues and Expenditures

The Department of Fiscal Services advises that legislation limiting disclosure of driving records for employment purposes would have no effect upon State revenues and expenditures.

Per: A. Newlove *an*
vw
March 3, 1982

R. Lee Benson
R. Lee Benson, Director
Division of Fiscal Research



HOUSE OF DELEGATES

ANNAPOLIS, MARYLAND 21401

HELEN L. KOSS

CHAIRMAN

CONSTITUTIONAL AND ADMINISTRATIVE LAW

HOME ADDRESS:

3416 HIGHVIEW COURT

WHEATON, MARYLAND 20902

NOTICE OF HEARING

February 24, 1982

To: Delegate Kopp

HB 1482, Driving Records -
Disclosure to Governmental Employers,
is scheduled for public hearing on Monday, March 8,
at 4:00 p.m.. Will you please inform the
CAL staff on extension 3502 if you plan to testify and the
telephone number where you might be reached at the time of
the hearing. If you are not in the hearing room when the
bill is about to be heard, we will notify you at the number
you have indicated.

The order on the hearing schedule is not
necessarily the order in which bills will be heard. Every
effort will be made to accomodate your special time constraints
to recognize your simultaneously scheduled responsibilities
on the standing committee of which you are a member.

Very truly yours,

Helen L. Koss

HLK:KS

UNF

CONSTITUTIONAL AND ADMINISTRATIVE LAW COMMITTEE

H.B. 1482

Vote Tally
3-22

S.B. _____

H.J.R. _____

Date

S.J.R. _____

MOTION: Favorable Amended Re-refer to _____
 Unfavorable Hold Other _____

	YEAS	NAYS	ABSTAIN	ABSENT
KOSS, CHAIRMAN				
CURRAN, VICE-CHAIRMAN				
MIEDUSIEWSKI				✓
CUMISKEY				
ROBERTSON				
SCHMINCKE				
SHANDROWSKY				
PHILLIPS				✓
MURPHY				
BROMWELL				✓
HUGHES				✓
WHITE				✓
WOODS				✓
BAKER				
BOOTH		✓		
COLLINS				
CAMPBELL				
REDDING				
BIRD				
FICKER				✓
SIMMONS				✓
O'MALLEY				✓
TOTAL	14	1		7

NOTE: Comments, if any, must be made known to the members BEFORE the Vote.
COMMENTS: _____

WGS
Committee Reporter

~~###~~

UNF

CONSTITUTIONAL AND ADMINISTRATIVE LAW COMMITTEE

H.B. 1482

Vote Tally
3/22/82

S.B. _____

H.J.R. _____

Date

S.J.R. _____

MOTION: Favorable Amended Re-refer to _____
 Unfavorable Hold Other _____

	YEAS	NAYS	ABSTAIN	ABSENT
KOSS, CHAIRMAN				
CURRAN, VICE-CHAIRMAN				
MIEDUSIEWSKI				✓
CUMISKEY				
ROBERTSON				
SCHMINCKE				
SHANDROWSKY				
PHILLIPS				✓
MURPHY				
BROMWELL				✓
HUGHES				
WHITE				✓
WOODS				✓
BAKER				
BOOTH		✓		
COLLINS				
CAMPBELL				
REDDING				
BIRD				
FICKER				✓
SIMMONS				✓
O'MALLEY				
TOTAL	14	1		7

NOTE: Comments, if any, must be made known to the members BEFORE the Vote.
COMMENTS: _____

Susan Young
Committee Reporter

HB-1482

REQUEST FORM

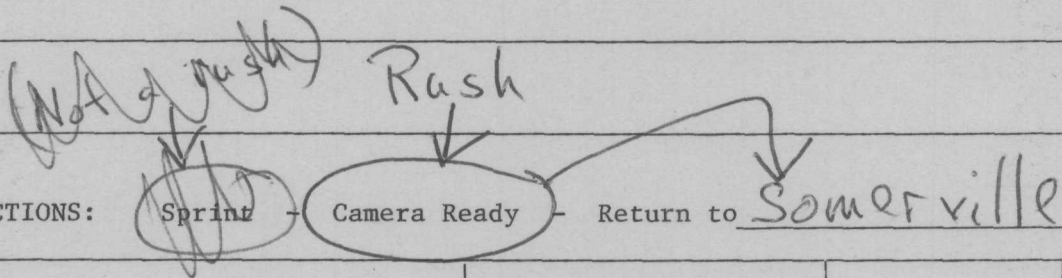
Sponsor Del. Kopp Drafted by Somerville
Date Drafted 1/4
Requested by Haratty
Request Date 12/29 Taken by WGS

1786
OK.

For Bill-Drafting Use Only

Short Title: Public Information - ~~Transport~~

Subject: Transportation



SPECIAL INSTRUCTIONS:

File Code

41

Prior Introduction

No

Acknowledged:

by / date

Computer: To

1/3

From

1/14

TO Legislative Drafting Room Supervisor for Review

Comments:

DA 1 14 82
Legislative Drafting Room Supervisor Mo Day Yr

Comments Noted

TO Principal Analyst/Legislative Drafting for Review

Comments:

Bill - Isn't this ^{bill} really dealing with 2 subjects? mhw - discuss

also language "second" shall contain my information that is available

Principal Analyst

OK MUC 1/16 182
Mo Day Yr

Comments Noted

WGS

I suggest alternative language to 5/12-111

By or on Behalf of the Member

For purposes of consolidating duplicate bill requests:

(1) I (agree) (do not agree) to the disclosure of the concept of this bill drafting request to other members of the General Assembly.

(2) (Answer only if (1) is answered affirmatively.)

I (agree) (do not agree) to the disclosure of my identity to other members of the General Assembly.

BILL ORDER

(1b) AN ACT concerning

Transportation - Information Practices

with

FOR the purpose of specifying certain requirements regarding ~~to records~~ ~~requested~~ Motor Vehicle Administration ~~records~~ ^{that are} requested by certain governmental agencies under certain circumstances ~~and~~ ^{and} altering certain provisions relating to the expungement of ~~the~~ a public driving record.

CIRCLE ONLY ONE

- (rr) By repealing and re-enacting, with amendments,
- or
- (an) By adding to
- or
- (r) By repealing

Article Transportation
Section 12-111 and ~~16-117~~

Annotated Code of Maryland
(1977 ~~Revised~~ Volume and 1981 Supplement)

Circle as appropriate

- (ed) - July 1 effective date
- (eud) - emergency effective date
- (aed) - abnormal effective date: _____
- (sev) - severability clause
- (si) - salary increase not to affect incumbent
- Office _____

TRANSPORTATION

§ 12-111. Records of Administration — In general.

(a) ~~Records required to be kept~~ — The Administration shall keep a record of each application or other document filed with it and each certificate or other official document that it issues.

(b) ~~Records are public information.~~ — (1) Except as otherwise provided by law, all records of the Administration are public records and open to public inspection during office hours.

(2) In his discretion, 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) Any record or record entry of any age shall be open to inspection by authorized representatives of any federal, State, or local governmental agency.

~~HOWEVER~~ ~~IF~~ ~~ANY~~
~~RECORD REQUESTED BY~~ A FEDERAL,
STATE, OR LOCAL GOVERNMENT AGENCY REQUESTING A RECORD
FOR EMPLOYMENT PURPOSES SHALL BE PROVIDED
CONTAIN ONLY ~~THE~~ INFORMATION
THAT IS AVAILABLE FOR INSPECTION
BY A NONGOVERNMENTAL REQUESTER.

(c) ~~Records in microform.~~ — Except for records required by law to be kept in their original or other specified form, the Administrator may order any record of the Administration to be kept on microfilm or in other microform, and the original destroyed.

(d) ~~Destruction of old records.~~ — Except for records required by law to be kept longer, the Administrator may destroy any record of the Administration that it has kept for 3 years or more and that the Administrator considers obsolete and unnecessary to the work of the Administration. (Am. Code 1957, art. 664, § 12-111)

Suggested alternative
BUT ONLY TO THE EXTENT THAT SUCH A
RECORD OR RECORD ENTRY CONTAINS
INFORMATION THAT IS OPEN TO
INSPECTION BY A NONGOVERNMENTAL
REQUESTER

PROPOSED AMENDMENT TO TRANSPORTATION ARTICLE

§ 12-111. Records of Administration - In general.

(a) Records required to be kept.- The Administration shall keep a record of each application or other document filed with it and each certificate or other official document that it issues.

(b) Records are public information. - (1) Except as otherwise provided by law, all records of the Administration are public records and open to public inspection during office hours.

(2) In his discretion, 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) Any record or record entry of any age shall be open to inspection by authorized representatives of any federal, State, or local governmental agency[.], EXCEPT THAT RECORDS REQUESTED BY ANY FEDERAL, STATE OR LOCAL GOVERNMENT AGENCY THAT ARE SOLICITED FOR EMPLOYMENT PURPOSES SHALL CONTAIN ONLY THAT INFORMATION WHICH IS AVAILABLE FOR INSPECTION BY A NON-GOVERNMENT REQUESTER.

(c) Records in microfilm. - Except for records required by law to be kept in their original or other specified form, the Administrator may order any record of the Administration to be kept on microfilm or in other microform, and the original destroyed.

(d) Destruction of old records. - Except for records required by law to be kept longer, the Administrator may destroy any record of the Administration that it has kept for 3 years or more and that the Administrator considers obsolete and unnecessary to the work of the Administration.

Work
papers

Typed by 111/somerville
Proofread by SE-PD
Corrected by _____
Checked by SRS-SB

By: Delegate Kopp

26

A BILL ENTITLED

29

AN ACT concerning

34

Transportation - Information Practices

37

FOR the purpose of specifying certain requirements with
regard to Motor Vehicle Administration records that are
requested by certain governmental agencies under
certain circumstances.

41

42

BY repealing and reenacting, with amendments,

44

Article - Transportation

47

Section 12-111

49

Annotated Code of Maryland

51

(1977 Volume and 1981 Supplement)

52

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
MARYLAND, That section(s) of the Annotated Code of Maryland
read(s) as follows:

55

56

Article - Transportation

59

12-111.

63

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
Numerals at right identify computer lines of text.

(a) The Administration shall keep a record of each application or other document filed with it and each certificate or other official document that it issues.

(b) (1) Except as otherwise provided by law, all records of the Administration are public records and open to public inspection during office hours.

(2) In his discretion, 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) (I) Any record or record entry of any age shall be open to inspection by authorized representatives of any federal, State, or local governmental agency.

(II) HOWEVER, A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY REQUESTING A RECORD FOR EMPLOYMENT PURPOSES SHALL BE PROVIDED ONLY INFORMATION THAT IS AVAILABLE FOR INSPECTION BY A NONGOVERNMENTAL REQUESTER.

(c) Except for records required by law to be kept in their original or other specified form, the Administrator may order any record of the Administration to be kept on microfilm or in other microform, and the original destroyed.

(d) Except for records required by law to be kept longer, the Administrator may destroy any record of the Administration that it has kept for 3 years or more and that the Administrator considers obsolete and unnecessary to the work of the Administration.

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SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1982.

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BILL ORDER - SPECIAL INSTRUCTIONS

Sponsor Del. Kopp
Requested by Joseph Leggio
Date _____

Drafted by _____
Date _____

1786
O.K.

Tracie
Celia - Renee

PREPARE FOR INTRODUCTION

NOTE SPONSORSHIP

ONE SPRINT ONLY - TWO SPRINTS

CAMERA READY COPY: one - two

NO B & T

NOTE CHANGES

Dee - Truly

Return to Carvel

OTHER _____

*if you have questions
call Ben Bialek
6-3336*

Typed by 111/somerville
Proofread by _____
Corrected by _____
Checked by _____

DEPARTMENTAL -

By: Delegate Kopp *(Information Practices Commission)* 26

A BILL ENTITLED 29

AN ACT concerning 33

~~DRIVING RECORDS - DISCLOSURE TO GOVERNMENTAL EMPLOYEES~~
~~Transportation Information Practices~~ 36

FOR the purpose of ~~specifying certain requirements with~~
~~regard to Motor Vehicle Administration records that are~~ 40
~~requested by certain governmental agencies under~~ 41
~~certain circumstances.~~

BY repealing and reenacting, with amendments, 43

Article - Transportation 46
Section 12-111 48
Annotated Code of Maryland 50
(1977 Volume and 1981 Supplement) 51

disclose certain records to governmental employers to the same extent that disclosure is made to private employers.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland read(s) as follows: 54 55

Article - Transportation 58

12-111. 62

(a) The Administration shall keep a record of each application or other document filed with it and each certificate or other official document that it issues. 66 67

(b) (1) Except as otherwise provided by law, all records of the Administration are public records and open to public inspection during office hours. 71 72

(2) In his discretion, the Administrator may classify as confidential and not open to public inspection any record or record entry: 75 76

(i) That is over 5 years old; or 79

(ii) That relates to any happening that occurred over 5 years earlier. 82

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
Numerals at right identify computer lines of text.

(3) (I) Any record or record entry of any age shall be open to inspection by authorized representatives of any federal, state, or local governmental agency. 85
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(II) HOWEVER, A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY REQUESTING A RECORD FOR EMPLOYMENT PURPOSES SHALL BE PROVIDED ONLY INFORMATION THAT IS AVAILABLE FOR INSPECTION BY A NONGOVERNMENTAL REQUESTER. 90
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(c) Except for records required by law to be kept in their original or other specified form, the Administrator may order any record of the Administration to be kept on microfilm or in other microform, and the original destroyed. 96
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(d) Except for records required by law to be kept longer, the Administrator may destroy any record of the Administration that it has kept for 3 years or more and that the Administrator considers obsolete and unnecessary to the work of the Administration. 102
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SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1982. 109

Typed by 111/somerville
 Proofread by _____
 Corrected by _____
 Checked by PPSE

By: Delegate Kopp (Departmental - Information Practices Commission)	26
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Driving Records - Disclosure to Governmental Employers	37
FOR the purpose of requiring that the Motor Vehicle Administration disclose certain records to governmental employers to the same extent that disclosure is made to private employers.	41
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	57
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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 Numerals at right identify computer lines of text.

(a) The Administration shall keep a record of each application or other document filed with it and each certificate or other official document that it issues.

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(b) (1) Except as otherwise provided by law, all records of the Administration are public records and open to public inspection during office hours.

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(2) In his discretion, the Administrator may classify as confidential and not open to public inspection any record or record entry:

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(i) That is over 5 years old; or

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

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(3) (I) Any record or record entry of any age shall be open to inspection by authorized representatives of any federal, State, or local governmental agency.

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(II) HOWEVER, A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY REQUESTING A RECORD FOR EMPLOYMENT PURPOSES SHALL BE PROVIDED ONLY INFORMATION THAT IS AVAILABLE FOR INSPECTION BY A NONGOVERNMENTAL REQUESTER.

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(c) Except for records required by law to be kept in their original or other specified form, the Administrator

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may order any record of the Administration to be kept on 99
microfilm or in other microform, and the original destroyed. 100

(d) Except for records required by law to be kept 104
longer, the Administrator may destroy any record of the 105
Administration that it has kept for 3 years or more and that
the Administrator considers obsolete and unnecessary to the 106
work of the Administration. 107

SECTION 2. AND BE IT FURTHER ENACTED, That this Act' 111
shall take effect July 1, 1982.