# **Md. Transportation Code Ann. § 15-207.1**

Current through all legislation from the 2023 Regular Session of the General Assembly.

***Michie’s™ Annotated Code of Maryland* > *Transportation (Titles 1 — 27)* > *Title 15. Vehicle Laws — Licensing of Businesses and Occupations. (Subts. 1 — 9)* > *Subtitle 2. Manufacturers, Distributors, and Factory Branches. (§§ 15-201 — 15-214)***

**§ 15-207.1. Access to consumer data from dealer.**

**(a)**

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

**(2)**

**(i)** “Consumer data” means nonpublic personal information, as defined in 15 U.S.C. § 6809(4), collected by a dealer and provided by the dealer directly to a manufacturer, distributor, or factory branch, or its agent.

**(ii)** “Consumer data” does not include the same or similar data that is obtained by a manufacturer from any other source.

**(3)** “Data management system” means a computer hardware or software system that:

**(i)** Is owned, leased, or licensed by a dealer, including a system of web-based applications;

**(ii)** Is located at the dealership or hosted remotely; and

**(iii)** Stores and provides access to consumer data collected and stored by the dealer.

**(b)** Notwithstanding the provisions of any franchise agreement, a manufacturer, distributor, or factory branch, or its agent:

**(1)** Shall allow a dealer to furnish consumer data in a widely accepted file format, such as comma-separated values, and through a third-party vendor selected by the dealer;

**(2)** May access or obtain consumer data directly from a dealer’s data management system only with the express written consent of the dealer;

**(3)** May not take any adverse action against a dealer for refusing to grant access to the dealer’s data management system;

**(4)** May require that a franchised dealer of the manufacturer, distributor, or factory branch provide consumer data or transactional data that pertains to:

**(i)** Claims for warranty parts or repairs;

**(ii)** Sales and deliveries of new or certified pre-owned vehicles of any line make of the manufacturer, distributor, or factory branch;

**(iii)** Safety or recall obligations; or

**(iv)** Validation and payment of customer or dealer incentives; and

**(5)** Shall indemnify the dealer for any third-party claims asserted against or damages incurred by the dealer to the extent the claims of damages are caused by access to and unlawful disclosure of consumer data resulting from a breach caused by the manufacturer, distributor, or factory branch, or its agent, or a third party to which the manufacturer, distributor, or factory branch, or its agent, has provided the consumer data in violation of this section.

**(c)** A manufacturer, distributor, or factory branch, or its agent, may not require that a dealer grant the manufacturer, distributor, or factory branch, or its agent, access to the dealer’s data management system through a franchise agreement or as a condition of renewal or continuation of the franchise agreement.

**(d)** Written consent under subsection (b)(2) of this section:

**(1)** Shall be separate from the dealer franchise agreement;

**(2)** Shall be executed by the dealer; and

**(3)** May be withdrawn by the dealer on 30 days’ written notice to the manufacturer, distributor, or factory branch.

**History**

2018, ch. 12, § 6; ch. 517.

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