

HOUSE BILL 1017

R4

7lr0009

By: **Chair, Judiciary Committee (By Request – Departmental – Transportation)**

Introduced and read first time: February 8, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Administration – Driving Records – Expungement**

3 FOR the purpose of altering the standards and procedures applicable to the expungement
4 of public driving records by the Motor Vehicle Administration; prohibiting the
5 Administration from expunging certain driving record entries; requiring the
6 Administration to adopt certain regulations; and generally relating to the
7 expungement of driving records by the Motor Vehicle Administration.

8 BY repealing and reenacting, with amendments,
9 Article – Transportation
10 Section 16–117.1
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2016 Supplement)

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

15 **Article – Transportation**

16 16–117.1.

17 (a) In this section, “criminal offense” does not include any violation of the
18 Maryland Vehicle Law.

19 (b) [Except as provided in subsections (c) and (e) of this section and in Subtitle 8
20 of this title, if a licensee applies for the expungement of the licensee’s public driving record,
21 the] **THE** Administration shall expunge the **PUBLIC DRIVING** record **OF A LICENSEE** if[,
22 at the time of application]:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(1) [The licensee does not have charges pending for allegedly committing a moving violation or a criminal offense involving a motor vehicle; and

(2) (i) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 3 years, and the licensee's license never has been suspended **FOR REASONS RELATED TO DRIVER SAFETY, AS DEFINED BY THE ADMINISTRATION**, or revoked;

[(ii)] (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 the licensee's record shows not more than one suspension **FOR REASONS RELATED TO DRIVER SAFETY, AS DEFINED BY THE ADMINISTRATION**, and no revocations; or

[(iii)] (3) Within the preceding 10 years:

[1.] (I) The licensee has not been [convicted of nor been] granted probation before judgment for a violation of § 20–102 or § 21–902 of this article; **AND**

[2. The licensee's driving record shows no convictions from another jurisdiction of a moving violation identical or substantially similar to § 20–102 or § 21–902 of this article; and

3.] (II) The licensee has not been convicted of any [other] moving violation or criminal offense involving a motor vehicle, regardless of the number of suspensions or revocations.

(c) 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 the request is based.

(d) [The Administration shall expunge from its driver record data base the driving record of an individual or a probation before judgment disposition of an individual:

(1) Who has not been convicted of a moving violation or criminal offense involving a motor vehicle for the preceding 3 years;

(2) Who has not been convicted of, or been granted probation before judgment for:

(i) A violation of § 20–102 of this article;

(ii) A violation of § 21–902 of this article; or

(iii) A moving violation identical or substantially similar to § 20–102 or § 21–902 of this article; and

1 (3) Whose license or privilege to drive never has been suspended or
2 revoked.

3 (e)] Notwithstanding any other provision of this section, the Administration may
4 not expunge [any]:

5 **(1) ANY driving records before the expiration of the time they are required**
6 **to be retained under § 16–819 of this title;**

7 **(2) ANY DRIVING RECORD ENTRIES REQUIRED FOR ASSESSMENT OF**
8 **SUBSEQUENT OFFENDER PENALTIES; AND**

9 **(3) ANY DRIVING RECORD ENTRIES RELATED TO A MOVING**
10 **VIOLATION OR AN ACCIDENT THAT RESULTED IN THE DEATH OF ANOTHER PERSON.**

11 **(E) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO CARRY OUT**
12 **THIS SECTION.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2017.