

HOUSE BILL 682

R4, R7

4r2676
CF SB 545

By: **Delegates Waldstreicher, Anderson, and Vallario**

Introduced and read first time: January 31, 2014

Assigned to: Environmental Matters and Judiciary

A BILL ENTITLED

AN ACT concerning

Motor Vehicle Administration – Driving Records – Expungement

FOR the purpose of altering the circumstances under which the Motor Vehicle Administration is required to expunge the driving record or a probation before judgment of an individual; repealing a certain requirement that licensees apply for an expungement of certain driving records before the Administration may expunge them; repealing the Administration’s authority to refuse to expunge certain driving records; prohibiting the Administration from expunging certain drug– and alcohol–related driving offenses and offenses relating to failing to remain at the scene of certain accidents; making a stylistic change; and generally relating to the expungement of driving records.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–117.1
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

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

Article – Transportation

16–117.1.

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

(b) Except as provided in [subsections] **SUBSECTION** (c) [and (e)] of this section and [in] Subtitle 8 of this title, [if a licensee applies for the expungement of the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



licensee's public driving record, the Administration shall expunge the record if, at the time of application:

(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 or revoked;

(ii) 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 and no revocations; or

(iii) Within the preceding 10 years:

1. 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;

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

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

[(i)] 1. A violation of § 20–102 of this article;

[(ii)] 2. A violation of § 21–902 of this article; or

[(iii)] **3.** A moving violation identical or substantially similar to § 20–102 or § 21–902 of this article; and

[(3)] **(III)** Whose license or privilege to drive never has been suspended or revoked;

(2) (I) WHO HAS NOT BEEN CONVICTED OF A MOVING VIOLATION OR CRIMINAL OFFENSE INVOLVING A MOTOR VEHICLE FOR THE PRECEDING 5 YEARS; AND

(II) WHOSE LICENSE OR PRIVILEGE TO DRIVE HAS NEVER BEEN REVOKED AND HAS NOT BEEN SUSPENDED MORE THAN ONCE; OR

(3) (I) WHO HAS NOT BEEN CONVICTED OF A MOVING VIOLATION OR CRIMINAL OFFENSE INVOLVING A MOTOR VEHICLE FOR THE PRECEDING 10 YEARS; AND

(II) WHO HAS NOT BEEN CONVICTED OF, OR BEEN GRANTED PROBATION BEFORE JUDGMENT, WITHIN THE PRECEDING 10 YEARS, FOR:

- 1. A VIOLATION OF § 20–102 OF THIS ARTICLE;**
- 2. A VIOLATION OF § 21–902 OF THIS ARTICLE; OR**
- 3. A VIOLATION IDENTICAL OR SUBSTANTIALLY SIMILAR TO § 20–102 OR § 21–902 OF THIS ARTICLE.**

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

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

(2) A CONVICTION OR PROBATION BEFORE JUDGMENT DISPOSITION FOR A VIOLATION OF:

- (I) § 20–102 OF THIS ARTICLE;**
- (II) § 21–902 OF THIS ARTICLE; OR**
- (III) A VIOLATION IDENTICAL OR SUBSTANTIALLY SIMILAR TO § 20–102 OR § 21–902 OF THIS ARTICLE; OR**

(3) A VIOLATION OF § 16–205.1 OF THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.