

Chapter 717

(House Bill 1017)

AN ACT concerning

Motor Vehicle Administration – Driving Records – Expungement

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

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 16–117.1
 Annotated Code of Maryland
 (2012 Replacement Volume and 2016 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 (c) and (e) of this section and in Subtitle 8 of this title, if a licensee applies for the expungement of the licensee’s public driving record, the] **THE** Administration shall expunge the **PUBLIC DRIVING** record **OF A LICENSEE** 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 **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~~ **LICENSEE** has not driven a motor vehicle on the highways during the particular conviction-free period on which the ~~request~~ **EXPUNGEMENT** 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

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

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

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

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

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

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

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

Approved by the Governor, May 25, 2017.