

January 25, 2024

The Honorable William C. Smith, Jr.  
Chair, Senate Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis, MD 21401

***Re: Letter of Information – Senate Bill 118 – Expungement and Shielding - Probation  
Before Judgment for Driving While Impaired or Under the Influence***

Dear Chair Smith and Committee Members:

The Maryland Department of Transportation (MDOT) offers the following letter of information for the Committee's consideration on Senate Bill 118.

Senate Bill 118 makes certain alterations to an individual's ability to pursue expungement of certain misdemeanor and felony records. Among those offenses in the proposed legislation is a violation of § 21-902 of the Transportation Article, which covers driving under the influence of alcohol.

The MDOT Motor Vehicle Administration (MVA) maintains driving records that can include notations of convictions for certain offenses. The maintenance and expungement of these driving records are controlled by the Transportation Article and by the Public Information Act.

Given current law, MDOT does not interpret Senate Bill 118 as applying to records maintained by MVA; however, should that be the intent, this could potentially establish a conflict in its lack of clarity on scope of records. To be compliant with the interstate driver's compact and for other federal purposes regarding commercial driver's licenses, the MVA must maintain appropriate record keeping for drunk driving offenses.

The Maryland Department of Transportation respectfully requests the Committee consider this information during its deliberations of Senate Bill 118.

Respectfully submitted,

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