

March 5, 2024

The Honorable Luke Clippinger
Chair, House Judiciary Committee
101 House Office Building
Annapolis Maryland 21401

***Re: Letter of Information – House Bill 867 – Expungement and Shielding - Probation
Before Judgment for Driving While Impaired or Under the Influence***

Dear Chair Clippinger and Committee Members:

The Maryland Department of Transportation (MDOT) offers the following letter of information for the Committee's consideration on House Bill 867.

House Bill 867 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 House Bill 867 as applying to records maintained by the 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 House Bill 867.

Respectfully submitted,

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