

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Transportation
(DLS Control No. 20-075)**

Overview and Legal and Fiscal Impact

This regulation clarifies procedures for the Motor Vehicle Administration to automatically expunge the public driving record of a licensee for non-driver safety suspensions. The regulation specifies that non-driver safety suspensions become eligible for expungement one year after the suspension period ends.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Transportation:

Motor Vehicle Administration – Administrative Procedures:

Expungement of Public Motor Vehicle Administration Records: COMAR 11.11.16.02

Legal Analysis

Background

Section 16-117.1 of the Transportation Article and COMAR 11.11.16.02 outline the administration's policies for the expungement of a public driving record of a licensee. COMAR 11.11.16.02(A) specifies that a licensee's public driving record entries that are eligible for expungement shall be expunged within 31 days of becoming eligible for expungement. However, § 16-117.1 and the current regulation do not specify when non-driver safety suspensions become eligible for expungement.

Summary of Regulation

The regulation specifies that driver's license suspensions that are not related to driver safety become eligible for expungement one year after the suspension period ends.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The administration cites §§ 12-104(b) and 16-117.1 of the Transportation Article as authority for the regulation. Section 12-104(b) authorizes the administration to adopt rules and regulations to carry out provisions of the Maryland Vehicle Law that relate to or are administered and enforced by the administration and provisions of any other law that the administration is authorized to administer and enforce. Section 16-117.1 specifies when expunging certain driving records is required, authorized, and prohibited. Additionally, § 16-117.1 authorizes the administration to adopt regulations to carry out the section.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The administration advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The administration advises that the regulation has minimal or no impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

Legal Analysis: Heather M. Marchione – (410) 946/(301) 970-5350

Fiscal Analysis: Eric Pierce – (410) 946/(301) 970-5510