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**By: Delegate Bissett**

Introduced and read first time: January 29, 1997

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Recording of PBJs - Select Offenses**

3 FOR the purpose of requiring the Motor Vehicle Administration to maintain certain  
4 records pertaining to specified offenses under the Maryland Vehicle Law when a  
5 court grants a person probation before judgment (PBJ).

6 BY repealing and reenacting, with amendments,  
7 Article - Transportation  
8 Section 16-117  
9 Annotated Code of Maryland  
10 (1992 Replacement Volume and 1996 Supplement)

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

13 **Article - Transportation**

14 16-117.

15 (a) The Administration shall keep a record of:

16 (1) Each driver's license application that it receives;

17 (2) Each driver's license that it issues; and

18 (3) Each licensee whose license to drive the Administration has suspended  
19 or revoked, and the reasons for the action.

20 (b) (1) The Administration shall file each accident report and abstract of court  
21 disposition records that it receives under the laws of this State.

22 (2) The Administration shall keep convenient records or make suitable  
23 notations showing the convictions or traffic accidents in which each licensee has been  
24 involved and every probation before judgment disposition of any violation of [§ 21-902]  
25 §§ 16-303, 20-102 THROUGH 20-105, 21-902, AND 21-904 of this article. A record or notation  
26 of a probation before judgment disposition, or a first offense of driving with an alcohol  
27 concentration of 0.10 or more under § 16-205.1 of this article, shall be segregated by the  
28 Administration and shall be available only to the Administration, the courts, criminal  
29 justice agencies, and the defendant or his attorney. However, a record or notation of a

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1 probation before judgment, or a first offense of driving with an alcohol concentration of  
2 0.10 or more under § 16-205.1 of this article, may not be received or considered by the  
3 courts until a plea of guilty or nolo contendere is made by the defendant or a finding of  
4 guilty is made by the court.

5 (3) These records or notations shall be made so that they are readily  
6 available for consideration by the Administration of any license renewal application and  
7 at any other suitable time.

8 (4) Accident reports and abstracts of court convictions pertaining to driving  
9 an emergency vehicle, if received by a person who was driving an emergency vehicle  
10 pursuant to the provisions of § 21-106 of this article, shall be segregated by the  
11 Administration and shall be available only to the Administration.

12 (5) Except as provided in this section, an employee of the Administration  
13 may not disclose any records or information regarding probation before judgment, or a  
14 first offense of driving with an alcohol concentration of 0.10 or more under § 16-205.1 of  
15 this article.

16 (c) If a charge of a Maryland Vehicle Law violation against any individual is  
17 dismissed by a court of competent jurisdiction, a record of the charge and dismissal may  
18 not be included in his driving record.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 1997.