
By: **Delegates Malone, W. Baker, Moe, DeCarlo, Rudolph, Comeau, and V. Mitchell**

Introduced and read first time: February 12, 1998
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Administration - Records - Probation Before Judgment**
3 **Dispositions**

4 FOR the purpose of requiring the Motor Vehicle Administration to keep records and
5 make suitable notations showing probation before judgment dispositions of all
6 violations of the Maryland Vehicle Law; requiring the Administration to
7 segregate records or notations of probation before judgment dispositions and
8 make them available only to certain persons; making stylistic changes; and
9 generally relating to records of probation before judgment dispositions of vehicle
10 law violations.

11 BY repealing and reenacting, with amendments,
12 Article - Transportation
13 Section 16-117
14 Annotated Code of Maryland
15 (1992 Replacement Volume and 1997 Supplement)

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

18 **Article - Transportation**

19 16-117.

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

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

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

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

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

1 (2) The Administration shall keep convenient records or make suitable
2 notations showing the convictions or traffic accidents in which each licensee has been
3 involved and every probation before judgment disposition of any violation of [§
4 21-902 of] this article. A record or notation of a probation before judgment
5 disposition, or a first offense of driving with an alcohol concentration of 0.10 or more
6 under § 16-205.1 of this [article] TITLE, shall be segregated by the Administration
7 and shall be available only to the Administration, the courts, criminal justice
8 agencies, and the defendant or [his] THE DEFENDANT'S attorney. However, a record
9 or notation of a probation before judgment, or a first offense of driving with an alcohol
10 concentration of 0.10 or more under § 16-205.1 of this [article] TITLE, may not be
11 received or considered by the courts until a plea of guilty or nolo contendere is made
12 by the defendant or a finding of guilty is made by the court.

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

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

20 (5) Except as provided in this section, an employee of the Administration
21 may not disclose any records or information regarding probation before judgment, or
22 a first offense of driving with an alcohol concentration of 0.10 or more under §
23 16-205.1 of this [article] TITLE.

24 (c) If a charge of a Maryland Vehicle Law violation against any individual is
25 dismissed by a court of competent jurisdiction, a record of the charge and dismissal
26 may not be included in [his] THE INDIVIDUAL'S driving record.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 1998.