
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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 27, 1998

CHAPTER _____

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; requiring the Motor Vehicle
9 Administration to expunge certain records pertaining to probation before
10 judgment; making stylistic changes; and generally relating to records of
11 probation before judgment dispositions of vehicle law violations.

12 BY repealing and reenacting, with amendments,
13 Article - Transportation
14 Section 16-117 and 16-117.1(d)
15 Annotated Code of Maryland
16 (1992 Replacement Volume and 1997 Supplement)

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

19 **Article - Transportation**

20 16-117.

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

- 1 (1) Each driver's license application that it receives;
- 2 (2) Each driver's license that it issues; and
- 3 (3) Each licensee whose license to drive the Administration has
4 suspended or revoked, and the reasons for the action.

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

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

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

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

27 (5) Except as provided in this section, an employee of the Administration
28 may not disclose any records or information regarding probation before judgment, or
29 a first offense of driving with an alcohol concentration of 0.10 or more under §
30 16-205.1 of this [article] TITLE.

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

34 16-117.1.

35 (d) The Administration shall expunge from its driver record data base the
36 driving record of an individual OR A PROBATION BEFORE JUDGMENT DISPOSITION OF
37 AN INDIVIDUAL;

38 (1) Who has not been convicted of a moving violation or criminal offense
39 involving a motor vehicle for the preceding 3 years;

1 (2) Who has not been convicted of, or been granted probation before
2 judgment for:

3 (i) A violation of § 20-102 of this article;

4 (ii) A violation of § 21-902 of this article; or

5 (iii) A moving violation identical or substantially similar to § 20-102
6 or § 21-902 of this article; and

7 (3) Whose license or privilege to drive never has been suspended or
8 revoked.

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