

HOUSE BILL 57

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HB 374/98 - CGM

1999 Regular Session
9lr0034

By: **Chairman, Commerce and Government Matters Committee**
(Departmental - State Police, Dept. of)

Introduced and read first time: January 20, 1999
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Retention and Assessment of Points - Date of Conviction**

3 FOR the purpose of providing that the retention of points against an individual be for
4 a certain period of time; providing that the retention for a report of conviction be
5 for a certain period of time; providing that the assessment of points be retained
6 for a certain period of time from the date of conviction, rather than from the
7 date of violation; defining certain terms; providing for a delayed effective date;
8 and generally relating to the retention and assessment of points.

9 BY repealing and reenacting, with amendments,
10 Article - Transportation
11 Section 12-111 and 16-407
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 1998 Supplement)

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

16 **Article - Transportation**

17 12-111.

18 (A) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (2) "RECORD" HAS THE MEANING PROVIDED IN §§ 10-101 AND 10-102 OF
21 THE COURTS ARTICLE.

22 (3) "RECORD ENTRY" MEANS A NOTATION OF DATA INTO A RECORD,
23 INCLUDING A DISPOSITION BY A COURT OF COMPETENT JURISDICTION, BY AN
24 ADMINISTRATIVE LAW JUDGE, OR BY THE MOTOR VEHICLE ADMINISTRATION.

25 [(a)] (B) The Administration shall keep a record of each application or other
26 document filed with it and each certificate or other official document that it issues.

1 [(b)] (C) (1) Subject to § 10-616(p) of the State Government Article, and
2 except as otherwise provided by law, all records of the Administration are public
3 records and open to public inspection during office hours.

4 (2) Subject to paragraph (4) of this subsection, the Administrator may
5 classify as confidential and not open to public inspection any record or record entry:

6 (i) That is over 5 years old; or

7 (ii) That relates to any happening that occurred over 5 years
8 earlier.

9 (3) Subject to § 10-616(p) of the State Government Article, a record or
10 record entry of any age shall be open to inspection by authorized representatives of
11 any federal, State, or local governmental agency.

12 (4) Subject to paragraph (3) of this subsection, the Administrator may
13 not open to public inspection any record or record entry that is:

14 (i) All or part of a licensed driver's public driving record; and

15 (ii) Over 3 years old.

16 (5) Subject to paragraph (6) of this subsection, the Administration may
17 not permit public inspection of a digital photographic image or signature of an
18 individual, or the actual stored data thereof, recorded by the Administration.

19 (6) The Administration may make a digital photographic image or
20 signature of an individual, or the actual stored data thereof, recorded by the
21 Administration available to:

22 (i) The courts;

23 (ii) Criminal justice agencies;

24 (iii) Driver license authorities;

25 (iv) The individual;

26 (v) The individual's attorney;

27 (vi) Third parties designated by the individual; and

28 (vii) The Child Support Enforcement Administration.

29 [(c)] (D) Except for records required by law to be kept in their original or other
30 specified form, the Administrator may order any record of the Administration to be
31 kept on microfilm or in other microform, and the original destroyed.

32 [(d)] (E) Except for records required by law to be kept longer, the
33 Administrator may destroy any record of the Administration that it has kept for 3

1 years or more and that the Administrator considers obsolete and unnecessary to the
2 work of the Administration.

3 16-407.

4 A point assessed under this subtitle shall be retained for a period of 2 years from
5 the date of [violation] CONVICTION.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect January 1, 2000.