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By: **Delegates Malone, Benson, Dewberry, Minnick, Moe, Rudolph, DeCarlo,  
W. Baker, Mandel, Dypski, Klausmeier, Riley, Bobo, Sophocleus, and  
Clagett**

Introduced and read first time: February 11, 1999  
Assigned to: Commerce and Government Matters

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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; 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 (1998 Replacement Volume and 1998 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:

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

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

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

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

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

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

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

23 (5) Except as provided in this section, an employee of the Administration  
24 may not disclose any records or information regarding probation before judgment, or  
25 a first offense of driving with an alcohol concentration of 0.10 or more under §  
26 16-205.1 of this [article] TITLE.

27 (c) If a charge of a Maryland Vehicle Law violation against any individual is  
28 dismissed by a court of competent jurisdiction, a record of the charge and dismissal  
29 may not be included in the individual's driving record.

30 16-117.1.

31 (d) The Administration shall expunge from its driver record data base the  
32 driving record of an individual OR A PROBATION BEFORE JUDGMENT DISPOSITION OF  
33 AN INDIVIDUAL:

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

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

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

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

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

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 1999.