
By: **Delegate Bronrott**

Introduced and read first time: February 2, 2001

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Administration - Records - Violations Committed by Persons**
3 **Under the Age of 21 Years**

4 FOR the purpose of requiring the Motor Vehicle Administration to keep certain
5 records of certain alcohol-related violations committed by individuals under the
6 age of 21 years; requiring that the records be kept segregated by the
7 Administration and be made available only to certain entities; providing the
8 conditions under which a certain violation may be received or considered by a
9 court; prohibiting the disclosure of certain records except under certain
10 circumstances; defining a certain term; making certain technical corrections;
11 and generally relating to the records of the Motor Vehicle Administration and
12 certain alcohol-related violations committed by a person under the age of 21
13 years.

14 BY repealing and reenacting, with amendments,
15 Article - Courts and Judicial Proceedings
16 Section 3-824(a)(4)(ii)
17 Annotated Code of Maryland
18 (1998 Replacement Volume and 2000 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Transportation
21 Section 16-117
22 Annotated Code of Maryland
23 (1999 Replacement Volume and 2000 Supplement)

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

1 **Article - Courts and Judicial Proceedings**

2 3-824.

3 (a) (4) (ii) In the case of a finding, without an adjudication, that a child
4 has violated § 21-902 of the Transportation Article, the Motor Vehicle Administration
5 shall retain the report in accordance with [§ 16-117(b)(2)] § 16-117(B)(3) of the
6 Transportation Article pertaining to records of [licensees] INDIVIDUALS who receive
7 a disposition of probation before judgment.

8 **Article - Transportation**

9 16-117.

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

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

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

13 (3) Each [licensee] INDIVIDUAL whose license OR PRIVILEGE to drive
14 the Administration has suspended or revoked, and the reasons for the action.

15 (b) (1) IN THIS SUBSECTION, "RECORDABLE VIOLATION" MEANS:

16 (I) A VIOLATION AS DEFINED IN § 3-801 OF THE COURTS ARTICLE;

17 (II) A VIOLATION OF § 26-103 OF THE EDUCATION ARTICLE
18 COMMITTED BY AN INDIVIDUAL UNDER THE AGE OF 21 YEARS; OR

19 (III) A CODE VIOLATION UNDER ARTICLE 27, §§ 400 THROUGH 403 OF
20 THE CODE COMMITTED BY AN INDIVIDUAL UNDER THE AGE OF 21 YEARS.

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

23 [(2)] (3) The Administration shall keep convenient records or make
24 suitable notations showing the convictions or traffic accidents in which each
25 [licensee] INDIVIDUAL has been involved, RECORDABLE VIOLATIONS, and every
26 probation before judgment disposition of any violation of the Maryland Vehicle Law. A
27 record or notation of a probation before judgment disposition, [or] a first offense of
28 driving with an alcohol concentration of 0.10 or more under § 16-205.1 of this title, OR
29 A RECORDABLE VIOLATION shall be segregated by the Administration and shall be
30 available only to the Administration, the courts, criminal justice agencies, and the
31 [defendant] INDIVIDUAL or the [defendant's] INDIVIDUAL'S attorney. However, a
32 record or notation of a probation before judgment, [or] a first offense of driving with
33 an alcohol concentration of 0.10 or more under § 16-205.1 of this title, OR A
34 RECORDABLE VIOLATION may not be received or considered by the courts until a plea
35 [of guilty or nolo contendere is made by the defendant] IS MADE BY THE INDIVIDUAL

1 or a finding of [guilty] GUILT OR A FINDING OF THE COMMISSION OF A DELINQUENT
2 ACT is made by the court.

3 [(3)] (4) These records or notations shall be made so that they are
4 readily available for consideration by the Administration of any license renewal
5 application and at any other suitable time.

6 [(4)] (5) Accident reports and abstracts of court convictions pertaining to
7 driving an emergency vehicle, if received by a person who was driving an emergency
8 vehicle pursuant to the provisions of § 21-106 of this article, shall be segregated by
9 the Administration and shall be available only to the Administration.

10 [(5)] (6) Except as provided in this section, an employee of the
11 Administration may not disclose any records or information regarding probation
12 before judgment, [or] a first offense of driving with an alcohol concentration of 0.10
13 or more under § 16-205.1 of this title, OR A RECORDABLE VIOLATION.

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2001.