

HOUSE BILL 682

R4, R7

4r2676
CF SB 545

By: **Delegates Waldstreicher, Anderson, and Vallario**

Introduced and read first time: January 31, 2014

Assigned to: Environmental Matters and Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Administration – Driving Records – Expungement**

3 FOR the purpose of altering the circumstances under which the Motor Vehicle
4 Administration is required to expunge the driving record or a probation before
5 judgment of an individual; repealing a certain requirement that licensees apply
6 for an expungement of certain driving records before the Administration may
7 expunge them; repealing the Administration’s authority to refuse to expunge
8 certain driving records; prohibiting the Administration from expunging certain
9 drug– and alcohol–related driving offenses and offenses relating to failing to
10 remain at the scene of certain accidents; making a stylistic change; and
11 generally relating to the expungement of driving records.

12 BY repealing and reenacting, with amendments,
13 Article – Transportation
14 Section 16–117.1
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2013 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 16–117.1.

21 (a) In this section, “criminal offense” does not include any violation of the
22 Maryland Vehicle Law.

23 (b) Except as provided in [subsections] **SUBSECTION** (c) [and (e)] of this
24 section and [in] Subtitle 8 of this title, [if a licensee applies for the expungement of the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 licensee's public driving record, the Administration shall expunge the record if, at the
2 time of application:

3 (1) The licensee does not have charges pending for allegedly
4 committing a moving violation or a criminal offense involving a motor vehicle; and

5 (2) (i) The licensee has not been convicted of a moving violation or
6 a criminal offense involving a motor vehicle for the preceding 3 years, and the
7 licensee's license never has been suspended or revoked;

8 (ii) The licensee has not been convicted of a moving violation or
9 a criminal offense involving a motor vehicle for the preceding 5 years, and the
10 licensee's record shows not more than one suspension and no revocations; or

11 (iii) Within the preceding 10 years:

12 1. The licensee has not been convicted of nor been
13 granted probation before judgment for a violation of § 20–102 or § 21–902 of this
14 article;

15 2. The licensee's driving record shows no convictions
16 from another jurisdiction of a moving violation identical or substantially similar to §
17 20–102 or § 21–902 of this article; and

18 3. The licensee has not been convicted of any other
19 moving violation or criminal offense involving a motor vehicle, regardless of the
20 number of suspensions or revocations.

21 (c) The Administration may refuse to expunge a driving record if it
22 determines that the individual requesting the expungement has not driven a motor
23 vehicle on the highways during the particular conviction-free period on which the
24 request is based.

25 (d) The] **THE** Administration shall expunge from its driver record data base
26 the driving record of an individual or a probation before judgment disposition of an
27 individual:

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

30 **[(2)] (II)** Who has not been convicted of, or been granted probation
31 before judgment for:

32 **[(i)] 1.** A violation of § 20–102 of this article;

33 **[(ii)] 2.** A violation of § 21–902 of this article; or

1 [(iii)] **3.** A moving violation identical or substantially similar
2 to § 20–102 or § 21–902 of this article; and

3 [(3)] **(III)** Whose license or privilege to drive never has been
4 suspended or revoked;

5 **(2) (I) WHO HAS NOT BEEN CONVICTED OF A MOVING**
6 **VIOLATION OR CRIMINAL OFFENSE INVOLVING A MOTOR VEHICLE FOR THE**
7 **PRECEDING 5 YEARS; AND**

8 **(II) WHOSE LICENSE OR PRIVILEGE TO DRIVE HAS NEVER**
9 **BEEN REVOKED AND HAS NOT BEEN SUSPENDED MORE THAN ONCE; OR**

10 **(3) (I) WHO HAS NOT BEEN CONVICTED OF A MOVING**
11 **VIOLATION OR CRIMINAL OFFENSE INVOLVING A MOTOR VEHICLE FOR THE**
12 **PRECEDING 10 YEARS; AND**

13 **(II) WHO HAS NOT BEEN CONVICTED OF, OR BEEN GRANTED**
14 **PROBATION BEFORE JUDGMENT, WITHIN THE PRECEDING 10 YEARS, FOR:**

15 1. A VIOLATION OF § 20–102 OF THIS ARTICLE;

16 2. A VIOLATION OF § 21–902 OF THIS ARTICLE; OR

17 3. A VIOLATION IDENTICAL OR SUBSTANTIALLY
18 SIMILAR TO § 20–102 OR § 21–902 OF THIS ARTICLE.

19 [(e)] **(C)** Notwithstanding any other provision of this section, the
20 Administration may not expunge:

21 **(1)** [any] ANY driving records before the expiration of the time they
22 are required to be retained under § 16–819 of this title;

23 **(2) A CONVICTION OR PROBATION BEFORE JUDGMENT**
24 **DISPOSITION FOR A VIOLATION OF:**

25 **(I) § 20–102 OF THIS ARTICLE;**

26 **(II) § 21–902 OF THIS ARTICLE; OR**

27 **(III) A VIOLATION IDENTICAL OR SUBSTANTIALLY SIMILAR**
28 **TO § 20–102 OR § 21–902 OF THIS ARTICLE; OR**

29 **(3) A VIOLATION OF § 16–205.1 OF THIS TITLE.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2014.