

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 682 (Delegate Waldstreicher, *et al.*)
Environmental Matters and Judiciary

Motor Vehicle Administration - Driving Records - Expungement

This bill alters the process for expungement by the Motor Vehicle Administration (MVA) of a driving record or probation before judgment disposition by repealing the process for manual expungement on request, but otherwise maintaining a process for automatic expungement from the MVA database. The bill also alters the criteria for expungement by repealing, as a condition for expungement, that the licensee does not have charges pending for allegedly committing a moving violation or a criminal offense involving a motor vehicle. Additionally, the bill prohibits expungement of a conviction or probation before judgment disposition for a violation involving the failure to remain at the scene of an accident that resulted in death or bodily injury, for driving while impaired or under the influence of drugs or alcohol, for refusing to submit to a test for intoxication, or for failing a test for intoxication. Finally, the bill repeals the authority of MVA to refuse to expunge a driving record if it determines that an individual has not driven a motor vehicle on the highways during the conviction-free period.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Generally, if a licensee applies for expungement of a driving record, MVA is required to expunge the record if, at the time of the application, the licensee does not have charges pending for allegedly committing a moving violation or a “criminal offense” (defined to exclude violations of the Maryland Vehicle Law) involving a motor vehicle, and the licensee:

- has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding three years, and has never had his or her license suspended or revoked;
- has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding five years, and the driving record shows one or fewer suspensions and no revocations; or
- within the preceding 10 years has not been convicted of or granted probation before judgment for a violation including the failure to remain at the scene of an accident that resulted in bodily injury or death or driving while impaired or under the influence of drugs or alcohol (including convictions from other jurisdictions), and has not been convicted of any other moving violation or criminal offense involving a motor vehicle, regardless of the number of suspensions or revocations.

Additionally, MVA must *automatically* expunge from its driver record database the driving record or probation before judgment disposition of an individual:

- who has not been convicted of a moving violation or criminal offense involving a motor vehicle for the preceding three years;
- who has not been convicted of, or been granted probation before judgment for, a violation involving the failure to remain at the scene of an accident that resulted in bodily injury or death or driving while impaired by or under the influence of drugs or alcohol; and
- whose license or privilege to drive never has been suspended or revoked.

MVA may refuse to expunge a driving record if it determines that the individual requesting the expungement has not driven a motor vehicle on the highways during the particular conviction-free period. MVA may not expunge any driving records of holders of a commercial driver’s license before the expiration of the time they are required to be retained.

Additional Information

Prior Introductions: None.

Cross File: SB 545 (Senator Ramirez, *et al.*) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 16, 2014
mc/ljm

Analysis by: Evan M. Isaacson

Direct Inquiries to:
(410) 946-5510
(301) 970-5510