



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

House Bill 1488
Motor Vehicle Administration - Driving Records – Expungement
In the Judiciary Committee
Hearing on February 28, 2024
Position: FAVORABLE

Maryland Legal Aid (MLA) submits its written and oral testimony on HB 1488 in response to a request from Delegate Conaway.

MLA is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. We serve residents in each of Maryland's 24 jurisdictions and handle a range of civil legal matters, including criminal record expungements.

Over the past several years, the General Assembly has increased expungement opportunities for Marylanders. Just last year, the REDEEM Act of 2023 expanded the universe of case types eligible for expungements and shortened the waiting periods for expungement of convictions. Expungement expansion must be coupled with laws and regulations that prevent discrimination based on expunged records. Expungement exists to give people second chances. But if expunged records can still have civil implications, the expungement statute has no practical effect.

MLA testifies in support of House Bill 1488. HB 1488 will help limit the impact of collateral consequences resulting from criminal records. This bill expands the benefits of criminal record expungement by requiring that the Motor Vehicle Administration expunge public driving records that are associated with expunged criminal cases. Driving records impact MLA clients financially. Points on a license can increase car insurance payments. They can also have significant impacts on people's ability to work. Expunging driving records helps avoid license suspensions and ensures individuals can keep jobs with rideshare companies or qualify for commercial driver's licensing programs. An active driver's license is essential for many other aspects of daily life, especially in areas without reliable public transportation.

In 2022, the expungement statute expanded to include misdemeanor charges under Maryland Transportation Article 16-303; these charges are related to driving on a suspended license. Prior to this change, Maryland Legal Aid clients regularly received convictions for traffic offenses that could never be expunged, and, importantly, acted as subsequent convictions that essentially

“locked in” other offenses and prevented them from being expunged. With the changes in the law, individuals can now receive expungements for criminal traffic offenses charged under 16-303 after completing the five-year waiting period. However, there is not currently a traffic regulation to require the MVA to comply with expunging the related traffic records. HB 1488 would provide this fix.

Driving on a suspended license is one of the most common offenses on MLA’s clients’ records. In 2023, the MVA reported 20,512 driver’s license suspensions for child support arrearages alone. This number does not consider the many other reasons that a person could have their license suspended. Many individuals do not realize they have a suspended license, because they are not given notice or because the notice is sent to an old address, and when they are pulled over for speeding, they end up with a suspended license charge.

The traffic regulations already require the MVA to expunge certain types of records. Adding a provision requiring automatic expungement of driving records related to expunged court and police records ensures that someone who receives a criminal record expungement receives a full expungement.

MLA urges passage of House Bill 1448 and looks forward to next steps. If you would like additional information on this bill or the underlying issues it addresses, please contact Meaghan McDermott, Chief Attorney, at mmcdermott@mdlabor.org or 410-951-7635.