
March 3, 2026

The Honorable J. Sandy Bartlett
Chair, Judiciary Committee
100 Taylor House Office Building
Annapolis, MD 21401

***RE: Letter of Information – House Bill 360 – Criminal Procedure – Automated
Expungement (Clean Slate Act of 2026)***

Dear Chair Bartlett and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on House Bill 360 and offers the following information for the Committee’s consideration.

HB 360 requires the Department of Public Safety and Correctional Services and the Judiciary to expunge all cases meeting certain criteria on or before July 1, 2028 and newly eligible cases thereafter on a monthly basis.

The MDOT Motor Vehicle Administration (MVA) maintains driving records that can include notations of convictions for certain offenses. The maintenance and expungement of these driving records are controlled by the Transportation Article, specifically § 12-111 through 12-113, 16-117, 16-117.1, and 16-819 (for commercial drivers), and by the Public Information Act.

Moreover, the record expungement provisions of HB 360 are found in the Criminal Procedure Article, Title 10, Subtitle 1. The scope of that subtitle can be found in § 10-102(a), which provides that “[a] police record or a court record is subject to expungement under this subtitle.”

Accordingly, given the scope of Subtitle 1 noted above, and the specific expungement provisions in the Transportation Article applicable to Administration records, the MVA does not view the provisions of HB 360 as applying to records maintained by the Administration. Thus, MVA records would be unaffected by the passage of HB 360.

However, while it is the position of the MVA that the Criminal Procedure articles do not apply to its records that fall under the Transportation Article, there is further language in § 10-110 which creates a potential point of conflict with earlier definitions and scopes of Title 10 which could be confusing to customers. Specifically, § 10-110 adds “or other record maintained by the State or a political subdivision of the State.” HB 360 is written to then include § 21–902 of the Transportation Article within § 10-110. The MVA must maintain appropriate record keeping for drunk driving offenses as a component of its interstate driver’s compact and for federal purposes relating to commercial driver’s licenses. It is paramount that the MVA be able to appropriately maintain these records to meet such obligations, and HB 360 could potentially establish a conflict in its lack of clarity on scope of records.

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The Maryland Department of Transportation respectfully requests the committee consider this information during its deliberation of House Bill 360.

Respectfully submitted,

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