

SENATE BILL 152

R3, R7

6lr1083

By: **Senator Salling**

Introduced and read first time: January 15, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Driving Records – Expungement – Refusal to Submit to Chemical Test for**
3 **Intoxication**

4 FOR the purpose of requiring the Motor Vehicle Administration to expunge a certain
5 driving record solely with respect to a licensee’s refusal to submit to a chemical test
6 for intoxication under certain circumstances; and generally relating to the
7 expungement of driving records.

8 BY repealing and reenacting, with amendments,

9 Article – Transportation

10 Section 16–117.1

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2015 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Transportation**

16 16–117.1.

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

19 (b) Except as provided in subsections [(c)] (D) and [(e)] (F) of this section and in
20 Subtitle 8 of this title, if a licensee applies for the expungement of the licensee’s public
21 driving record, the Administration shall expunge the record if, at the time of application:

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

7 (iii) Within the preceding 10 years:

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

10 2. The licensee's driving record shows no convictions from
11 another jurisdiction of a moving violation identical or substantially similar to § 20–102 or
12 § 21–902 of this article; and

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

16 **(C) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION AND IN**
17 **SUBTITLE 8 OF THIS TITLE, IF A LICENSEE APPLIES FOR THE EXPUNGEMENT OF THE**
18 **LICENSEE'S PUBLIC DRIVING RECORD SOLELY WITH RESPECT TO A VIOLATION OF §**
19 **16–205.1 OF THIS TITLE, THE ADMINISTRATION SHALL EXPUNGE THE RECORD IF,**
20 **AT THE TIME OF APPLICATION:**

21 **(1) THE LICENSEE HAS BEEN CHARGED WITH AND FOUND NOT**
22 **GUILTY OF A VIOLATION OF § 21–902 OF THIS ARTICLE ARISING OUT OF THE SAME**
23 **CIRCUMSTANCES AS THE VIOLATION OF § 16–205.1 OF THIS TITLE; AND**

24 **(2) ANY SUSPENSION OR DISQUALIFICATION PERIOD IMPOSED**
25 **UNDER § 16–205.1 OF THIS TITLE HAS EXPIRED.**

26 **[(c)] (D)** The Administration may refuse to expunge a driving record if it
27 determines that the individual requesting the expungement has not driven a motor vehicle
28 on the highways during the particular conviction-free period on which the request is based.

29 **[(d)] (E)** The Administration shall expunge from its driver record data base the
30 driving record of an individual or a probation before judgment disposition of an individual:

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

1 (2) Who has not been convicted of, or been granted probation before
2 judgment for:

3 (i) A violation of § 20–102 of this article;

4 (ii) A violation of § 21–902 of this article; or

5 (iii) A moving violation identical or substantially similar to § 20–102
6 or § 21–902 of this article; and

7 (3) Whose license or privilege to drive never has been suspended or
8 revoked.

9 **[(e)] (F)** Notwithstanding any other provision of this section, the Administration
10 may not expunge any driving records before the expiration of the time they are required to
11 be retained under § 16–819 of this title.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2016.