

1982

CONSTITUTIONAL AND PUBLIC LAW COMMITTEE

P2R 4/8

P3R 4/10

HB 1480 Transportation - Expungement
of Driving Records (Kopp, Dept '1.)



HARRY HUGHES
GOVERNOR

STATE OF MARYLAND
EXECUTIVE DEPARTMENT
GOVERNOR'S INFORMATION PRACTICES COMMISSION

ARTHUR S. DREA, JR.
CHAIRMAN

April 9, 1982

The Honorable Joseph E. Owens
Chairman
House Judiciary Committee
121 Lowe House Office Building
Annapolis, Maryland 21401

Dear Delegate Owens:

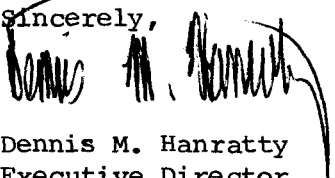
Yesterday evening, the Senate accepted the report of the Constitutional and Public Law Committee regarding ~~House Bill 1480~~ (Transportation- Expungement of Driving Records). It is expected that House Bill 1480 will be considered on third reading today.

In giving a favorable report to House Bill 1480, the Constitutional and Public Law Committee adopted the proposed amendments offered by Mr. William T.S. Bricker, Motor Vehicle Administrator. These amendments would permit automatic expungement of a driving record if a 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 license suspended or revoked. However, a written application for expungement would continue to be required for a licensee whose record indicates past suspensions or revocations. The Motor Vehicle Administration would prefer to receive written applications in those cases involving suspensions or revocations, in order to ensure that the licensee was actually driving a motor vehicle during the conviction-free period.

The Governor's Information Practices Commission concurs completely with the amendments proposed by Mr. Bricker and adopted by the Constitutional and Public Law Committee. The Commission urges you, therefore, to accept the Senate's amendments to House Bill 1480.

Thank you for your consideration of this request.

Sincerely,



Dennis M. Hanratty
Executive Director

cc: Delegate Nancy Kopp

Enclosure

BY THE CONSTITUTIONAL AND PUBLIC LAW COMMITTEE

AMENDMENTS TO HOUSE BILL NO. 1480

(THIRD READING FILE BILL)

AMENDMENT No. 1

IN THE LINE AFTER LINE 53 ON PAGE 1, STRIKE "ALL" AND SUBSTITUTE "CERTAIN"; AND IMMEDIATELY AFTER "SATISFIED" INSERT "; AND PROVIDING FOR THE EXPUNGEMENT, UPON APPLICATION, OF DRIVING RECORDS BY THE MOTOR VEHICLE ADMINISTRATION UNDER CERTAIN CIRCUMSTANCES".

AMENDMENT No. 2

IN LINE 90 ON PAGE 2, STRIKE "(c)" AND SUBSTITUTE "(D)".

AMENDMENT No. 3

IN THE LINE AFTER LINE 93 ON PAGE 2, STRIKE THE COLON; IN LINE 96, STRIKE "(1) THE" AND SUBSTITUTE "THE"; AND IN THE LINE AFTER LINE 98 ON PAGE 2, STRIKE "; " AND SUBSTITUTE "1".

AMENDMENT No. 4

AFTER THE LINE AFTER LINE 98 ON PAGE 2, INSERT THE FOLLOWING:

"(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, IF A LICENSE APPLIES FOR THE EXPUNGEMENT OF HIS PUBLIC DRIVING RECORD, THE ADMINISTRATION SHALL EXPUNGE THE RECORD IF, AT THE TIME OF APPLICATION:".

AMENDMENT No. 5

IN LINE 101 ON PAGE 2, STRIKE "(2)" AND SUBSTITUTE "(1)"; IN LINE 106, STRIKE "(3)" AND SUBSTITUTE "(2)"; AND IN LINE 110 STRIKE "(c)" AND SUBSTITUTE "(D)".

1480
① ~~Bill~~ Public Records not records for judges
members goes Info-Practices
Commission

BILL DOES NOT DO

↓

- ① doesn't alter standards for expungement
- ② non current mandating of expungement

DOES DO

↳ 87-87

→ removes req. that individual
make a request

because these are people w/
alot of experience + bad
driving records.

Either expunge for all or none →
automatically.

Bricker

SUPD

current practice.

actually does it auto for (1) → L. 90-92
but waits for requests for (2)(3).

16-402 point system - calls for
complying for 2 years -
thereafter comes on
asterisk.

Antine record expunged even for
Judge says Bricker.

Subtitle 2 -

MVA may destroy records
after certain amt. of time.

Insur. Co. get to see
only last 3 years ~~of~~ → by
rates on 3 year record.

Bricker

L-90-92 → Auto expunging
quarterly.

Nothing left for Judge once they
expunge record:

(*) for 21-902 violations to be
kept better amend this
bill.

3 diff. records really

- public record
- litigation record
- law enforcement record (incl. PBJ)

Sweeney

OPPOSES any conflicts w/

HB 878

STATEMENT OF ROBERT F. SWEENEY, CHIEF JUDGE OF
THE DISTRICT COURT OF MARYLAND, CONCERNING ~~HOUSE~~ BILL 1480,
DELIVERED BY MARGARET KOSTRITSKY, CHIEF CLERK, BEFORE THE
HOUSE JUDICIARY COMMITTEE ON MARCH 22, 1982

On behalf of the Administrative Judges of the District Court I would like to express our opposition to the enactment of HB 1480. This bill would authorize the automatic expungement of a licensee's public driving record after a stipulated period of time. We oppose this bill because it is contrary to the provisions of HB 878, which we supported at the hearing before this Committee on Thursday, March 18th. That bill would provide that a record of probation before judgment in a DWI case would remain a permanent part of a defendant's driving record, and we believe that that procedure would better serve the public interest.

Thank you for your consideration of these views.



Maryland Department of Transportation
Office of the Secretary

DATE:
3/22/82

BILL NO.
HB 1480

COMMITTEE: JUD

SUBJECT: Expungement of Driver's
Records

DOT POSITION: SUPPORT

EXPLANATION: HB 1480 would repeal the requirement that a driver make request for expungement of his driving record.

COMMENT: Present law requires a formal request that a driving record be expunged.

The intent of the bill could be accomplished by a data processing program.

STATEMENT OF ROBERT F. SWEENEY, CHIEF JUDGE OF
THE DISTRICT COURT OF MARYLAND, CONCERNING ~~HOUSE~~ BILL 1480,
DELIVERED BY MARGARET KOSTRITSKY, CHIEF CLERK, BEFORE THE
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Thank you for your consideration of these views.

HOUSE OF DELEGATES

21x1902

No. 1480

41

 By: Delegate Kopp (Departmental - Information Practices Commission) 26
 Introduced and read first time: February 12, 1982 28
 Assigned to: Judiciary 30
 ----- 32

A BILL ENTITLED 35

AN ACT concerning 39

Transportation - Expungement of Driving Records 42

FOR the purpose of providing for the automatic expungement of driving records by the Motor Vehicle Administration when all applicable conditions of law are satisfied. 46
 47

BY repealing and reenacting, with amendments, 49

Article - Transportation 52

Section 16-117.1 54

Annotated Code of Maryland 56

(1977 Volume and 1981 Supplement) 57

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland read(s) as follows: 60
 61

Article - Transportation 64

16-117.1. 67

(a) (1) In this section the following words have the meanings indicated. 70
 71

(2) "Criminal offense" does not include any violation of the Maryland Vehicle Law. 74
 75

(3) "Moving violation" means a moving violation of the Maryland Vehicle Law other than a violation of any of its size, weight, load, equipment, or inspection provisions. 78
 79
 80

(b) Except as provided in subsection (c) of this section, [if a licensee applies for the expungement of his public driving record,] the Administration shall expunge [the] A LICENSEE'S PUBLIC DRIVING record if[, at the time of application]: 84
 85
 87

 EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter deleted from existing law.
 Numerals at right identify computer lines of text.

- (1) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 3 years, and his license never has been suspended or revoked; 90
91
92
- (2) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 5 years, and his record shows not more than one suspension and no revocations; or 95
96
97
- (3) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 10 years, regardless of the number of suspensions or revocations. 100
101
102
- (c) The Administration 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 on which he bases his request. 104
105
106
107

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1982. 111

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DEPARTMENT OF FISCAL SERVICES

MARYLAND GENERAL ASSEMBLY
 LEGISLATIVE SERVICES BUILDING
 ANNAPOLIS, MARYLAND 21401

Telephone
 (301) 841-3710

FISCAL NOTE ATTACHED

House Bill 1480 (Delegate Kopp) (Departmental - Information Practices Commission)

Judiciary

FUNDS AFFECTED: <input type="checkbox"/> GENERAL <input type="checkbox"/> SPECIAL <input type="checkbox"/> SEE TEXT FOR _____					
FISCAL IMPACT SUMMARY	FY 1983	FY 1984	FY 1985	FY 1986	FY 1987
State Revenues	0	0	0	0	0
State Expenditures	0	0	0	0	0
Net Increase/(Decrease) in State Funds	0	0	0	0	0
SOURCE OF ESTIMATE: <input type="checkbox"/> Agency/DFS Concurrs <input checked="" type="checkbox"/> DFS <input type="checkbox"/> DFS & Agency		LOCAL IMPACT: <input checked="" type="checkbox"/> None <input type="checkbox"/> Revenues <input type="checkbox"/> Expenditures Net Local Effect: _____ (1st FY)			


Summary of Legislation

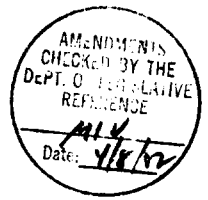
This bill provides the Motor Vehicle Administration shall expunge driver's license records automatically at the required times, rather than waiting for the licensee to request the expungement.

State Revenues and Expenditures

The Department of Fiscal Services advises such automatic expungement would not affect State finances.

Per: E.M. Thomas III ^{EMT}
 jlf
 March 18, 1982


 R. Lee Benson, Director
 Division of Fiscal Research



BY: The Constitutional and Public Law Committee

AMENDMENTS TO HOUSE BILL NO. 1480

(Third Reading File Bill)

AMENDMENT NO. 1

In the line after line 53 on page 1, strike "all" and substitute "certain"; and immediately after "satisfied" insert "; and providing for the expungement, upon application, of driving records by the Motor Vehicle Administration under certain circumstances".

AMENDMENT NO. 2

In line 90 on page 2, strike "(c)" and substitute "(D)".

AMENDMENT NO. 3

In the line after line 93 on page 2, strike the colon; in line 96, strike "(1) The" and substitute "THE"; and in the line after line 98 on page 2, strike ";" and substitute ".".

AMENDMENT NO. 4

After the line after line 98 on page 2, insert the following:

"(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, IF A LICENSEE APPLIES FOR THE EXPUNGEMENT OF HIS PUBLIC DRIVING RECORD, THE ADMINISTRATION SHALL EXPUNGE THE RECORD IF, AT THE TIME OF APPLICATION:"

AMENDMENT NO. 5

In line 101 on page 2, strike "(2)" and substitute "(1)"; in line 106, strike "(3)" and substitute "(2)"; and in line 110 strike "(c)" and substitute "(D)".

DELEGATE Owens
Please notify the Chief Clerk of the House whether you will or will not concur.

HOUSE BILL 1480

THIS BILL IS ONE OF A PACKAGE OF THREE SUBMITTED BY THE GOVERNOR'S INFORMATION PRACTICES COMMISSION. THAT COMMISSION WAS CHAIRED BY MR. ARTHUR PRICE.

THE BILL PROVIDES FOR THE AUTOMATIC EXPUNGEMENT OF DRIVING RECORDS BY THE MVA IN CERTAIN CIRCUMSTANCES. UNDER CURRENT LAW, EXPUNGEMENT IS BY REQUEST OF THE LICENSEE.

AS AMENDED BY THE 5 COMMITTEE AMENDMENTS, THE BILL:

1. PROVIDES FOR AUTOMATIC EXPUNGEMENT IF A DRIVER HAS A CLEAN RECORD FOR 3 YEARS AND HAS NEVER HAD A SUSPENSION OR REVOCATION.

2. IF THE DRIVER HAS EVER HAD A SUSPENSION OR REVOCATION, THEN EXPUNGEMENT CAN ONLY BE DONE UPON APPLICATION AND IF THE DRIVER HAS HAD A CLEAN RECORD FOR THE REQUIRED PERIOD OF TIME (5 YEARS IF ONE PREVIOUS SUSPENSION, 10 YEARS IF A PREVIOUS REVOCATION OR MORE THAN ONE SUSPENSION).

BY THE CONSTITUTIONAL AND PUBLIC LAW COMMITTEE

AMENDMENTS TO HOUSE BILL NO. 1480

(THIRD READING FILE BILL)

AMENDMENT No. 1

IN THE LINE AFTER LINE 53 ON PAGE 1, STRIKE "ALL" AND SUBSTITUTE "CERTAIN"; AND IMMEDIATELY AFTER "SATISFIED" INSERT "; AND PROVIDING FOR THE EXPUNGEMENT, UPON APPLICATION, OF DRIVING RECORDS BY THE MOTOR VEHICLE ADMINISTRATION UNDER CERTAIN CIRCUMSTANCES".

AMENDMENT No. 2

IN LINE 90 ON PAGE 2, STRIKE "(c)" AND SUBSTITUTE "(D)".

AMENDMENT No. 3

IN THE LINE AFTER LINE 93 ON PAGE 2, STRIKE THE COLON; IN LINE 96, STRIKE "(1) THE" AND SUBSTITUTE "THE"; AND IN THE LINE AFTER LINE 98 ON PAGE 2, STRIKE "; " AND SUBSTITUTE "1".

AMENDMENT No. 4

AFTER THE LINE AFTER LINE 98 ON PAGE 2, INSERT THE FOLLOWING:

"(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, IF A LICENSE APPLIES FOR THE EXPUNGEMENT OF HIS PUBLIC DRIVING RECORD, THE ADMINISTRATION SHALL EXPUNGE THE RECORD IF, AT THE TIME OF APPLICATION:".

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IN LINE 101 ON PAGE 2, STRIKE "(2)" AND SUBSTITUTE "(1)"; IN LINE 106, STRIKE "(3)" AND SUBSTITUTE "(2)"; AND IN LINE 110 STRIKE "(c)" AND SUBSTITUTE "(D)".

Marked-up copy

HOUSE OF DELEGATES

21r1902 No. 1480 41

By: Delegate Kopp (Departmental - Information Practices Commission) 28

Introduced and read first time: February 12, 1982 30

Assigned to: Judiciary 32

----- 34

Committee Report: Favorable 35

House action: Adopted 36

Read second time: March 25, 1982 37

----- 38

CHAPTER _____ 41

AN ACT concerning 45

Transportation - Expungement of Driving Records 48

FOR the purpose of providing for the automatic expungement of driving records by the Motor Vehicle Administration when all applicable conditions of law are satisfied. 52
53

BY repealing and reenacting, with amendments, ✓ 55

Article - Transportation 58

Section 16-117.1 60

Annotated Code of Maryland 62

(1977 Volume and 1981 Supplement) 63

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland read(s) as follows: 66
67

Article - Transportation 70

16-117.1. 73

(a) (1) In this section the following words have the meanings indicated. 76
77

(2) "Criminal offense" does not include any violation of the Maryland Vehicle Law. 80
81

(3) "Moving violation" means a moving violation of the Maryland Vehicle Law other than a violation of any of 84
85

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

its size, weight, load, equipment, or inspection provisions. 86

(b) Except as provided in subsection (c) of this section, [if a licensee applies for the expungement of his public driving record,] the Administration shall expunge [the] A LICENSEE'S PUBLIC DRIVING record if[, at the time of application] 90
91
93

(1) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 3 years, and his license never has been suspended or revoked; 96
97
98

(2) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 5 years, and his record shows not more than one suspension and no revocations; or 101
102
103

(3) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 10 years, regardless of the number of suspensions or revocations. 106
107
108

(c) The Administration 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 on which he bases his request. 110
111
112
113

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1982. 117

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.

BY THE CONSTITUTIONAL AND PUBLIC LAW COMMITTEE

AMENDMENTS TO HOUSE BILL NO. 1480

(THIRD READING FILE BILL)

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AMENDMENT No. 4

AFTER THE LINE AFTER LINE 98 ON PAGE 2, INSERT THE FOLLOWING: *LICENSEE*
"(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, IF A LICENSE APPLIES FOR THE EXPUNGEMENT OF HIS PUBLIC DRIVING RECORD, THE ADMINISTRATION SHALL EXPUNGE THE RECORD IF, AT THE TIME OF APPLICATION:".

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Testimony Summary - 1982 Session

BILL: HB 1480

WITNESS: Tom Wedeman

REPRESENTING:

POSITION: Supports Supports with amendments
 Opposes No Position

Summary of testimony:

Now - Expungement of records upon request, except can't be done automatically and automatically every 3 years if suspension or revocation involved

AMD. NEEDED

-
- Suggested language
 - Redo subsection (b)
 - old (c) ~~(a)~~ (d)
 - new (c) - (2) & (3) + lead in
 - (d) with part (1)

Legislative History - 1982 Session

Summary of Committee Proceedings

CPL

Committee

Bill Number HB 1480 Sponsor _____

Title _____

Date of Introduction _____

Date of Hearing 3/31/82 &

Number of Witnesses _____

Number of Witnesses Submitting Written Testimony _____

Correspondence to Committee Yes No

Date of Committee Work Session _____

Committee Action _____

Date Reported to Floor _____

Floor Action* _____

Action in Opposite Chamber* _____

If returned to Chamber of Origin, indicate action there* _____

Final Disposition* _____

*Optional items for Committee Counsels

Documents relating to the bill (checklist for library use):

- First Reader _____
- Third Reader _____
- Enrolled _____
- Fiscal Note _____
- Witness List _____
- Written Testimony, exhibits, and correspondence _____
- Summaries of Testimony _____
- Committee Voting List _____
- Committee Amendments _____
- Floor Voting List _____
- Other _____

Summary of bill, in particular its major intent, purpose or justification (optional and on separate sheet if needed):

HOUSE BILL 1480

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BY THE CONSTITUTIONAL AND PUBLIC LAW COMMITTEE

AMENDMENTS TO HOUSE BILL NO. 1430

(THIRD READING FILE BILL)

AMENDMENT No. 1

IN THE LINE AFTER LINE 53 ON PAGE 1, STRIKE "ALL" AND SUBSTITUTE "CERTAIN"; AND IMMEDIATELY AFTER "SATISFIED" INSERT "; AND PROVIDING FOR THE EXPUNGEMENT, UPON APPLICATION, OF DRIVING RECORDS BY THE MOTOR VEHICLE ADMINISTRATION UNDER CERTAIN CIRCUMSTANCES".

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C

HOUSE OF DELEGATES

21r1902

No. 1480

41

By: Delegate Kopp (Departmental - Information Practices Commission)	28
Introduced and read first time: February 12, 1982	30
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FOR the purpose of providing for the automatic expungement of driving records by the Motor Vehicle Administration when all applicable conditions of law are satisfied. 52 53

BY repealing and reenacting, with amendments, 55

Article - Transportation	58
Section 16-117.1	60
Annotated Code of Maryland	62
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16-117.1. 73

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(3) "Moving violation" means a moving violation of the Maryland Vehicle Law other than a violation of any of 84 85

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

its size, weight, load, equipment, or inspection provisions.

(b) Except as provided in subsection (c) of this section, [if a licensee applies for the expungement of his public driving record,] the Administration shall expunge [the] A LICENSEE'S PUBLIC DRIVING record if[, at the time of application]:

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

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

(3) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 10 years, regardless of the number of suspensions or revocations.

(c) The Administration 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 on which he bases his request.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1982.

auto.

*auto
Michigan
Law.*

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Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.

#A.
1480

Smiths they are doing now - for the most part.
of Reformed.

~~to Be Contain on 4/11/82~~

REGULAR SESSION

MARYLAND HOUSE OF DELEGATES

YEAS N-V NAYS

- Mr. Speaker
- Parlett
- Quade
- Mitchell
- Hagner
- Winegrad
- Burkhead
- Jimeno
- Shandrowsky
- Athey
- Scannello
- Schmincke
- Lighthizer
- Neall
- Smith, E. S.
- Rymar
- Sprague
- Sauerbrey
- Collins
- Connelly
- Weir
- Depazzo
- Minnick
- Staab
- Bromwell
- Burgess, W.
- Rush
- Hughes
- Kernan
- Medairy
- Booth
- Chamberlain
- Kach
- Alperstein
- Hollinger
- Levin

YEAS N-V NAYS

- Kountz
- Masters
- Morsberger
- Horne
- Long, R. C.
- Thomas
- Mackie
- Bienen
- Menes
- Maloney
- Cicoria
- Mooney
- Palumbo
- Bird
- Pesci
- Redding
- Devlin
- Pitkin
- Ryan
- Exum
- Santangelo
- Woods
- Donaldson
- Sheehan
- White
- Blumenthal
- Jones
- Rummage
- McCaffrey
- Vallario
- Wolfgang
- Hickman, C. M.
- Pilchard
- Delphay
- McClellan
- Smith, C. E.

YEAS N-V NAYS

- Amoss
- Adams
- Cox
- Riley, C.
- Hargreaves
- Avara
- O'Malley
- Weisengoff
- Dixon
- Lee
- Young
- Brown
- Campbell
- Perkins
- Brailev
- Conaway
- Rawlings
- Dean
- Murphy
- Phillips
- Cardin
- Shapiro
- Sklar
- Burns
- Hergenroeder
- Pica
- Curran
- McCoy
- Robey
- Chester
- Douglass
- Harrison
- DiPietro
- Cavallaro
- McDonough
- Dietrich

YEAS N-V NAYS

- Dypski
- Miedusiewski
- Hoffman
- Munson
- Muldowney
- Chasnoff
- Hyatt
- Ficker
- Toth
- Goldwater
- Kopp
- Morella
- Forehand
- Owens
- Simmons
- Robertson
- Boergers
- Sher
- Garrott
- Koss
- Maurer
- Bainum
- Hixson
- Ruben
- Byrnes
- Cumiskey
- Taylor
- Beck
- Harchenhorn
- Matthews
- Baker
- Burgess, H.
- Riley, L. R.
- Bolden

YEAS

N-V

NAYS

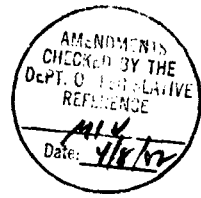
100-200		100-200		100-200	
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1	1	1	1	1	1
2	2	2	2	2	2
3	3	3	3	3	3
4	4	4	4	4	4
5	5	5	5	5	5
6	6	6	6	6	6
7	7	7	7	7	7
8	8	8	8	8	8
9	9	9	9	9	9

BILL NUMBER

HOUSE	BILL	SENATE	RESO.
1000	100	10	1
2000	200	20	2
3000	300	30	3
4000	400	40	4
Joint	500	50	5
2nd R	600	60	6
3rd R	700	70	7
Quo.	800	80	8
Mot.	900	90	9
	000	00	0

DATE

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1	2	1	2	3	4	5	6	7	8	9	0



BY: The Constitutional and Public Law Committee

AMENDMENTS TO HOUSE BILL NO. 1480

(Third Reading File Bill)

AMENDMENT NO. 1

In the line after line 53 on page 1, strike "all" and substitute "certain"; and immediately after "satisfied" insert "; and providing for the expungement, upon application, of driving records by the Motor Vehicle Administration under certain circumstances".

AMENDMENT NO. 2

In line 90 on page 2, strike "(c)" and substitute "(D)".

AMENDMENT NO. 3

In the line after line 93 on page 2, strike the colon; in line 96, strike "(1) The" and substitute "THE"; and in the line after line 98 on page 2, strike ";" and substitute ".".

AMENDMENT NO. 4

After the line after line 98 on page 2, insert the following:

"(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, IF A LICENSEE APPLIES FOR THE EXPUNGEMENT OF HIS PUBLIC DRIVING RECORD, THE ADMINISTRATION SHALL EXPUNGE THE RECORD IF, AT THE TIME OF APPLICATION:".

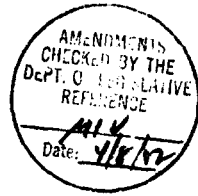
AMENDMENT NO. 5

In line 101 on page 2, strike "(2)" and substitute "(1)"; in line 106, strike "(3)" and substitute "(2)"; and in line 110 strike "(c)" and substitute "(D)".

BY: The Constitutional and Public Law Committee

AMENDMENTS TO HOUSE BILL NO. 1480

(Third Reading File Bill)



AMENDMENT NO. 1

In the line after line 53 on page 1, strike "all" and substitute "certain"; and immediately after "satisfied" insert "; and providing for the expungement, upon application, of driving records by the Motor Vehicle Administration under certain circumstances".

AMENDMENT NO. 2

In line 90 on page 2, strike "(c)" and substitute "(D)".

AMENDMENT NO. 3

In the line after line 93 on page 2, strike the colon; in line 96, strike "(1) The" and substitute "THE"; and in the line after line 98 on page 2, strike ";" and substitute ".".

AMENDMENT NO. 4

After the line after line 98 on page 2, insert the following:

"(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, IF A LICENSEE APPLIES FOR THE EXPUNGEMENT OF HIS PUBLIC DRIVING RECORD, THE ADMINISTRATION SHALL EXPUNGE THE RECORD IF, AT THE TIME OF APPLICATION:".

AMENDMENT NO. 5

In line 101 on page 2, strike "(2)" and substitute "(1)"; in line 106, strike "(3)" and substitute "(2)"; and in line 110 strike "(c)" and substitute "(D)".

ADOPTED
BY THE SENATE
4/8/02
DATE

⑦

CONSTITUTIONAL AND PUBLIC LAW COMMITTEE

Date 4/7/82

SB _____

HB 1480

SJR _____

HJR _____

SR _____

Favorable

Favorable with amendments

Re-refer

Unfavorable

Hold

Other

	Yeas	Nays
CONROY, Chairman.....	<input checked="" type="checkbox"/>	
STONE, Vice Chairman.....	<input checked="" type="checkbox"/>	
DONOVAN.....	<input checked="" type="checkbox"/>	
DYPSKI.....	<input checked="" type="checkbox"/>	
HICKMAN.....	<input checked="" type="checkbox"/>	
KING.....	<input checked="" type="checkbox"/>	
LONG.....	<input checked="" type="checkbox"/>	
SHORE.....	<input checked="" type="checkbox"/>	
TOTAL.....	8	0

MARYLAND STATE SENATE

YEA N-V NAY

- Mr. President _____
- Abrams _____
- Baker _____
- Blount _____
- Bonvegna _____
- Boozer _____
- Broadwater _____
- Cade _____
- Connell _____
- Conroy _____
- Crawford _____

YEA N-V NAY

- Curran _____
- Cushwa _____
- Denis _____
- Donovan _____
- Dorman _____
- Douglass _____
- Dypski _____
- Garrity _____
- Helton _____
- Hickman _____
- Kelly _____
- King _____
- Komenda _____

YEA N-V NAY

- Kramer _____
- Lapidus _____
- Levitan _____
- Long _____
- Malkus _____
- Mason _____
- McGuirk _____
- Miller _____
- Mitchell _____
- Murphy _____
- O'Reilly _____

YEA N-V NAY

- Rasmussen _____
- Schafer _____
- Schweinhaut _____
- Shore _____
- Simpson _____
- Smelser _____
- Steinberg _____
- Stone _____
- Stroble _____
- Thomas _____
- Welcome _____
- Welsh _____

YEAS

N-V

NAYS

BILL NUMBER

DATE: 1

HOUSE SENATE BILL RESO.

0	0	0	0
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
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8	8	8	8
9	9	9	9

1000	100	10	1
2000	200	20	2
3000	300	30	3
4000	400	40	4
Joint	500	50	5
2nd R	600	60	6
3rd R	700	70	7
Gen.	800	80	8
Met	900	90	9
	000	00	0

JAN	2
FEB	3
MAR	1
APR	2
MAY	3
JUN	4
JUL	5
AUG	6
SEP	7
OCT	8
NOV	9
DEC	0

H.H. 1480

Vote Tally
3/24/82
Date

S.B. _____
S.J.R. _____

MOTION: Favorable Amended Re-refer to _____
 Unfavorable Hold Other _____

	YEAS	NAYS	ABSTAIN	ABSENT
OWENS, J., CHAIRMAN	✓			
WOLFGANG, J., V-CHRM.	✓			
MENES, P.	✓			
MC DONOUGH, P.				✓
CICORIA, A.		✓		
CHASNOFF, J.	✓			
VALLARIO, J.		✓		
MATTHEWS, R.		✓		
HYATT, J.		✓		
LEE, LENA				✓
HICKMAN, C.	✓			✓
HORNE, W.				✓
BURNS, A.	✓			
RYMER, T.				✓
HARCHENHORN, L.		✓		
CAVALLARO, L.		✓		
ADAMS, G.	✓			
KOUNTZ, C.		✓		
ALPERSTEIN, A.	✓			
HAGNER, E.		✓		
BYRNES, W.		✓		
PERKINS, A.	✓			
MASTERS, K.	✓			
TOTAL	10	9		4

NOTE: Comments, if any, must be made known to the members BEFORE the Vote.
COMMENTS: _____

kol
Committee Reporter

WITNESS NOTIFICATION RECORD

HB 111 HB 1289
HB 946 HB 1480
HB 1092 HB 1472
WED MAR 31

Bill No. _____ Sponsor _____

DEPT of MOTOR VEHIC. VEHICLE BILLS

+ Contact TOM WIDERMAN Phone No. 9-768-7451 Location _____

Date 3/30/82 Time 1:30 Remarks: WIDERMAN INFO

Called by N.S.

COMMITTEE of MOTOR VEHIC.

+ Contact BILL BRICKER Phone No. 9-768-7274 Location _____

Date 3/30/82 Time 1:45 Remarks: CRIS KINDER WILL PASS INFO.

Called by N.S.

MD. ST. POLICE

+ Contact 1ST. SGT. ROY COTTON Phone No. 9-486-3101 Location _____

Date 3/30/82 Time 1:50 Remarks: X217 LT. ROCKEL WILL PASS INFO.

Called by N.S.

AAA.

+ Contact BILL ZORZI Phone No. 9-462-4000 Location _____

Date 3/30/82 Time 1:50 Remarks: ELANA WILL PASS INFO.

Called by N.S.

MD. MTR. TRUCK ASSOC.

+ Contact WALTER THOMPSON Phone No. 9-269-0035 Location _____

Date 3/30/82 Time 1:57 Remarks: CACKY WILL PASS INFO.

Called by N.S.

WITNESS NOTIFICATION RECORD

HB 111 HB 1289
HB 946 HB 1480
HB 1092 HB 1472
WED MAR 31

Bill No. _____ Sponsor _____

MD. FARM BUREAU VEHICLE BILLS

+ Contact JOHN MILLER Phone No. 9-269-0656 Location _____

Date 3/30/82 Time 1:57 Remarks: CACKY WILL PASS INFO.

Called by MS.

AUTO TRADE ASSOC. of MD.

+ Contact JOE P. CARROLL Phone No. 9-727-8747 Location _____

Date 3/30/82 Time 1:58 Remarks: LORETTA LIGHT WILL PASS INFO.

Called by MS.

MVA

+ Contact CHARLES KUMLEHN Phone No. 9-761-2462 Location _____

Date 3/30/82 Time 2:00 Remarks: KUMLEHN INFO.

Called by MS.

MD. DEPT. of TRANS.

+ Contact LOWEL K. BRIDWELL Phone No. 9-859-7397 Location _____

Date 3/30/82 Time 2:01 Remarks: MRS ELEGRETT WILL PASS INFO.

Called by MS.

NATL ASSOC. of INDEP INSUREES

+ Contact LEO. W. DOYLE Phone No. 9-268-8055 Location _____

Date 3/30/82 Time 2:02 Remarks: CATNY WILL PASS INFO.

Called by MS.

WITNESS NOTIFICATION RECORD

HB 111 HB 1289
HB 946 HB 1480
HB 1092 HB 1472
WED MAR 31

Bill No. _____ Sponsor _____

MD. INDEP AUTO DEALERS VEHICLE BILLS
ASSOC.

+ Contact ED TOLLEY Phone No. 9-321-1033/34 Location _____

Date 3/30/82 Time 2:03 Remarks: LEFT MSG W/ RECORDER

Called by id

BALT. CITY DEPT of TRAFFIC & TRANS.

+ Contact TOM HANNAN Phone No. 9-396-3029 Location _____

Date 3/30/82 Time 2:05 Remarks: MISS CHRISTOPHER WILL PASS INFO.

Called by id

Contact _____ Phone No. _____ Location _____

Date _____ Time _____ Remarks: _____

Called by _____

Contact _____ Phone No. _____ Location _____

Date _____ Time _____ Remarks: _____

Called by _____

Contact _____ Phone No. _____ Location _____

Date _____ Time _____ Remarks: _____

Called by _____

REQUEST FORM

HB-1480

Sponsor

Del Kopp

Drafted by

Somerulle

Date Drafted

1/5

Requested by

Hanratty

Request Date

1/5

Taken by

WGS

OK.

1902

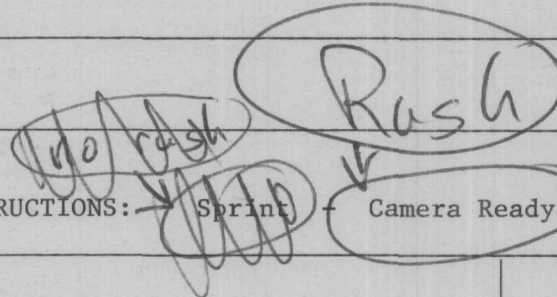
For Bill-Drafting Use Only

Short Title:

Transportation - Expungement of Records

Subject:

SPECIAL INSTRUCTIONS:



Sprint

Camera Ready

Return to

Somerulle

File Code

41

Prior Introduction

No

Acknowledged:

by / date

Computer: To

1/7

From

1/14

TO Legislative Drafting Room Supervisor for Review

Comments:

Does purpose of put reader or notice of the change that this Act would make from existing procedures?

Legislative Drafting Room Supervisor

Mo Day Yr

Comments Noted

TO Principal Analyst/Legislative Drafting for Review

Comments:

I agree with DJ's point - Purpose of should read something to the effect: "altering the provisions of law relating to the duty of the MVA to expunge public duty records"

Principal Analyst

Mo Day Yr

Comments Noted

WGS

to the duty of the MVA to expunge public duty records

MVA 1/6/02

By or on Behalf of the Member

For purposes of consolidating duplicate bill requests:

(1) I (agree) (do not agree) to the disclosure of the concept of this bill drafting request to other members of the General Assembly.

(2) (Answer only if (1) is answered affirmatively.)

I (agree) (do not agree) to the disclosure of my identity to other members of the General Assembly.

BILL ORDER

(1b) AN ACT concerning

Transportation - Expungement of Driving Records

FOR the purpose of ~~providing that as to the~~ Motor Vehicle Administration shall expunge a licensee's driving record ~~under certain circumstances~~ altering certain provisions of law relating to the duty of the Motor Vehicle Administration to expunge public driving records.

CIRCLE ONLY ONE:

- (rr) By repealing and re-enacting, with amendments, or
- (an) By adding to or
- (r) By repealing

Article Transportation
Section 16-117.1

Annotated Code of Maryland
 (1977 ~~Volume~~ Volume and 1981 Supplement)

Circle as appropriate

- (ed) - July 1 effective date
- (eud) - emergency effective date
- (aed) - abnormal effective date: _____
- (sev) - severability clause
- (sli) - salary increase not to affect incumbent
- Office _____

Ad - Transp -

§ 16-117.1. Expungement of certain driving records.

(a) *Definitions* — (1) In this section the following words have the meanings indicated.

(2) "Criminal offense" does not include any violation of the Maryland Vehicle Law.

(3) "Moving violation" means a moving violation of the Maryland Vehicle Law other than a violation of any of its size, weight, load, equipment, or inspection provisions.

(b) ~~When Administration may expunge records.~~ — Except as provided in subsection (c) of this section, if a licensee applies for the expungement of his public driving record, the Administration shall expunge the record if, at the time of application:

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

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

(3) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 10 years, regardless of the number of suspensions or revocations.

(c) ~~When Administration may refuse to expunge.~~ — The Administration 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 on which he bases his request. (An. Code

A LICENSEE'S
PUBLIC
DRIVING

PROPOSED AMENDMENT TO TRANSPORTATION ARTICLE

16- 117.1 Expungement of certain driving records.

(a) Definitions. - (1) In this section the following words have the meanings indicated.

(2) "Criminal offense" does not include any violation of the Maryland Vehicle Law.

(3) "Moving violation" means a moving violation of the Maryland Vehicle Law other than a violation of any of its size, weight, load, equipment, or inspection provisions.

(b) When Administration [may] SHALL expunge records. - Except as provided in subsection (c) of this section, [if a licensee applies for the expungement of his public driving record,] the Administrator shall expunge [the record] A LICENSEE'S PUBLIC DRIVING RECORD if [at the time of application]:

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

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

(3) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 10 years, regardless of the number of suspensions or revocations.

(c) When Administration may refuse to expunge. - The Administration may refuse to expunge a driving record if it determines that the individual [requesting the expungement] has not driven a motor vehicle on the highway during the particular conviction-free period on which he bases his request.

Work
Paper

Typed by Somerville/skj
Proofread by BE EP
Corrected by _____
Checked by SBS-SB

By: Delegate Kopp

26

A BILL ENTITLED

29

AN ACT concerning

34

Transportation - Expungement of Driving Records

37

FOR the purpose of altering certain provisions of law
relating to the duty of the Motor Vehicle
Administration to expunge public driving records.

41

42

BY repealing and reenacting, with amendments,

44

Article - Transportation

47

Section 16-117.1

49

Annotated Code of Maryland

51

(1977 Volume and 1981 Supplement)

52

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
MARYLAND, That section (s) of the Annotated Code of Maryland
read (s) as follows:

55

56

Article - Transportation

59

16-117.1.

62

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
Numerals at right identify computer lines of text.

(a) (1) In this section the following words have the 65
meanings indicated. 66

(2) "Criminal offense" does not include any 69
violation of the Maryland Vehicle Law. 70

(3) "Moving violation" means a moving violation 73
of the Maryland Vehicle Law other than a violation of any of 74
its size, weight, load, equipment, or inspection provisions. 75

(b) Except as provided in subsection (c) of this 79
section, [if a licensee applies for the expungement of his 80
public driving record,] the Administration shall expunge
[the] A LICENSEE'S PUBLIC DRIVING record if[, at the time of 82
application]:

(1) The licensee has not been convicted of a 85
moving violation or a criminal offense involving a motor 86
vehicle for the preceding 3 years, and his license never has 87
been suspended or revoked;

(2) The licensee has not been convicted of a 90
moving violation or a criminal offense involving a motor 91
vehicle for the preceding 5 years, and his record shows not 92
more than one suspension and no revocations; or

(3) The licensee has not been convicted of a 95
moving violation or a criminal offense involving a motor 96
vehicle for the preceding 10 years, regardless of the number 97
of suspensions or revocations.

(c) The Administration 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 on which he bases his request.

99.
100
101
102

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1982.

106

BILL ORDER - SPECIAL INSTRUCTIONS

Sponsor Del. Kopp
Requested by Jennifer Riggs
Date _____

Drafted by _____
Date _____

1907
ok

~~Sharcey~~
~~Celia~~ - Renee

PREPARE FOR INTRODUCTION

NOTE SPONSORSHIP

ONE SPRINT ONLY - TWO SPRINTS

CAMERA READY COPY: one - two

NO B & T

NOTE CHANGES

Mibby - Truly

Return to Carvel

OTHER _____

if you have
questions call
Sen Bialek
6-3336

Typed by Somerville/skj
Proofread by _____
Corrected by _____
Checked by _____

DEPARTMENTAL -

By: Delegate Kopp (~~INFORMATION PRACTICES COMMISSION~~) 26

A BILL ENTITLED 29

AN ACT concerning 33

Transportation - Expungement of Driving Records 36

FOR the purpose of ~~altering certain provisions of law~~ *PROVIDING for the automatic* 40
~~relating to the duty of the Motor Vehicle~~ 41
~~Administration to expunge public driving records.~~

BY repealing and reenacting, with amendments, 43

Article - Transportation 46
Section 16-117.1 48
Annotated Code of Maryland 50
(1977 Volume and 1981 Supplement) 51

*EXPUNGEMENT
OF DRIVING
RECORDS BY
THE MOTOR VEHICLE
ADMINISTRATION
WHEN ALL
APPLICABLE CONDITIONS OF
LAW ARE SATISFIED.*

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 54
MARYLAND, That section(s) of the Annotated Code of Maryland 55
read(s) as follows:

Article - Transportation 58

16-117.1. 61

(a) (1) In this section the following words have the 64
meanings indicated. 65

(2) "Criminal offense" does not include any 68
violation of the Maryland Vehicle Law. 69

(3) "Moving violation" means a moving violation 72
of the Maryland Vehicle Law other than a violation of any of 73
its size, weight, load, equipment, or inspection provisions. 74

(b) Except as provided in subsection (c) of this 78
section, [if a licensee applies for the expungement of his 79
public driving record,] the Administration shall expunge
[the] A LICENSEE'S PUBLIC DRIVING record if[, at the time of 81
application]:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
Numerals at right identify computer lines of text.

(1) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 3 years, and his license never has been suspended or revoked; 84
85
86

(2) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 5 years, and his record shows not more than one suspension and no revocations; or 89
90
91

(3) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 10 years, regardless of the number of suspensions or revocations. 94
95
96

(c) The Administration 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 on which he bases his request. 98
99
100
101

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1982. 105

Typed by Somerville/skj
Proofread by _____
Corrected by _____
Checked by EP-HD

By: Delegate Kopp (Departmental - Information Practices Commission) 26

A BILL ENTITLED 29

AN ACT concerning 34

Transportation - Expungement of Driving Records 37

FOR the purpose of providing for the automatic expungement of driving records by the Motor Vehicle Administration when all applicable conditions of law are satisfied. 41
42

BY repealing and reenacting, with amendments, 44

Article - Transportation 47

Section 16-117.1 49

Annotated Code of Maryland 51

(1977 Volume and 1981 Supplement) 52

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland read(s) as follows: 55
56

Article - Transportation 59

16-117.1. 62

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
Numerals at right identify computer lines of text.

(a) (1) In this section the following words have the meanings indicated.

(2) "Criminal offense" does not include any violation of the Maryland Vehicle Law.

(3) "Moving violation" means a moving violation of the Maryland Vehicle Law other than a violation of any of its size, weight, load, equipment, or inspection provisions.

(b) Except as provided in subsection (c) of this section, [if a licensee applies for the expungement of his public driving record,] the Administration shall expunge [the] A LICENSEE'S PUBLIC DRIVING record if[, at the time of application]:

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

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

(3) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 10 years, regardless of the number of suspensions or revocations.

(c) The Administration 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 on which he bases his request.

99
100
101
102

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1982.

106