

Title 11
DEPARTMENT OF TRANSPORTATION
Subtitle 11 MOTOR VEHICLE ADMINISTRATION—ADMINISTRATIVE
PROCEDURES

11.11.16 Expungement of Public Motor Vehicle Administration Records

Authority: Transportation Article, §§12-104(b), 16-117.1; Annotated Code of Maryland

Notice of Proposed Action

[17-193-P]

The Administrator of the Motor Vehicle Administration proposes to adopt new Regulations **.01—.03** under a new chapter, **COMAR 11.11.16 Expungement of Public Motor Vehicle Administration Records**.

Statement of Purpose

The purpose of this action is to set procedures for the Motor Vehicle Administration to expunge the public driving record of a licensee in order to conform to Chapter 717, House Bill 1017, Acts of 2017.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tracey C. Sheffield, Regulations Coordinator, Motor Vehicle Administration, 6601 Ritchie Highway N.E., Room 200, Glen Burnie, MD 21062, or call 410-768-7545, or email to tsheffield@mdot.state.md.us, or fax to 410-768-7506. Comments will be accepted through August 21, 2017. A public hearing has not been scheduled.

.01 Purpose.

The purpose of this chapter is to set standards and procedures for the expungement of a public driving record by the Motor Vehicle Administration, as set forth in Transportation Article, §16-117.1, Annotated Code of Maryland.

.02 Expungement of a Public Driving Record.

A. The public driving record entries of a licensee that are eligible for expungement shall be expunged within 31 days of becoming eligible for expungement.

B. Suspensions related to driver safety and revocations shall delay a licensee's eligibility for expungement as set forth in Transportation Article, § 16-117.1, Annotated Code of Maryland.

C. The Administration has determined that:

(1) The following driver's license suspensions are not related to driver safety:

(a) Upon death of a co-signer, as set forth in Transportation Article, §16-109, Annotated Code of Maryland;

(b) Failure to pay Child Support, as set forth in Transportation Article, §16-203, Annotated Code of Maryland;

(c) Outstanding Arrest Warrant, as set forth in Transportation Article, §16-204, Annotated Code of Maryland;

(d) Non-payment of judgment, as set forth in Transportation Article, §17-204, Annotated Code of Maryland;

(e) Dispensing of motor fuel into a dirt bike in Baltimore City, as set forth in Transportation Article, §21-1128, Annotated Code of Maryland;

(f) Failure to appear or comply, as set forth in Transportation Article, §26-204, Annotated Code of Maryland;

(g) Failure to pay, as set forth in Transportation Article, §27-103, Annotated Code of Maryland;

(h) Possession of alcohol by a minor, as set forth in Criminal Law, §10-114 and Courts and Judicial Proceedings, §3-8A-19;

(i) Failure to pay for motor fuel, as set forth in Criminal Law, §7-104 and Transportation Article, §16-206.1, Annotated Code of Maryland;

(j) Improper use of a driver's license or identification card by a minor to obtain alcohol, as set forth in Criminal Law Article, §10-113 and Courts and Judicial Proceedings Article, §3-8A-19, Annotated Code of Maryland;

(k) Noncompliance with traffic citation issued under federal law, as set forth in Transportation Article, §26-206 and Nonpayment of fine, as set forth in Transportation Article, §27-103, Annotated Code of Maryland;

(l) Rejection by Maryland Automobile Insurance Fund, as set forth in Transportation Article, §17-105, Annotated Code of Maryland;

(2) Driver license suspensions not listed under §C(1) of this regulation are related to driver safety.

.03 Refusal to Expunge a Public Driving Record.

A. The Administration shall not expunge the public driving record entries of a licensee who:

(1) Is currently:

(a) Refused;

(b) Canceled;

(c) Suspended; or

(d) Revoked;

(2) Has a pending:

(a) Refusal;

(b) Cancellation;

(c) Suspension; or

(d) Revocation;

(3) Has a restricted license in lieu of a driver safety related suspension; or

(4) The Administration has determined has not driven a motor vehicle on the highways during the particular conviction-free period on which the expungement is based.

B. The Administration shall not expunge certain driving records entries, pursuant to Transportation Article, § 16-117.1(d), Annotated Code of Maryland.

C. The Administration shall not expunge any driving record entries relating to a commercial driver's license before the expiration of the time they are required to be retained under Transportation Article, § 16-819, Annotated Code of Maryland, and in accordance with 49 CFR 384.

CHRISTINE NIZER
Administrator
Motor Vehicle Administration