

Article - Transportation

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§16–117.1.

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

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

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

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

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

(iii) Within the preceding 10 years:

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

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

3. The licensee has not been convicted of any other moving violation or criminal offense involving a motor vehicle, 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 the request is based.

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

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

(2) Who has not been convicted of, or been granted probation before

judgment for:

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

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

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

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