

Department of Legislative Services
 Maryland General Assembly
 2010 Session

FISCAL AND POLICY NOTE

House Bill 259
 Judiciary

(Delegate Shewell, *et al.*)

Drunk or Drugged Driving - Subsequent Offenders - Notation on Driver's License

This bill requires the Motor Vehicle Administration (MVA) to cancel the driver's license of a person convicted a second time of an alcohol- and/or drug-related driving offense. A person whose license is cancelled in this manner may apply for a new driver's license. The new driver's license must contain a prominent notation that the person has been convicted for multiple violations of drunk or drugged driving. Any subsequent license renewals must contain the prominent notation.

The bill applies prospectively to a second or subsequent conviction for an alcohol- and/or drug-related driving offense that occurs on or after October 1, 2010.

Fiscal Summary

State Effect: Potential minimal increase in Transportation Trust Fund (TTF) revenues to the extent that MVA charges additional fees to drivers subject to the bill for examinations and license renewals. TTF expenditures increase \$6,000 in FY 2011 only for required computer programming changes. License cancellations and addition of notations required by the bill can be handled with existing resources.

(in dollars)	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
SF Revenue	-	-	-	-	-
SF Expenditure	\$6,000	\$0	\$0	\$0	\$0
Net Effect	(\$6,000)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: A person whose license was cancelled due to a second or subsequent conviction for an alcohol- and/or drug-related driving offense may apply for a new driver's license at any time after the day the cancelled driver's license is surrendered to and received by MVA. MVA must issue a new driver's license to a person who applies under these provisions, pays the required fee, and passes any required examinations, but may only issue the license after the expiration of any period of suspension or revocation imposed on the person. A person who applies for a new license under these circumstances must pay the fee established by MVA. MVA is authorized to require the person to submit to any appropriate examinations before issuing the new license. A merchant or the merchant's agents or employees may not be held civilly liable for refusing to sell or otherwise distribute an alcoholic beverage to a person displaying a driver's license with the notification required by the bill.

Current Law: A person may not drive or attempt to drive any vehicle while:

- under the influence of alcohol or under the influence of alcohol *per se*;
- impaired by alcohol;
- impaired by drugs, or drugs and alcohol; or
- impaired by a controlled dangerous substance.

With a conviction for an alcohol- and/or drug-related driving offense, a violator is subject to a range of penalties involving fines and imprisonment, as well as suspension or revocation of the driver's license by MVA. A person convicted of driving under the influence or under the influence *per se* is subject to fines ranging from \$1,000 to \$3,000 and/or a maximum imprisonment term of one to three years. A repeat conviction within five years requires a mandatory minimum penalty of imprisonment from 5 to 10 days or community service from 30 to 60 days, as well as a mandatory alcohol abuse assessment. A conviction for lesser included offenses subjects the violator to a fine of \$500 and/or imprisonment for up to two months. However, for repeat offenders, maximum prison terms increase to a year. If an offender is transporting a minor at the time of the alcohol- and/or drug-related driving offense, fines and sanctions increase beyond those already specified for lesser included offenses.

Background: According to the National Highway Traffic Safety Administration, impaired driving is the most frequently committed crime in the United States. Drivers with repeat convictions for driving while impaired by alcohol and/or drugs are overrepresented in fatal crashes and have a greater relative risk of involvement in a fatal crash. Maryland's Task Force to Combat Driving Under the Influence of Drugs and Alcohol advised, in its 2008 report, that an increasing number of people arrested for

driving under the influence of alcohol or while impaired by alcohol and/or drugs are repeat offenders and any alcohol-related driving event is a reliable predictor of future recidivism.

State Revenues: TTF revenues could increase if MVA assesses a fee for the issuance of the special notation on the driver's license. The bill authorizes MVA to establish a fee for the issuance of a new driver's license with the special notation required by the bill. However, MVA is not specifically mandated by the bill to charge a new fee to cover its costs or attain additional revenues, nor did MVA indicate that such a charge was under consideration in its fiscal response for this bill.

MVA advises that the licenses of about 725 drivers would be cancelled under the bill annually. Also, drivers who have their licenses cancelled under this bill's provisions are not required to apply for a new license. Currently, MVA charges \$30 for license renewal. *By way of illustration only*, if all 725 drivers subject to this bill annually applied for a new special notation license and paid a \$30 license renewal fee for the special notation license, TTF revenues would increase by \$17,400 annually. This assumes that 20% of the 725 drivers (145) would have been scheduled for renewal regardless of the bill and that the remaining 80% of drivers (580) would renew the driver's license although not scheduled for renewal.

State Expenditures: TTF expenditures increase by \$6,000 in fiscal 2011 only for required programming to MVA's Driver License Workflow System. This programming will be provided by an external contractor. An additional 100 hours of computer programming will be needed for additional changes and to identify drivers subject to the bill from the information transmitted by the District Court. In spite of constrained resources, MVA advises that this programming can be accomplished and the other requirements of the bill can be met with existing resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Transportation, Department of State Police, National Highway Traffic Safety Administration, National Conference of State Legislatures, Department of Legislative Services

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mlm/ljm

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