

Department of Fiscal Services  
Maryland General Assembly

FISCAL NOTE

Senate Bill 70 (Senator Lawlah)  
Judicial Proceedings

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**Drunk Driving - Intoxicated Per Se - Driving While Under the Influence**

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This bill reduces the level of alcohol concentration required for a determination of driving while intoxicated per se from 0.10 to 0.08. The alcohol concentration level required for a determination of driving while under the influence of alcohol is reduced from 0.07 to 0.06.

The bill also reduces the level of alcohol concentration required to result in an individual being charged with the crimes of homicide by motor vehicle or vessel while intoxicated per se, and the crime of life threatening injury by motor vehicle or vessel while intoxicated per se from 0.10 to 0.08.

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**Fiscal Summary**

**State Effect:** General fund revenues could increase by \$9,600 in FY 1998, which reflects the bill's October 1, 1997 effective date; out-years reflect annualization and a constant number of hearings. Potential indeterminate special fund revenue increase as discussed below. Special fund expenditures could increase by \$72,800 in FY 1998, which reflects the bill's October 1, 1997 effective date; out-years reflect annualization and a constant number of hearings.

(\$ in dollars)	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002
GF Revenues	\$9,600	\$12,800	\$12,800	\$12,800	\$12,800
SF Revenues	--	--	--	--	--
SF Expenditures	\$72,800	\$93,700	\$95,800	\$97,900	\$100,100
Net Effect	(\$63,200)	(\$51,300)	(\$83,000)	(\$85,100)	(\$87,300)

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

**Local Effect:** None.

**Small Business Effect:** None. The bill would not directly affect small businesses.

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## Fiscal Analysis

**State Revenues:** There are approximately 5,000 driver's license revocations annually. Under this bill, the Motor Vehicle Administration (MVA) estimates an additional 1,400 revocations and an additional 300 administrative per se certifications (suspensions). The MVA imposes a fee of \$10 to reissue a license after a suspension. For a revocation, the MVA collects a \$15 fee for an application to reinstate a license plus \$60 for the reinstatement on an alcohol and/or drug related driving offense. Assuming all 1,700 individuals apply and have their licenses reinstated in a single fiscal year, Transportation Trust Fund revenues could increase by \$81,000 in fiscal 1998, which accounts for the bill's October 1, 1997 effective date; and by \$108,000 annually thereafter assuming a constant number of revocations and suspensions.

The Office of Administrative Hearings (OAH) charges a \$15 filing fee per hearing to contest driver's license suspensions, revocations, and points on a driving record. The filing fee is deposited into the general fund. The number of actual hearings that may be requested is uncertain. Assuming 50% (850) of the individuals with suspended or revoked licenses request a hearing annually, general fund revenues could increase by \$9,563 in fiscal 1998, which accounts for the October 1, 1997 effective date; and by \$12,750 annually thereafter, assuming a constant number of hearings.

**State Expenditures:** It costs the MVA approximately \$45 for each MVA hearing at OAH. The number of hearings that may be administered is unknown. However, assuming that 850 individuals request a hearing, Transportation Trust Fund expenditures could increase by \$28,688 to administer the hearings in fiscal 1998, which reflects the bill's October 1, 1997 effective date, and by \$38,250 annually thereafter assuming a constant number of hearings.

The Department of Fiscal Services (DFS) advises that two positions would be needed to implement the provisions in this bill. One Docket Specialist position would be needed in OAH to handle the additional administrative work for the per se hearings, and one Driver Improvement Counselor in the MVA to screen and approve incoming applications regarding driver's license reinstatement. As a result of hiring these two positions, Transportation Trust Fund expenditures could increase by an estimated \$44,087 in fiscal 1998 which reflects the bill's October 1, 1997 effective date. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Salaries and Fringe Benefits	\$40,862
Operating Expenses	<u>3,225</u>

<b>Total FY 1998 State Expenditures</b>	<b>\$44,087</b>
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Future year expenditures reflect (1) a full salary with 3.5% annual increases and 3%

employee turnover; and (2) 2% annual increases in ongoing expenses.

MVA advises that one additional Customer Service Representative will be needed to process suspension orders, compile cases for OAH and follow-up with Administrative Law Judge instructions. DFS advises that the additional Customer Service Representative position is not justified. A division within MVA, Administrative Adjudication, already handles inquiries and records related to hearings and could handle the increased workload associated with this bill.

MVA advises that computer programming expenditures could increase by an estimated \$10,500 to modify the computer programs as proposed in this legislation. DFS advises that if other legislation is passed requiring computer reprogramming changes, economies of scale could be realized. This would reduce computer programming costs associated with this bill and other legislation affecting the MVA system. Further, DFS advises that the increased computer expenditure is simply an estimate and MVA may be able to handle the changes with either less money than it estimates or existing resources.

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**Information Source(s):** Office of Administrative Hearings, Department of Transportation (Motor Vehicle Administration), Department of State Police, Department of Fiscal Services

**Fiscal Note History:** First Reader - March 2, 1997  
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