

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE

House Bill 1401

(Delegate Arnick)

Judiciary

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**Driver's License Suspension and Revocation - Furnishing Alcoholic Beverages to a Minor or Allowing Consumption of Alcoholic Beverages by a Minor**

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This bill authorizes the Motor Vehicle Administration (MVA) to revoke or suspend the license of any person who furnishes alcohol to an individual under age 21 or who allows the possession and consumption of an alcoholic beverage by an individual under age 21 at the person's residence under specified circumstances.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in Transportation Trust Fund (TTF) revenues from reinstatements of driver's licenses and provision of new licenses to drivers. The bill's requirements could be met with existing resources.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The bill authorizes the MVA to revoke the driver's license of any person who, within a three-year period, has been found guilty three or more times of the code violation of furnishing an alcoholic beverage to a minor, or knowingly and willfully allowing the possession and consumption of an alcoholic beverage by a minor at the person's residence.

The MVA may suspend, for up to 60 days, the driver's license of any person who is found guilty of the code violation of furnishing an alcoholic beverage to a minor or knowingly and willfully allowing the possession and consumption of an alcoholic beverage by a minor at the person's residence.

The MVA may suspend, for up to 120 days, the driver's license of any person who, within a three-year period, has been found guilty two times of the code violation of furnishing an alcoholic beverage to a minor, or knowingly and willfully allowing the possession and consumption of an alcoholic beverage by a minor at the person's residence.

**Current Law:** Except as otherwise provided, a person may not furnish an alcoholic beverage to an individual if the person knows that the individual is under age 21 and the alcoholic beverage is furnished for consumption by the individual under age 21. An adult may not knowingly and willfully allow an individual under age 21 to possess or consume an alcoholic beverage at a residence or on the land enclosing the residence that is owned or leased by the adult, and at which the adult resides.

The prohibitions stated above do not apply if the adult and the person under age 21 are members of the same immediate family and the alcoholic beverage is furnished, possessed, and consumed in a private residence or within the land enclosing the private residence. The prohibition also does not apply if the adult and the person under age 21 are participants in a religious ceremony.

A person who violates the prohibition against furnishing or allowing underage consumption of alcohol is guilty of a code violation, has committed a civil offense, and is subject to a maximum fine of \$500, for a first offense. For a subsequent violation, the violator is subject to a maximum fine of \$1,000. For a defendant that has been found guilty of a code violation and had a fine imposed by the court, the court may direct that the payment be suspended or deferred under specified conditions. If the defendant willfully fails to pay the fine, the willful failure may be treated as criminal contempt of court.

The MVA may revoke the driver's license of any person who is convicted of driving while under the influence of alcohol, under the influence of alcohol per se, or while impaired by a controlled dangerous substance. The authority to revoke also applies to a person who, within a three-year period, is convicted of driving while impaired by alcohol or while impaired by drugs or drugs and alcohol, and who was previously convicted of any combination of two or more violations of any related alcohol- and/or drug-related driving offense.

The MVA may suspend the driver's license of any person for up to 60 days who is convicted of driving while impaired by alcohol or impaired by drugs or drugs and alcohol. The MVA may suspend the driver's license of any person for up to 120 days who is convicted of driving while impaired by alcohol or impaired by drugs or drugs and alcohol, and was previously convicted of another related alcohol- and/or drug-related driving offense.

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. A person convicted of driving under the influence of alcohol, under the influence of alcohol per se, or while impaired by a controlled dangerous substance is subject to fines ranging from \$1,000 to \$3,000 and/or a maximum imprisonment term of from one to three years. A conviction for lesser included offenses subjects the violator to a fine of \$500 and/or imprisonment for up to two months. For repeat offenders, maximum prison terms increase to one year.

**Background:** The District Court advises that there were no convictions of furnishing or allowing underage consumption or possession of alcohol in fiscal 2004.

**State Fiscal Effect:** The MVA advises that each driver with a revoked driver's license is charged \$75 to reinstate the license. Drivers with suspended or revoked licenses are charged \$20 for the issuance of a new license.

The MVA advises that computer programming modifications would be needed to meet the bill's requirements, resulting in a one-time expenditure of \$75,000 of TTF funds for fiscal 2006 only. However, the Department of Legislative Services (DLS) advises that, if other legislation is passed requiring computer programming changes, economies of scale could be realized. This could reduce computer programming costs associated with this bill and other legislation affecting the MVA system. Further, DLS advises that the increased computer expenditure is an estimate, and that the MVA may be able to handle the changes within existing resources.

The MVA also advises that additional TTF expenditures could occur to process additional suspensions and revocations that may result from the bill. However, given that there were no convictions in fiscal 2004 for the charge addressed in this bill and that generally, there are relatively few convictions that occur, DLS advises that the MVA could meet the bill's requirements with existing resources.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 905 (Senator Garagiola) – Judicial Proceedings.

**Information Source(s):** Maryland Department of Transportation, Judiciary (Administration Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - March 21, 2005  
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