

Department of Legislative Services
 Maryland General Assembly
 2013 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 271 (Senator Jones-Rodwell)(By Request - Baltimore City Administration)

Judicial Proceedings

Criminal Law - Illegal Dumping and Litter Control Law - Penalties

This bill increases the Illegal Dumping and Litter Control Law penalties for littering violations committed while operating a motor vehicle by repealing the *authorization* for a court to suspend the driver’s license of the convicted violator and instead *requiring* a court to notify the Motor Vehicle Administration (MVA) of the violation and the offender that his or her license may be suspended. The violator *may* have his or her license suspended by MVA for up to 60 days for a first offense and *must* have his or her license suspended for between 60 days and one year for a second or subsequent offense. A driver’s license holder may request a hearing for a suspension under the bill. The Chief Judge of the District Court and the Administrative Office of the Courts, in conjunction with MVA, must establish uniform procedures for reporting a violation.

Fiscal Summary

State Effect: General fund and Transportation Trust Fund (TTF) expenditures increase by \$68,900 and \$25,000 respectively, in FY 2014 only for reprogramming information technology systems. TTF expenditures may also increase minimally to reimburse the Office of Administrative Hearings (OAH) for additional hearings of driver’s license suspension appeals. General fund revenues may increase minimally due to the collection by OAH of MVA reimbursements and filing fees paid by individuals appealing driver’s license suspensions under the bill.

| (in dollars) | FY 2014 | FY 2015 | FY 2016 | FY 2017 | FY 2018 |
|----------------|------------|---------|---------|---------|---------|
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 |
| GF Expenditure | 68,900 | 0 | 0 | 0 | 0 |
| SF Expenditure | 25,000 | 0 | 0 | 0 | 0 |
| Net Effect | (\$93,900) | \$0 | \$0 | \$0 | \$0 |

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

Local Effect: Local government expenditures for litter removal may decrease significantly, particularly for Baltimore City, to the extent the bill's more stringent penalties are effective in deterring littering and illegal dumping.

Small Business Effect: Minimal.

Analysis

Current Law/Background:

Illegal Dumping and Litter Control Law

Under the State's Illegal Dumping and Litter Control Law, a person may not (1) dispose of litter on a highway or perform an act that violates the Maryland Vehicle Law regarding disposal of litter, glass, and other prohibited substances on highways or (2) dispose, or cause or allow the disposal of, litter on public or private property unless the property is designated by the State, a unit of the State, or a political subdivision for the disposal of litter and the person is authorized by the proper public authority to use the property, or the litter is placed into a litter receptacle or container installed on the property.

If two or more individuals are occupying a motor vehicle, boat, airplane, or other conveyance from which illegal litter is disposed, and it cannot be determined which occupant is the violator, then (1) if present, the owner of the conveyance is presumed to be responsible for the violation or (2) if the owner of the conveyance is not present, the operator is presumed to be responsible for the violation.

A person who disposes of litter in violation of these provisions in an amount up to 100 pounds or 27 cubic feet and not for commercial gain is guilty of a misdemeanor and subject to maximum penalties of imprisonment for 30 days and/or a fine of \$1,500. A person who disposes of litter in an amount above 100 pounds or 27 cubic feet, but not more than 500 pounds or 216 cubic feet, and not for commercial gain is guilty of a misdemeanor and subject to maximum penalties of imprisonment for one year and/or a fine of \$12,500. A person who disposes of litter in an amount above 500 pounds or 216 cubic feet or in any amount for commercial gain is guilty of a misdemeanor and subject to maximum penalties of imprisonment for five years and/or a fine of \$30,000.

In addition to the incarceration and monetary penalties, a court may order the violator to (1) remove or render harmless the litter disposed of; (2) repair or restore any property damaged by, or pay damages for, the disposal of the litter; (3) perform public service relating to the removal of litter or to the restoration of an area polluted by litter; or

(4) reimburse the State, county, municipal corporation, or bi-county unit for its costs incurred in removing the litter.

In addition to, or instead of these penalties, the court may suspend for up to seven days the license of the person to operate the type of conveyance used in the violation who is presumed to be responsible.

In fiscal 2011, there were 416 case filings involving a violation of the Illegal Dumping and Litter Control Law, although only 47 violations involved more than 100 pounds or 27 cubic feet of litter. No data is available as to the number of violations involving a motor vehicle or the number of violations involving a repeat offender.

Baltimore City Dumping Site Surveillance Systems

Chapters 13 and 16 of 2006 (SB 312/HB 111 of 2005) authorized Baltimore City to install surveillance systems at State- and city-owned “dumping sites” that have been repeatedly used for illegal litter disposal and to use the surveillance images to enforce the Illegal Dumping and Litter Control Law or local laws relating to the unlawful disposal of litter. Unless the person committing the violation receives a citation from a police officer at the time of the violation, the owner of the vehicle is subject to a civil penalty, which may not exceed \$1,000. Chapter 231 of 2012 (SB 419) transferred the authority for Baltimore City to implement illegal dumping surveillance systems from the Baltimore City Department of Public Works to the Baltimore City Department of Housing and Community Development, or another department designated by the mayor.

State Expenditures: General fund expenditures increase by about \$68,900 for an estimated 400 hours of reprogramming of several District Court and circuit court case management systems by an outside vendor to account for the bill’s new penalty and automate communication of driver’s license suspensions to MVA under the bill. TTF expenditures increase by \$25,000 for MVA for reprogramming of its Document Imaging and Workflow System by an outside vendor; MVA advises that reprogramming of its mainframe system can be accomplished internally with existing resources.

Local Expenditures: Local litter removal expenditures decrease, potentially significantly, to the extent the bill is effective in deterring littering and illegal dumping. For example, Baltimore City advises that it spent \$16.8 million in fiscal 2011 to provide secondary trash removal services, primarily for the removal of significant quantities of trash from alleys and vacant properties.

Additional Information

Prior Introductions: None.

Cross File: HB 197 (Delegate Anderson) (By Request - Baltimore City Administration)
- Environmental Matters.

Information Source(s): Baltimore City, Judiciary (Administrative Office of the Courts),
Maryland Department of Transportation, Office of Administrative Hearings, Department
of Legislative Services

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