

Department of Legislative Services  
Maryland General Assembly  
2017 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

Senate Bill 312

(The President, *et al.*) (By Request - Administration)

Judicial Proceedings

Judiciary

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**Drunk and Drugged Driving - Subsequent Offenders and Punitive Damages**  
**(Repeat Drunk Driving Offenders Act of 2017)**

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This Administration bill increases the penalties for a person who is convicted of driving while under the influence of alcohol or under the influence of alcohol *per se*, while impaired by alcohol, while impaired by drugs or drugs and alcohol, or while impaired by a controlled dangerous substance (CDS) and either (1) has three or more prior convictions for any of the above-mentioned offenses or (2) was previously convicted of a specified homicide, manslaughter, or life-threatening injury by motor vehicle or vessel offense. A violator is guilty of a felony and on conviction is subject to imprisonment for up to 10 years and/or a fine of up to \$10,000. The bill's provisions do not extend concurrent jurisdiction to the District Court for these subsequent offender cases. Accordingly, these cases are heard in the circuit courts.

The bill also authorizes an award of punitive damages under specified circumstances if it is determined that a person caused personal injury or wrongful death while driving or attempting to drive a motor vehicle while committing an alcohol-related driving offense, as specified.

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**Fiscal Summary**

**State Effect:** Potential minimal decrease in general fund revenues due to fewer cases heard in the District Court. Potential minimal increase in general fund expenditures due to the bill's incarceration penalty. Provisions relating to punitive damages do not directly affect State finances, as discussed below.

**Local Effect:** Potential minimal increase in revenues due to the bill's monetary penalty provision, to the extent that the bill causes additional cases to be heard in the circuit courts. Potential minimal decrease in expenditures due to the bill's incarceration penalty.

Provisions relating to punitive damages do not directly affect local governments, as discussed below.

**Small Business Effect:** The Administration has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

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## Analysis

### Bill Summary:

#### *Subsequent Offender Penalties*

A conviction for a crime committed in another state or under federal jurisdiction that, if committed in Maryland, would constitute a violation of any of the specified provisions is considered a violation for purposes of the subsequent offender penalties imposed under the bill.

The bill's changes apply to existing law or to the law as reflected upon passage and enactment of Senate Bill 165 of 2017, which proposes a code revision to the Transportation Article to revise, restate, and recodify the laws of the State that relate to penalties for violations of the Maryland Vehicle Law by repealing redundant provisions, clarifying language, making technical and stylistic changes, and reorganizing penalty provisions.

#### *Punitive Damages*

The bill specifies that, in addition to any liability for actual damages, a person who causes personal injury or wrongful death is liable for punitive damages if the injury or death was caused by a person who is a repeat offender (within 10 years) and the person meets one of two other sets of criteria:

- the person was operating or attempting to operate a noncommercial motor vehicle with an alcohol concentration of 0.15 or more; or
- the person (1) is detained by a police officer who has reasonable grounds to believe the person has been operating or attempting to operate *either* a noncommercial motor vehicle while under the influence of alcohol or impaired by alcohol *or* a commercial motor vehicle with any alcohol concentration in the person's blood or breath and (2) refuses to submit to a chemical test to determine alcohol concentration.

To qualify for repeat offender status, the person must have, within the past 10 years, been convicted under State criminal laws or similar federal or other state laws related to:

- driving or attempting to drive while under the influence of alcohol or under the influence of alcohol *per se*; while impaired by alcohol; while impaired by a drug, any combination of drugs, or a combination of drugs and alcohol; or while impaired by a CDS;
- homicide by motor vehicle or vessel while under the influence of alcohol or under the influence of alcohol *per se*; while impaired by alcohol; while impaired by a drug, any combination of drugs, or a combination of drugs and alcohol; or while impaired by a CDS; or
- causing life-threatening injury by motor vehicle or vessel while under the influence of alcohol or under the influence of alcohol *per se*; while impaired by alcohol; while impaired by a drug, any combination of drugs, or a combination of drugs and alcohol; or while impaired by a CDS.

A claim for punitive damages:

- must be pleaded, by complaint or amendment, with facts supporting the claim with sufficient particularity to establish that the party may be entitled to punitive damages;
- must be proven by clear and convincing evidence;
- may not be awarded in the absence of an award of compensatory damages; and
- must comply with the provisions that govern the admissibility of evidence relating to the defendant's financial means.

Liability for punitive damages is limited solely to the person operating or attempting to operate the motor vehicle.

The bill does not affect the punitive damages provisions of the Local Government Tort Claims Act or the Maryland Tort Claims Act.

The bill's changes apply prospectively only and may not be applied to any cause of action arising before the bill's October 1, 2017 effective date.

**Current Law:** A “vehicle” includes a motor vehicle, streetcar, locomotive, engine, or train. A “motor vehicle” is a vehicle that is self-propelled or propelled by electric power obtained from overhead electrical wires and is not operated on rails. A “vessel” is any watercraft that is used or capable of being used as a means of transportation on water or ice, but it does not include a seaplane.

“Life-threatening injury” is not defined in statute.

“Under the influence of alcohol *per se*” means having an alcohol concentration at the time of testing of at least 0.08 as measured by grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

“Impaired by alcohol” means *prima facie* evidence as indicated, at the time of testing, by an alcohol concentration of at least 0.07, but less than 0.08, as measured by grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

*Driving Under the Influence of Alcohol or While Impaired by Alcohol/Drugs/Controlled Dangerous Substance:* Under the Transportation Article, 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 a drug, any combination of drugs, or any combination of drugs and alcohol; or
- impaired by a CDS.

**Exhibit 1** shows the current maximum penalties for these offenses.

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**Exhibit 1**  
**Current Maximum Penalties for Alcohol and/or Drug-related Driving Offenses**

**Driving Under the Influence of Alcohol, Under the Influence *Per Se*, or While Impaired by a CDS**

First Offense	1 year imprisonment and/or fine of \$1,000
Second Offense	2 years imprisonment and/or fine of \$2,000
Third or Subsequent Offense	3 years imprisonment and/or fine of \$3,000

**Driving Under the Influence of Alcohol, Under the Influence *Per Se*, or While Impaired by a CDS  
While Transporting a Minor**

First Offense	2 years imprisonment and/or fine of \$2,000
Second Offense	3 years imprisonment and/or fine of \$3,000
Third or Subsequent Offense	4 years imprisonment and/or fine of \$4,000

**Driving While Impaired by Alcohol or While Impaired by a Drug, a Combination of Drugs, or a  
Combination of One or More Drugs and Alcohol**

First Offense	2 months imprisonment and/or fine of \$500
Second Offense	1 year imprisonment and/or fine of \$500
Third or Subsequent Offense	3 years imprisonment and/or fine of \$3,000

**Driving While Impaired by Alcohol or While Impaired by a Drug, a Combination of Drugs, or a  
Combination of One or More Drugs and Alcohol While Transporting a Minor**

First Offense	6 months imprisonment and/or fine of \$1,000
Second Offense	1 year imprisonment and/or fine of \$2,000
Third or Subsequent Offense	4 years imprisonment and/or fine of \$4,000

CDS: controlled dangerous substance

Notes: All listed offenses are misdemeanors. Additionally, for the offense of driving under the influence of alcohol, under the influence *per se*, or while impaired by a CDS, a repeat conviction or convictions within five years requires a mandatory minimum penalty of imprisonment from 5 to 10 days or community service from 30 to 60 days, as specified, as well as a mandatory alcohol or drug abuse assessment.

Source: Department of Legislative Services

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*Manslaughter by Vehicle or Vessel – Gross Negligence:* A person is prohibited from committing manslaughter by vehicle or vessel by causing the death of another as a result of driving, operating, or controlling a vehicle or vessel in a grossly negligent manner. The standard of “gross negligence” is established in common law and requires that evidence show, beyond a reasonable doubt, that the offender had a wanton or reckless disregard for human life in the operation of an automobile. The conduct must be extraordinary or outrageous to meet this standard.

*Manslaughter by Vehicle or Vessel – Criminal Negligence:* A person is prohibited from causing the death of another due to driving, operating, or controlling a vehicle or vessel in

“a criminally negligent manner.” A person acts in a criminally negligent manner when the person should be aware, but fails to perceive, that the person’s conduct creates a substantial and unjustifiable risk that manslaughter will occur and the failure to perceive is a gross deviation from the standard of care that would be exercised by a reasonable person.

*Homicide by Motor Vehicle or Vessel While Under the Influence:* A person may not cause the death of another as a result of negligently driving, operating, or controlling a motor vehicle or vessel while under the influence of alcohol or under the influence of alcohol *per se*.

*Homicide by Motor Vehicle or Vessel While Impaired:* A person may not cause the death of another as a result of negligently driving, operating, or controlling a motor vehicle or vessel while (1) impaired by alcohol; (2) so far impaired by a drug, any combination of drugs, or any combination of drugs and alcohol that the person cannot drive, operate, or control a motor vehicle or vessel safely; or (3) impaired by a CDS that the person is not entitled to use by State law.

*Life-threatening Injury by Motor Vehicle or Vessel While Under the Influence:* A person may not cause life-threatening injury to another as a result of negligently operating or controlling a motor vehicle or vessel while under the influence of alcohol or under the influence of alcohol *per se*.

*Life-threatening Injury by Motor Vehicle or Vessel While Impaired:* A person may not cause life-threatening injury to another as a result of negligently driving, operating, or controlling a motor vehicle or vessel while (1) impaired by alcohol; (2) impaired by a drug, any combination of drugs, or any combination of drugs and alcohol; or (3) impaired by a CDS.

Chapters 517 and 518 of 2016 established subsequent offender offenses and more stringent penalties for specified homicide, manslaughter, and life-threatening injury by motor vehicle or vessel offenses. Penalties for first offenses as well as the more stringent penalties for subsequent offenses are shown in **Exhibit 2**.

## Exhibit 2

### Maximum Penalties for First Offenders and Maximum Penalties for Repeat Offenders

<u>Offense</u>		<u>Maximum Penalties</u>		<u>Maximum Penalties if Previously Convicted of Any Specified Offense</u>			
			<u>Imprisonment</u>	<u>Fine</u>	<u>Imprisonment</u>	<u>Fine</u>	
Manslaughter by vehicle or vessel – gross negligence	felony		10 years	\$5,000	felony	15 years	\$10,000
Manslaughter by vehicle or vessel – criminal negligence	misdemeanor		3 years	\$5,000	misdemeanor	5 years	\$10,000
Homicide by motor vehicle or vessel while under the influence of alcohol or under the influence of alcohol <i>per se</i>	felony		5 years	\$5,000	felony	10 years	\$10,000
Homicide by motor vehicle or vessel while impaired by alcohol	felony		3 years	\$5,000	felony	5 years	\$10,000
Homicide by motor vehicle or vessel while impaired by drugs	felony		3 years	\$5,000	felony	5 years	\$10,000
Homicide by motor vehicle or vessel while impaired by a CDS	felony		3 years	\$5,000	felony	5 years	\$10,000
Causing life-threatening injury by motor vehicle or vessel while under the influence of alcohol or under the influence of alcohol <i>per se</i> or while impaired by a CDS	misdemeanor		3 years	\$5,000	misdemeanor	5 years	\$10,000
Causing life-threatening injury by motor vehicle or vessel while impaired by alcohol or drugs	misdemeanor		2 years	\$3,000	misdemeanor	5 years	\$10,000

CDS: controlled dangerous substance

Notes: Under the law, the maximum penalties may be the imprisonment term noted, the fine noted, or both. Maximum penalties for repeat offenders apply if previously convicted of the same offense; any other offense listed in this exhibit; or driving while under the influence of alcohol, while under the influence of alcohol *per se*, while impaired by alcohol, while impaired by drugs or drugs and alcohol, or while impaired by a CDS.

Source: Department of Legislative Services

*Administrative Penalties:* In addition to the current maximum penalties noted in Exhibits 1 and 2, all of the listed offenses are subject to points assessment by the Motor Vehicle Administration (MVA), which makes the driver subject to either suspension or revocation of the driver's license.

For convictions of all manslaughter by motor vehicle or vessel, homicide by motor vehicle or vessel, and life-threatening injury by motor vehicle or vessel offenses, MVA must assess 12 points against the driver's license, and the license is subject to revocation. A conviction of driving under the influence of alcohol, under the influence of alcohol *per se*, or driving while impaired by a CDS also requires assessment of 12 points against the license by MVA, and the license is subject to revocation. A conviction for driving while impaired by alcohol or impaired by a drug, any combination of drugs, or any combination of drugs and alcohol requires assessment of 8 points against the driver's license by MVA, and the license is subject to suspension. A driver who accumulates 8 or 12 points against his or her driver's license within a two-year period is subject to license suspension or revocation, respectively.

*Drivers of Commercial Motor Vehicles:* The operators of commercial motor vehicles are subject to more stringent laws regarding the use of alcohol while operating a commercial vehicle. A person may not drive, operate, or be in physical control of a commercial motor vehicle while the individual has *any* alcohol concentration in the person's blood or breath. However, for the purpose of applying the sanction of disqualification, a person may not drive, operate, or be in physical control of a commercial motor vehicle with an alcohol concentration greater than 0.04 in the person's blood or breath. A person who violates this prohibition is subject to disqualification from driving a commercial motor vehicle for one year. Also, a person who drives, operates, or is in physical control of a commercial motor vehicle and refuses to take a requested test of blood or breath after being detained by a police officer, must be placed out of service for the 24-hour period immediately following the time a police officer or employer detects alcohol in the person's blood or breath. Additional sanctions apply if the operator of a commercial motor vehicle is subsequently convicted of an alcohol-related driving offense.

A "commercial motor vehicle" means a motor vehicle or a combination of motor vehicles used to transport passengers or property that (1) has a gross combination weight rating of 26,001 or more pounds, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; (2) has a gross vehicle weight rating of 26,001 or more pounds; (3) is designed to transport 16 or more passengers, including the driver; or (4) is of any size and is used in the transportation of hazardous materials and which requires the motor vehicle to be placarded under federal regulations. It does not include farming equipment or machinery, military, recreational, or emergency vehicles.

**Background:**

*Alcohol- and/or Drug-related Driving Offenses:* **Exhibit 3** shows the number of violations brought in the District Court and circuit courts for specified offenses in fiscal 2016. Additionally, in fiscal 2016, there were 5,885 guilty dispositions for alcohol- and/or drug-related driving offenses in the District Court (this figure excludes Anne Arundel County, due to the way the District Court captured data in fiscal 2016). The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) reports that 62 individuals were convicted in circuit courts for alcohol- and/or drug-related driving offenses in fiscal 2016.

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**Exhibit 3**  
**Violations for Specified Offenses in the District Court and Circuit Courts**  
**Fiscal 2016**

<u>Offense</u>	<u>District Court</u>	<u>Circuit Court</u>
Driving Under the Influence of Alcohol	20,023	1,185
Driving Under the Influence of Alcohol <i>Per Se</i>	11,967	2,553
Driving Under the Influence of Alcohol/Transporting Minor	271	109
Driving While Impaired by Alcohol	20,137	4,381
Driving While Impaired by Alcohol/Transporting Minor	251	73
Driving While Impaired by Drugs or Drugs and Alcohol	4,349	989
Driving While Impaired by Drugs or Drugs and Alcohol/Transporting Minor	69	17
Driving While Impaired by a CDS	2,193	508
Driving While Impaired by a CDS/Transporting Minor	54	20
Manslaughter by Vehicle/Vessel – Gross or Criminal Negligence	18	62
Homicide by Vehicle/Vessel – Under the Influence of Alcohol or Under the Influence <i>Per Se</i>	3	46
Homicide by Vehicle/Vessel – Impaired (by Alcohol, Drugs, or a CDS)	9	42
Life-threatening Injury by Vehicle/Vessel (Under the Influence of Alcohol, Under the Influence <i>Per Se</i> , or Impaired by Alcohol, Drugs, or a CDS)	7	34

CDS: controlled dangerous substance

Note: Circuit court violations include jury trials and appeals from cases that originated in the District Court. Therefore, there may be some overlap between the number of District Court and circuit court violations.

Source: Judiciary (Administrative Office of the Courts)

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According to the Department of Public Safety and Correctional Services (DPSCS), in fiscal 2016, there were 49 intakes for which the most serious offense was driving under the influence of alcohol, with an average sentence of 12.9 months; 24 intakes for which the most serious offense was driving while impaired by alcohol, with an average sentence of

7.8 months; one intake for which the most serious offense was driving while impaired by drugs or drugs and alcohol, with a sentence of 1.5 months; and 3 intakes for which the most serious offense was driving while impaired by a CDS, with an average sentence of 20 months.

**Exhibit 4** shows MSCCSP’s sentencing and incarceration information, for fiscal 2016, for homicide, manslaughter, and life-threatening injury by vehicle or vessel offenses that would also be considered prior offenses under the bill. DPSCS reports that, in fiscal 2016, there were nine intakes for which homicide by motor vehicle was the most serious offense, with an average sentence of 43.5 months, and two intakes for which the most serious offense was manslaughter by vehicle, with an average sentence of 66 months.

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**Exhibit 4**  
**Fiscal 2016 Sentencing and Incarceration Rates for Homicide, Manslaughter, and Life-threatening Injury by Motor Vehicle or Vessel Offenses**

<u>Offense</u>	<u>Number of Persons Sentenced</u>	<u>Number of Counts</u>	<u>Average Length of Incarceration</u>
Homicide by motor vehicle or vessel while under the influence of alcohol or under the influence of alcohol <i>per se</i>	5	5	3.2 years
Homicide by motor vehicle or vessel while impaired by alcohol	1	1	3 years
Homicide by motor vehicle or vessel while impaired by drugs	0	0	0
Homicide by motor vehicle or vessel while impaired by a CDS	1	1	3 years
Manslaughter by vehicle or vessel – gross negligence	25	33	4.1 years
Manslaughter by vehicle or vessel – criminal negligence	8	8	0.69
Life-threatening injury by motor vehicle or vessel while under the influence of alcohol or under the influence of alcohol <i>per se</i> , or while impaired by alcohol, drugs, or a CDS	12	14	0.66 years

CDS: controlled dangerous substance

Note: Information reflects those cases heard in the circuit courts.

Source: Maryland State Commission on Criminal Sentencing Policy

*Application of Punitive Damages:* The bill addresses an issue raised in several Court of Appeals cases from 1988 through 1993. The bill would revive the holding in *Nast v. Lockett*, 312 Md. 343 (1988). That holding was overturned in *Owens-Illinois v. Zenobia*, 325 Md. 420 (1992) and *Komornik v. Sparks*, 331 Md. 720 (1993).

In *Nast*, the Court of Appeals held that evidence that the defendant was driving while intoxicated would support the conclusion that the defendant had wanton or reckless disregard for human life and, therefore, such evidence could be weighed by the jury on the issue of punitive damages.

However, in *Zenobia*, the Court of Appeals, overruling *Nast*, held that, in a nonintentional tort action, the trier of fact may not award punitive damages unless the plaintiff has established that the defendant's conduct was characterized by evil motive, intent to injure, ill will, or fraud; that is, "actual malice."

In *Komornik v. Sparks*, the Court of Appeals held that evidence of the defendant's driving while intoxicated was insufficient to support a finding of actual malice, as required by *Zenobia*. In the 1998 case *Bowden v. Caldor*, 350 Md. 4 (1998), the Court of Appeals again confirmed that an award of punitive damages must be based upon actual malice, in the sense of conscious and deliberate wrongdoing, evil or wrongful motive, intent to injure, ill will, or fraud.

*Drunk Driving Enforcement:* The Judiciary advises that, over the past 10 fiscal years, there were approximately 663,717 violations of driving under the influence of alcohol or under the influence of alcohol *per se*. There were 156 violations for homicide by motor vehicle or vessel while under the influence of alcohol or impaired by drugs and/or alcohol, and 139 violations of life-threatening injury by motor vehicle or vessel while under the influence of alcohol or impaired by drugs and/or alcohol (the Judiciary advises that this data does not include fiscal 2013 data).

**Exhibit 5** shows traffic crash data from the Maryland Highway Safety Office for drivers with alcohol concentrations ranging from 0.08 to 0.50 for the five-year period of 2011 through 2015, the latest verified information available.

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**Exhibit 5**  
**Crash Summary**  
**Driver or Pedestrian Involved/Alcohol Concentrations 0.08 to 0.50**  
**2011-2015**

<u>Crash Type</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>5-year Average</u>	<u>%</u>
Fatal	122	111	101	95	115	109	4.8%
Injury	523	530	437	418	351	452	20.1%
Property Damage	1,665	1,566	1,716	1,788	1,707	1,688	75.1%
<b>Total Crashes</b>	<b>2,310</b>	<b>2,207</b>	<b>2,254</b>	<b>2,301</b>	<b>2,173</b>	<b>2,249</b>	<b>100.0%</b>
Total Fatalities	132	130	110	99	130	120	
Total Injuries	822	826	658	629	579	703	

Source: Maryland Department of Transportation

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**State Fiscal Effect:** The bill's provisions regarding punitive damages do not directly affect State finances. The State is not liable for punitive damages under the Maryland Tort Claims Act.

Changing crimes from misdemeanors to felonies under the provisions of this bill means that (1) these cases are filed in the circuit courts rather than the District Court and (2) some persons may eventually serve longer incarcerations due to the increased penalty provisions that are specified in this bill. Accordingly, it is assumed that this bill shifts an unknown number of cases from the District Court to the circuit courts. It is not known whether such a prospective shift may spur more plea bargains and affect actual sentencing practices for the offenses addressed in this bill.

General fund revenues may decrease minimally as a result of fewer cases heard in the District Court.

Although there were 5,885 guilty dispositions in the District Court and 62 convictions in the circuit courts for alcohol- and/or drug-related driving offenses in fiscal 2016, it is unknown how many of these individuals had three or more prior convictions for those offenses, although this number is expected to be minimal. Further, it is unknown how many individuals convicted of alcohol- and/or drug-related driving offenses in fiscal 2016 had a prior conviction for specified homicide, manslaughter, or life-threatening injury by motor vehicle offenses that would be considered prior offenses under the bill. However, given the relatively low number of violations brought in the District Court and circuit

courts and the low number of convictions for these offenses in the circuit courts in fiscal 2016 (see Exhibits 3 and 4), this analysis assumes that the number of individuals with such prior convictions is minimal.

General fund expenditures may increase minimally as a result of the bill's incarceration penalty due to more people being committed to State correctional facilities and for longer periods of time. The number of people convicted and subject to the enhanced penalties under the bill is expected to be minimal. Moreover, any impact depends on changes in sentencing practices due to the bill.

**Local Fiscal Effect:** The bill's provisions regarding punitive damages do not directly affect local government finances. Local governments are not liable for punitive damages under the Local Government Tort Claims Act.

Revenues may increase minimally as a result of the bill's monetary penalty provision from additional cases heard in the circuit courts.

Expenditures may decrease minimally as a result of the bill's incarceration penalty due to more people being committed to State facilities instead of local facilities. The number of people convicted and subject to the enhanced penalties in the bill is expected to be minimal. Any impact depends on changes in sentencing practices due to the bill.

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### **Additional Information**

**Prior Introductions:** Legislation with similar punitive damages provisions has been introduced in prior legislative sessions. As amended, SB 302 of 2016 passed the Senate and received a hearing in the House Judiciary Committee, but no further action was taken. Its cross file, HB 864, received a hearing in the House Judiciary Committee, but no further action was taken. SB 605 of 2015 passed the Senate as amended but received an unfavorable report from the House Judiciary Committee. HB 987 of 2013 was withdrawn after a hearing in the House Judiciary Committee. SB 351 of 2012 received an unfavorable report from the Senate Judicial Proceedings Committee; its cross file, HB 469, received an unfavorable report from the House Judiciary Committee. SB 483 of 2011 received an unfavorable report from the Senate Judicial Proceedings Committee; its cross file, HB 576, was withdrawn after being heard in the House Judiciary Committee. Additionally, similar punitive damages legislation was considered in 2010, 2003, and in the 1999 through 2001 legislative sessions.

**Cross File:** HB 371 (The Speaker, *et al.*) (By Request - Administration) - Judiciary.

**Information Source(s):** Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; State's Attorneys' Association; Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 4, 2017  
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**ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES**

**TITLE OF BILL: Vehicle Laws – Drunk and Drugged Driving – Subsequent Offenders - Felonies (Repeat Drunk Driving Offenders Act of 2017)**

**BILL NUMBER: SB 312/HB 371**

**PREPARED BY: GLO  
(Dept./Agency/GLO)**

**PART A. ECONOMIC IMPACT RATING**

This agency estimates that the proposed bill:

**WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESSES**

**OR**

**WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESSES**

**PART B. ECONOMIC IMPACT ANALYSIS**