

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 799

(Senator Muse, *et al.*)

Judicial Proceedings

Judiciary

**Driver Improvement Program and Failure to Pay Child Support - Driver's
License Suspensions - Penalties and Assessment of Points**

This bill repeals the term of imprisonment, reduces the maximum fine, and reduces the points assessed for a person convicted of driving a vehicle on a highway or specified property in the State while the person's driver's license or privilege to drive is suspended for (1) being 60 days or more out of compliance with making child support payments or (2) failure to attend a required driver improvement program (DIP).

Fiscal Summary

State Effect: General fund revenues decrease, potentially significantly, beginning in FY 2018 as certain individuals convicted of driving with a suspended license are subject to a reduced maximum fine. Any decrease in revenues may be partially offset by a decrease in general fund expenditures that results from fewer people being imprisoned under the bill. In FY 2018 only, general fund expenditures increase by approximately \$33,700 for the District Court to revise traffic citation documents.

Local Effect: Local government expenditures decrease, likely minimally, due to fewer people being imprisoned in local detention facilities under the bill. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary/Current Law:

Driving with a Suspended License

Under current law (§ 16-303(c) of the Transportation Article), a person may not drive a motor vehicle on any highway or any specified property while the person's license or privilege to drive is suspended in Maryland or any other state (including when a person's license was suspended for either being 60 days or more out of compliance with making child support payments or failure to attend a required DIP). If a person is convicted of violating this restriction, 12 points are assessed against the person's license. In addition, a person convicted of driving with a suspended license is generally subject to a fine of up to \$1,000 and/or imprisonment for up to one year. For a subsequent offense, a person is subject to a fine of up to \$1,000 and/or imprisonment for up to two years.

Under current law (§ 16-303(h) of the Transportation Article), a person may not drive a motor vehicle on any highway or any specified property while the person's license or privilege to drive is suspended under certain provisions of the Transportation Article, including (1) lapse of required security; (2) noncompliance with traffic citations; (3) noncompliance with traffic citations issued under federal law; or (4) nonpayment of fines. Similarly, a person whose license or privilege to drive is suspended under the traffic laws of another state – for failure to comply with a notice to appear in a court of that state or failure to pay a fine for a violation of any traffic laws or regulations of that state – may not drive a motor vehicle on any highway or specified property while that person's license or privilege to drive is suspended. A violation of these restrictions results in three points assessed against the person's license. In addition, a person convicted of any of these violations is subject to a fine of up to \$500 and/or imprisonment for up to two months. However, Chapter 515 of 2016 (the Justice Reinvestment Act) removed the term of imprisonment effective October 1, 2017. Under Chapter 515, an individual is subject to a fine of up to \$500, may not prepay the fine, and must appear in court.

Under the bill, two types of violations for driving with a suspended license – if the license was suspended for either being 60 days or more out of compliance with making child support payments or failure to attend a required DIP – are moved from § 16-303(c) into § 16-303(h) of the Transportation Article, which subjects them to less stringent penalties. Accordingly, for those violations, three points are assessed against the person's license. In addition, the person is subject to a fine of up to \$500, may not prepay the fine, and must appear in court.

Suspension and Restriction for Child Support Arrearages

Under current law, upon notification by the Child Support Enforcement Administration that an obligor is 60 days or more out of compliance with making child support payments, the Motor Vehicle Administration (MVA) must suspend an obligor's license or privilege to drive in the State. However, MVA may issue a work-restricted license or work-restricted privilege to drive. *The bill* leaves these provisions unchanged.

Suspension for Failure to Attend Driver Improvement Program

Under current law, MVA may suspend a license of an individual who fails to attend a required DIP (including a private alternative program or an alternative program that is provided by a political subdivision of the State). *The bill* leaves this provision unchanged.

Background: MVA advises that 248,268 *total* licenses were suspended in fiscal 2016, a decrease from the 279,553 licenses that were suspended in fiscal 2015 and the 273,550 licenses that were suspended in fiscal 2014. MVA further advises that, in fiscal 2016, 23,514 licenses were suspended for noncompliance with making child support payments and 14,303 licenses were suspended for failure to attend DIP (with another 29 suspended for young drivers who failed to complete DIP). The Judiciary advises that, in fiscal 2016, there were 59,786 violations and 3,566 guilty dispositions for driving with a suspended license under § 16-303(c) of the Transportation Article, which includes individuals whose licenses were suspended for failure to pay child support or to attend a DIP.

State Revenues: The bill reduces the maximum fine for specified individuals driving with a suspended license (currently under § 16-303(c) but moved into § 16-303(h) of the Transportation Article) from \$1,000 to \$500. Thus, under the bill, general fund revenues decrease, potentially significantly, as certain individuals convicted of driving with a suspended license likely pay a reduced fine. The exact decrease in general fund revenues cannot be reliably estimated at this time, however, because the range of monetary penalties currently imposed is not known. In addition, the percentage of individuals convicted of driving with a suspended license whose licenses were suspended specifically as a result of failure to pay child support or failure to attend a DIP is also unknown.

A total of 3,566 individuals were convicted of driving with a suspended license (under § 16-303(c) of the Transportation Article) in fiscal 2016. Again, the percentage of individuals convicted under § 16-303(c) who were driving with licenses suspended under the sections of law addressed by the bill is unknown. However, *for illustrative purposes only*, if approximately one-quarter of the total number of convicted individuals pay a fine that is reduced by \$250 and the number of guilty dispositions remains fairly constant in future years, general fund revenues decrease by approximately \$167,156 in fiscal 2018 (reflecting the bill's October 1, 2017 effective date) and by \$222,875 annually thereafter.

Any impact on reinstatement fee revenues for MVA due to changes in the points assessed is assumed to be minimal.

State Expenditures: General fund expenditures may decrease minimally beginning in fiscal 2018 due to fewer people being committed to State correctional facilities for convictions in Baltimore City. The number of people imprisoned for driving with a suspended license is assumed to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions.

In addition, the District Court advises that it must revise and recall traffic citation forms at a cost of \$33,695 in fiscal 2018 only.

Local Expenditures: Expenditures decrease, likely minimally, as a result of the bill's removal of the incarceration penalty for driving with a suspended license. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$60 to \$160 per inmate in recent years.

Additional Information

Prior Introductions: None.

Cross File: HB 844 (Delegate Moon, *et al.*) - Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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