

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 722

(Senator Benson)

Judicial Proceedings

Motor Vehicles - Aggressive Driving - Offenses

This bill expands the offense of aggressive driving and establishes that commission of *any* one of the *new* violations is a felony, subject to maximum penalties of one year imprisonment and/or a \$1,500 fine. Thus, a person charged with any of the *new* violations under the offense of aggressive driving must appear in court to answer the charge; a fine may not be prepaid. The bill further establishes that a person may not commit (or engage another person to do so) any of the *new* violations classified as aggressive driving so that the violation may be recorded, without specified written permission.

Fiscal Summary

State Effect: Minimal increase in general fund revenues and expenditures due to the bill's penalty provision and imposition of an existing penalty provision. Potential minimal increase in Transportation Trust Fund revenues due to license reinstatement fees. Enforcement can be handled with existing resources.

Local Effect: Minimal increase in local revenues and expenditures due to the bill's penalty provision and imposition of an existing penalty provision. Enforcement can be handled with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: The offense of aggressive driving is expanded to include (1) following or approaching a pedestrian or another vehicle more closely than is reasonable and prudent while operating a motor vehicle with the intent to harass or intimidate another person;

(2) willfully performing abrupt motor vehicle stops causing an impediment to the normal and reasonable movement of traffic, unless an abrupt stop is necessary for the safe operation of the motor vehicle or is otherwise lawful; (3) operating an all-terrain vehicle or motorcycle on a sidewalk; or (4) driving a motor vehicle in a careless or imprudent manner by performing maneuvers or tricks that endanger any property or individual. The bill establishes that commission of *any* of these violations is aggressive driving and is a felony, which also makes it subject to assessment of 12 points against the violator's driver's license. The existing violations under the offense of aggressive driving remain a misdemeanor and require commission of *three of more violations* simultaneously or during a single and continuous period of driving.

Because the new violations are punishable by a sentence of imprisonment, they are also subject to an existing prohibition against committing a violation or engaging another person to commit a violation for the purpose of filming, videotaping, photographing, or otherwise recording the violation. A person that records such a violation without obtaining written permission (from the Secretary of State Police or the chief executive officer of the governing body of the county or a designee) is guilty of a misdemeanor and subject to maximum penalties of one year imprisonment and/or a \$1,000 fine.

Current Law:

Points System

After conviction for an offense under the Maryland Vehicle Law, State or local traffic regulations, or specified vehicular manslaughter or homicide offenses, State law has established a system of points to be assessed against the driver's license. For points accumulated within a two-year period, the Motor Vehicle Administration (MVA) must impose specified sanctions. The specific offenses and the points to be assessed are set forth in statute.

MVA is required to assess 5 points against the license of a person convicted of aggressive driving. Drivers who accumulate 5 to 7 points within a two-year period must attend the Driver Improvement Program. MVA is required to assess 12 points against the license of a person convicted of any felony involving use of a vehicle. Drivers who accumulate 12 points within a two-year period are subject to license revocation.

Aggressive Driving

A person is guilty of aggressive driving if the person commits three or more specified traffic offenses at the same time or during a single and continuous period of driving in violation of provisions pertaining to (1) failure to obey traffic lights with steady indication; (2) overtaking and passing vehicles; (3) passing on the right; (4) driving on laned roadways;

(5) following too closely; (6) failure to yield the right-of-way; or (7) exceeding a maximum speed limit or posted maximum speed limit.

A driver who commits aggressive driving is guilty of a misdemeanor and is subject to a maximum fine of \$500. The prepayment penalty established by the District Court is \$370 and, as noted above, MVA must assess five points against the driver's license. A provisional license holder younger than age 18 who commits an aggressive driving offense is guilty of high-risk driving and is subject to license suspension. For a first offense, MVA must suspend the provisional driver's license for six months; for a second or subsequent offense, MVA must suspend the provisional driver's license for one year. A person subject to license suspension under these circumstances may request an administrative hearing.

Recording Illegal Activity

Generally, a person may not commit or engage another person to commit certain violations for the purpose of filming, videotaping, photographing, or otherwise recording the violation. However, a person may do so if that person has obtained written permission from the Secretary of State Police or the chief executive officer (or a designee of either). This prohibition applies to any violation of the Maryland Vehicle Law that is punishable by a sentence of imprisonment as well as a reckless driving violation. A person convicted of recording illegal activity is guilty of a misdemeanor and subject to maximum penalties of one year imprisonment and/or a \$1,000 fine. There is no prepayment penalty as this is a must-appear offense.

Background: The District Court advises that, in fiscal 2018, a total of 410 citations were issued for aggressive driving.

MVA reports that there were 4,526 aggressive driving-related crashes in Maryland in 2017. Of that number, 2,872 resulted in property damage, 1,606 resulted in injury, and 48 involved a fatality.

State Revenues: General fund revenues increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures increase minimally as a result of the bill's incarceration penalty due to more people being committed to State correctional facilities for convictions in Baltimore City. The number of people convicted of this proposed crime is expected 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.

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

Local Expenditures: Expenditures increase as a result of the bill's incarceration penalty. 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 \$40 to \$170 per inmate in recent years.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Association of Counties; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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