

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader - Revised

House Bill 494 (Delegate Stewart)
Environment and Transportation

Vehicle Laws - Reckless Driving - Excessive Speeding

This bill establishes that a person is guilty of reckless driving if the person drives a motor vehicle at a speed of 20 miles per hour or more in excess of the maximum posted speed limit. In addition, the bill establishes that a person charged with reckless driving must appear in court and may not prepay the fine.

Fiscal Summary

State Effect: Potential significant increase in general fund revenues resulting from imposition of higher maximum penalties. Transportation Trust Fund (TTF) revenues increase minimally, as discussed below. Enforcement and adjudication generally can be handled with existing resources, but significant operational impacts (and potentially additional costs) are expected, as discussed below.

Local Effect: Enforcement in the field can be handled with existing resources, but additional court appearances for law enforcement officers have operational, and potentially fiscal, impacts. Revenues are not affected.

Small Business Effect: Potential meaningful.

Analysis

Current Law: A person who is convicted of exceeding the speed limit is guilty of a misdemeanor and subject to a maximum fine of \$500. **Exhibit 1** shows the tiered prepayment penalties established by the District Court for exceeding a specified posted speed limit, as well as applicable point assessments.

Under current law, a person is guilty of reckless driving if a motor vehicle is driven in wanton or willful disregard for the safety of persons or property or in a manner that indicates a wanton or willful disregard for the safety of persons or property. A violation is a misdemeanor, subject to a maximum fine of \$1,000. The Motor Vehicle Administration is also required to assess six points against the driver’s license upon conviction for this offense. The District Court prepayment penalty for reckless driving is \$510.

Exhibit 1
Maximum Penalties for Exceeding Posted Speed Limits and Reckless Driving
Under Current Law

	No Accident		If Contributes to an Accident	
	Prepayment Penalty*	Points	Prepayment Penalty*	Points
Exceeding Posted Speed Limit by:				
20-29 miles per hour**	\$160	2	\$200	3
30-39 miles per hour**	290	5	290	5
40+ miles per hour**	530	5	530	5
Reckless Driving**	\$510	6	\$510	6

*The prepayment penalties shown are the amounts set by the District Court as of October 2020; the prepayment penalty allows a defendant to satisfy a traffic citation by admitting guilt and paying a fine without having to appear in court. The prepayment penalty includes court costs; the maximum statutory penalty does not include court costs.

**The bill eliminates the prepayment penalty by requiring an individual charged with this offense to appear in court.

Note: The speeding offenses listed have a maximum statutory penalty of \$500, although court costs may be added to that amount. Reckless driving has a maximum statutory penalty of \$1,000, excluding court costs.

Source: District Court of Maryland; Department of Legislative Services

State Revenues: General fund revenues increase, perhaps significantly, from fines and penalties associated with citations issued under the bill’s provisions, as discussed below. TTF revenues are affected minimally from fees for license reinstatements.

General Fund – Alteration of Offenses and Fines/Penalties under the Bill

The bill reclassifies driving at 20 miles per hour or more in excess of the maximum speed limit as reckless driving and makes reckless driving a must-appear offense, which results in the effects listed below.

- *Individuals Currently Cited for Speeding 20 Miles per Hour or More in Excess of the Maximum Speed Limit:* Lose ability to prepay penalty, must appear in court, and are subjected to a higher statutory penalty and higher points assessment.
- *Individuals Currently Cited for Reckless Driving:* Lose ability to prepay penalty (if applicable) and must appear in court. No change to statutory maximum penalty or points assessment.

As shown in **Exhibit 2**, during fiscal 2019, there were 53,379 citations issued to individuals driving at a speed exceeding the posted limit by 20 or more miles per hour. The majority of those individuals – approximately 52% (27,889) – chose to prepay the penalty rather than opt for a trial. Under the bill, those individuals must instead make a court appearance.

Exhibit 2
District Court Speeding Citations Data for Violations Affected by the Bill
Fiscal 2019

<u>Exceeding Posted Speed Limit by:</u>	<u>Total</u>	<u>Prepaid</u>
20-29 miles per hour	42,599	23,620
30-39 miles per hour	8,938	3,735
40+ miles per hour	1,842	534
Total, at 20+ Miles Per Hour	53,379	27,889

Source: Judiciary (Administrative Office of the Courts); Department of Legislative Services

While individuals who choose to prepay are subject to a set penalty, individuals who opt for a trial are subject to any penalty up to the statutory maximum (\$500 for the speeding offenses and \$1,000 for reckless driving). The District Court does not track the average fine amount paid by individuals who opt for a trial.

The bill's impact on general fund revenues depends on the amount of fines levied as a result of guilty dispositions in court, which depends on judicial discretion, cannot be reliably determined at this time, and can only be determined with actual experience under

the bill. This analysis does not address additional factors that may affect overall citation volume, such as changes in driving behavior as drivers become aware of the new penalty for speeding under the bill.

However, *for illustrative purposes only*, general fund revenues could increase by as much as \$7.0 million annually if, after trial, the fine assessed on each of the 27,889 individuals who prepaid speeding violations in fiscal 2019 increases by \$250.

According to the Judiciary, 14,361 citations were issued for reckless driving in fiscal 2019; only 431 of the cited individuals (approximately 3%) chose to prepay the citation. While the bill requires these individuals to appear in court for trial, it does not alter the maximum monetary penalty for reckless driving. Given that the vast majority of individuals issued citations for reckless driving already opt for a trial, this analysis assumes that requiring these individuals to appear in court for trial does not materially affect general fund revenues.

Transportation Trust Fund – License Reinstatements and Automated Enforcement of Vehicle Laws

Under current law, a conviction for reckless driving results in the assessment of 6 points against the license of the convicted driver; individuals convicted of speeding 20 miles per hour or more above the speed limit are subject to an assessment between 2 and 5 points. Currently, the accumulation of 5 to 7 points requires enrollment in a Driver Improvement Program, 8 to 11 points results in the suspension of a license, and 12 points results in license revocation. While individuals currently being convicted of these offenses may have previously assessed points or simultaneously assessed points that would have resulted in license revocation (or suspension) anyway, the bill requires more points to be assessed for the relevant offenses.

The data in Exhibit 2 indicates that (1) almost 80% of citations issued for the speeding offenses affected by the bill were for speeding between 20 and 29 miles per hour over the speed limit and (2) more than one-half (55%) of that group of cited individuals prepaid the penalty and had two points assessed against their driver's licenses. Under the bill, those individuals (who represent 44% of the entire pool of citations affected by the bill) are subject to four additional points being assessed against their licenses. Assuming that citation volume and the conviction rate for this population remain steady, the bill results in a minimal increase in TTF revenues from license reinstatement fees.

State and Local Expenditures: Enforcement in the field can be handled with existing resources; however, given the number of additional trials for traffic offenses generated by the must-appear requirement, the Department of Legislative Services advises that the bill has operational, and likely fiscal, impacts on law enforcement agencies. Relevant factors

include the need to coordinate schedules for officers required to appear in court for trial, ensuring coverage in the field for officers who have to attend court under the bill, and overtime pay for officers due to court appearances under the bill.

The Judiciary advises that, despite an increase in the number of traffic court trials under the bill, the District Court can generally handle most additional must-appear offenses with existing budgeted resources; nevertheless, the bill has a significant operational impact and may necessitate additional resources in larger districts.

Small Business Impact: Driver Improvement Programs may gain considerably more enrollees as a result of higher points assessment under the bill.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 337 (Senator Kramer) - Judicial Proceedings.

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

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