



The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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CRUNCH TIME

On Monday, March 29, companion bills relating to support for victims of Hurricane Isabel ([SB 415/HB 3](#)) became Chapter 7 and 8 of the 2004 *Laws of Maryland*.

With just over a week remaining in the 2004 session, out of 2,481 introductions as of Friday, April 2, there are 77 passed bills and 811 failed bills. *Sine die* is April 12 at midnight. Bill hearings and floor sessions will continue throughout the last days of the session, as the final status of the remaining 1,593 bills is decided.

COURTS AND CIVIL PROCEEDINGS

The Senate passed [SB 490](#) to change the law that requires a judge to free a defendant pending the outcome of a prosecutor's pretrial appeal of a judge's decision to throw out vital evidence in a case. A judge may decide whether to jail or release a defendant while awaiting the result of an appeal. An amendment deleted the provision that would have allowed a case to proceed even if an appeal failed. Under current law, a case is automatically dismissed if an appeal fails and can never be reinstated. [SB 490](#) is now identical to [HB 80](#) that passed the House last week.

This week a committee killed [SB 602](#) that would have established the status of "de facto custodian" and set out factors to be considered by a court when a person who has been the primary caregiver and financial supporter for a child seeks custody of the child. The companion bill ([HB 1092](#)) met the same fate last week.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

The Senate approved an Administration proposal for a statewide diversion program for nonviolent drug offenders ([SB 194](#)). Drug offenders identified as treatable are to be diverted from jail to drug treatment facilities and their criminal charges placed on an inactive docket, with expungement possible after successful completion of the program. Alcohol and Drug Abuse Councils created in each county are to develop a local

plan for drug and alcohol evaluation, prevention and treatment services, and review and recommend for approval local grant applications for substance abuse treatment services. Under an adopted amendment, if the bill passes, it would go into effect only if the Governor's FY 2005 budget includes at least \$3 million dedicated to carrying out the act's provisions. The companion bill ([HB 295](#)) passed the House last week in a slightly different form.

After passing the House this week, measures to overhaul the State juvenile justice system go to the Senate for consideration. The package includes:

- [HB 1083](#) that requires the Department of Juvenile Services (DJS), within specified deadlines between 2006 and 2008, to develop a facilities master plan that provides for smaller detention centers with a maximum of 48 youths each in at least five separate regions, to establish a volunteer mentoring program in each region, to implement step-down aftercare, to create first a year-round educational programming pilot program outside the public school system in two group homes, and then to provide year-round educational opportunities to all youths in the system. (The companion bill, [SB 768](#), remains in a Senate committee);
- [HB 1139](#) that establishes the DJS Education Department to provide year-round educational programs for youths in DJS custody, and requires the Department of Education to develop and implement juvenile services educational programs at all DJS residential facilities by July 1, 2012; and
- [HB 1141](#) that requires step-down aftercare for each youth discharged from a committed residential placement. Step-down aftercare is a network of programs providing education, rehabilitation, services, and treatment to ease the transition of youths from the custody of DJS to their homes and communities. (The companion bill, [SB 767](#), remains in a Senate committee.)

The Senate passed [SB 837](#) to make it a felony to counterfeit with fraudulent intent a check, letter of credit, or other negotiable instrument, and to create the

misdeemeanor crime of possession of a counterfeit instrument with fraudulent intent. Under the bill, a State's attorney or the Attorney General is authorized to investigate and prosecute alleged violations in any county where an element of the crime occurred, where the victim resides, or in the case where the victim is not an individual, where the victim conducts business.

[HB 365](#), as passed in the House this week, adds sexual orientation to Maryland's hate crime law that prohibits a person from harassing or committing a crime against a protected person, damaging, defacing or destroying property of a protected person or property associated with a protected person, or attempting to do so, or burning or attempting to burn an object on the property of a protected person. The companion bill, [SB 698](#), remains in a Senate committee.

With a \$10,000 cap on damages, the House passed [HB 1145](#) that provides that a person who tortuously injures or kills a pet is liable to the pet's owner for compensatory damages that are, in the case of the death of a pet, the fair market value of the pet before death and the reasonable and necessary cost of veterinary care, and in the case of an injury to a pet, the reasonable and necessary cost of veterinary care.

Under current law, a person may be prosecuted for committing first or second degree rape or a third degree sexual offense against the person's spouse only when the person uses force and acts without the spouse's consent. This week, the House approved [HB 923](#) that allows such a person to be prosecuted for those crimes when the person uses just the threat of force.

Legislation to prevent criminals from suing their victims ([HB 1463](#)) passed the House on Thursday and applies to actions arising on or after October 1, 2004. Under the bill, a person is not liable for damages for personal injury or death of an individual who enters the first person's home or place of business with the intent to commit burglary or a crime of violence.

If the House agrees with the Senate, the maximum fine that may be levied against a person convicted of car theft will increase from \$5,000 to \$25,000 under [SB 588](#). The maximum jail term remains unchanged at five years.

Bills denied committee approval this week include legislation that:

- would have reduced the number of good time credits a child abuser or child sexual abuser can earn while incarcerated and classified child abuse and child

sexual abuse as crimes of violence ([HB 1235](#)). (The House passed [HB 1099](#) last week to make child abuse in the first degree a crime of violence);

- would have eliminated the requirement that a handgun permit applicant have a "good and substantial reason" to wear, carry, or transport a handgun ([SB 137](#));
- would have expanded the definition of criminal stalking to include stalking by mail, the Internet, telephone, telecommunications device, or fax ([HB 623](#)); and
- would have allowed an assailant to be charged with a crime against a fetus if certain crimes against a pregnant woman resulted in the harm or death of the fetus ([SB 349](#) and [HB 520](#)).

ECONOMIC AND BUSINESS ISSUES

Economic Development

After amendments, [SB 324/HB 415](#) now establish a task force to develop criteria for evaluating minority business enterprises' access to credit and capital from financial institutions that provide or wish to provide depository services to the State. An interim report is due this December and the final report by September 2005.

Now in the Senate and scheduled for a hearing next week, [HB 905](#) extends the current Neighborhood Business Development (NBD) program that assists development, redevelopment, or expansion of small business in older communities by providing financial assistance to microenterprises. As defined in the bill, a "microenterprise" is a business with not more than five employees that requires no more than \$35,000 in start-up capital and does not have access to commercial banks. Another provision sets a good faith goal of 25% of NBD loans and grants to go to microenterprises.

Measures ([SB 716/HB 659](#)) that would have repealed the authority of the Maryland Economic Development Corporation (MEDCO) to acquire real property or rights or easements in real property by condemnation failed to gain committee approval. Although authorized to use eminent domain, MEDCO has never used this authority in its 20-year history.

Insurance

Winning final legislative approval this week, [HB 15](#) amends current insurance law regulating public adjustors. The bill allows business entities to be licensed as public adjustors, alter qualifications for licensure, include provisions regarding licensing of nonresidents, and add penalties for failure to obtain a license. The companion, [SB 586](#), is in a House committee with no reported vote.

Labor

Failing to gain committee approval this week, [SB 273/HB 1111](#) would have increased the liquidated damages under a public works contract for not complying with the prevailing wage rate.

Occupations

Winning final approval, [HB 177](#) requires anyone licensed to sell real property and casualty insurance and to sell flood insurance, as well, to receive continuing education related to flood insurance. Its companion, [SB 584](#), received a hearing in the House this week.

Amended and sent to opposite houses, proposed adjustments to Maryland real estate regulation focused on expanding current licensing requirements for a real estate salesperson, associate broker, or broker to include a three clock-hour course in real estate ethics approved by the State Real Estate Commission. The bills, [SB 561/HB 1249](#), also make changes in the continuing education requirements of licensees.

Other legislation did not receive committee approval:

- [HB 883](#) would have permitted the State Commission of Real Estate Appraisers and Home Inspectors to impose a civil penalty of up to \$5,000 for each violation, in addition to or instead of reprimanding a home inspector licensee or suspending or revoking a home inspector license; and
- [HB 1097](#) would have established a State board to regulate those who provide automotive glass work or glazing services in residential or commercial structures.

Utilities

After adopting committee amendments and several days of discussion on the Senate floor, [SB 654](#) advanced to the House. The bill establishes an Energy-Saving

Investment Program consisting of energy efficiency programs and renewable energy projects. Renewable energy projects use one or more of the following sources of energy: geothermal, wind, solar electric biomass, and some forms of hydropower. The bill also creates an investment fund to increase the opportunities to save energy and reduce energy costs and pollution, with funding from a charge to residential electric and gas customers.

Delegates amended and sent the Senate [HB 1308](#) that implements a renewable energy portfolio standard that applies to retail electricity sales in Maryland beginning in 2006. Provisions of the bill establish a Maryland Renewable Energy Fund and a renewable credit trading system. As stated in the bill, benefits of electricity from renewable energy resources include decreased emissions, healthier environment, increased energy security, and decreased reliance on imported energy sources. Renewable energy resources may include wind, geothermal, solar, forest and agriculture-related sources from yards, brush, pallets, tree crops, vineyards, grains, plants cultivated exclusively for use as a renewable source, or gas produced from poultry waste. The companion bill, [SB 869](#) remains in committee.

Legislation relating to the use of trade names and trademarks in the heating, air-conditioning, home appliance, and other home improvement installation, service, and repair business moved to the House on Thursday. [SB 387](#) prohibits an entity who sells, markets, installs, maintains, repairs, or provides specified products or services from using, as part of its trade name or trademark, the trade name or trademark of an electric or gas company if the entity is owned wholly or in part, directly or indirectly, by the electric or gas company or the parent company of the electric or gas company. Similar legislation failed in previous sessions.

A proposal that did not make it out of committee would have prohibited a telecommunications company from knowingly impeding development of competition in its service area. [HB 1082](#) would have authorized the Public Service Commission to institute proceedings to evaluate whether the violation warrants a return of the company to price and revenue controls using rate of return regulation.

EDUCATION

This week, the House passed on third reading quite a number of bills related to education. Passed legislation concerning veterans includes:

- [HB 474](#) that allows an individual honorably discharged from military service to apply to a local board of education to obtain a high school diploma, if the individual withdrew from a regular full-time public or private school to enlist in the armed forces during the Vietnam conflict (2000 and 2002 enacted legislation extends the benefit to veterans of WWII and the Korean Conflict, respectively); and
- [HB 1314](#) that requires a public institution of higher education to allow a student who is in the National Guard and whose unit is activated and deployed to a location outside the State to withdraw from classes without negative consequences for the student's academic standing.

Other House-approved bills address the price tag of higher education:

- [HB 1307](#) establishes the William Donald Schaefer Scholarship Program for students who demonstrate outstanding potential for public service with mandated funding from the 2005 and 2006 State budgets in an amount not to exceed \$250,000; and
- [HB 1188](#) establishes a special Higher Education Investment Fund that contains proceeds from a 12.86% surcharge on corporate income taxes to be imposed from calendar 2004 to 2007. The surcharge effectively raises the corporate tax rate from 7% to 7.9%. Money from the Investment Fund is to be used to provide additional support for the University System of Maryland and Morgan State University. If the funding increases in the bill are realized, increases in tuition and fees at the University System of Maryland Institutions and Morgan State University are to be limited to 5% per year from fiscal 2005 to 2008.

Still other bills with final House approval relate to public school teachers and facilities:

- [HB 958](#) establishes a Task Force to Study Teacher Mentoring Programs;
- [HB 1254](#) specifies circumstances under which retired teachers, principals, supervisors of principals,

and health care practitioners may be rehired without an earnings limitation; and

- [HB 199](#) requires the Board of Public Works to include modular construction as an approved public school construction or capital improvement cost.

Still other measures with House agreement address school safety issues:

- [HB 740](#), the Safe Schools Reporting Act of 2004, requires each local board of education to create a program for reporting incidents of harassment or intimidation against public school students that occur on public school property, at a school activity or event, or on a school bus; and
- [HB 909](#) authorizes a local school superintendent to refuse to enroll a child sexual offender in a particular public school, but requires the superintendent to provide an alternative education program for the offender.

During the week, a majority of senators agreed with the House and sent the following bills to the Governor:

- [HB 893](#) changes the name of Coppin State College to Coppin State University; and
- [HB 130](#) allows a local board of education to authorize a public school teacher to make a reasonable search of a student on a school-sponsored trip when the teacher has a reasonable belief that the student possesses an item in violation of State law or of a rule or regulation of the local board. The teacher conducting the search must be designated in writing by the school's principal and must be trained to conduct searches.

The rising demand for nurses has led to a shortage of spaces for nursing students in Maryland schools of higher education. [SB 934](#), an emergency bill, passed by the Senate, expands eligibility for nursing scholarships to allow students at out-of-state institutions of higher education to receive the scholarships. An applicant must provide the Maryland Higher Education Commission with a rejection letter from an in-state institution that has notified the Maryland State Higher Education Commission that it has rejected qualified nursing candidates due to a lack of capacity.

[SB 801](#), referred to interim study, would have repealed the State requirement that public schools be open for a

minimum number of days and hours, and instead allowed local boards of education to set the standard.

Bills receiving an unfavorable committee vote from House committee members would have made portable classrooms eligible for public school construction funding from the State (HB 9) and would have identified a student 14 years or older as a dropout under certain circumstances (HB 502).

Several measures that would have allocated a portion of lottery proceeds to local school systems were voted down in committee recently (HB 253, HB 254, and HB 320). Other measures, also failing, would have distributed a portion of lottery revenues to counties and municipalities for public schools and public safety (HB 315) and required the State Lottery Agency to conduct two to four "Education Lotteries" per year for the benefit of local school systems (HB 319).

House committee members also rejected bills that would have required local boards of education to establish policies for the promotion of students, rather than the State Board of Education (HB 655), would have required local boards to establish instruction and training programs consistent with the Federal Communications Commission's television parental guidelines for minors (HB 766), would have required the State Board of Education to provide an alternative means to demonstrate student attainment of State standards (HB 771), and would have allowed a teacher, administrator, or librarian to read or post in any school building copies or excerpts of specified national and historic writings and speeches (HB 916).

Other failed legislation would have allowed notification to the school that a child attends, if a court finds that a child is in need of assistance and commits the child to the local department of social services (HB 1238). As well, HB 992 would have required the fiscal 2005 State budget to include \$47.4 million to reflect regional differences in the cost of education, and HB 1212 would have established the Maryland Public Education Facilities Act to encourage the use of alternative funding sources for the construction and improvement of public school facilities. HB 1169 would have lowered the number of hours a student must take in order to qualify for a senatorial or delegate scholarship.

Committee approval was also denied to legislation that would have established task forces to study differential diplomas for high school graduates (HB 318), implement parental involvement grades in public schools (HB 978),

and establish an Interagency group on community schools (HB 1197).

ELECTIONS AND ETHICS

Blind voters raised a red flag this week concerning the addition of a paper trail to Maryland voting machines. The voters contend that paper verification removes their secret ballot rights and may violate federal law that requires individuals with disabilities to be able to vote without third party assistance. At present, blind individuals use a voice system to guide them when they vote.

At issue is SB 393, now in the House, that requires the State to add a paper trail for voter verification. The House legislation (HB 53) that contains the same provisions is now in the Senate, but an amendment requires that a task force study the feasibility of implementation on or before January 1, 2006, and to report to the General Assembly by this December.

SB 95 that would allow a minor under the age of 14 to accompany a voter into a voting booth received a House hearing late in the week. The other viable bill on this subject, HB 18, alters the maximum age to under the age of 13 for an accompanying minor, but does not have a Senate hearing date yet. Current law sets under the age of 11 as the maximum.

On Wednesday, a Senate committee took testimony on HB 383 that allows, under specified circumstances, a registered voter, who is a resident of the district or other geographic area in which a candidate is seeking office, to file a petition with the circuit court for that district or area to challenge the candidate's residency.

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

HB 109 passed by both chambers and ready for gubernatorial consideration, requires the Department of the Environment to study the establishment and implementation, by January 2006, of an electronic waste collection system in the State for the collection and recycling of electronic waste, including cathode ray tubes. SB 13, establishing the conditions under which the Department of Natural Resources is authorized to close an area of State waters to all finfishing received approval by the House, as has SB 327 that removes the 25-year termination provision for easements purchased

by the Maryland Agricultural Land Preservation Foundation (MALPF) on or after October 1, 2004. The bill also clarifies the termination request process for MALPF easements purchased prior to October 1, 2004.

FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

The House has passed its version of the Social Security Number Privacy Act ([HB 74](#)), which is similar to [SB 117](#). Both bills are scheduled for hearings in the opposite chamber next week. The House also approved [HB 1320](#), the Maryland Spam Control Deterrence Act that prohibits a person from sending multiple commercial e-mail messages under specified circumstances from a protected computer. This legislation is similar to [SB 604](#), currently before a House committee. Senators also heard commentary this week on [HB 2](#), the Maryland Telephone Consumer Protection Act that prohibits a person from violating the federal National Do Not Call Registry.

FISCAL MATTERS

The Budget Bill, [SB 125](#), passed the House with numerous amendments, which the Senate is now considering. If the Budget Bill does not pass in final form by April 5, the 83rd day, the Governor must issue a proclamation extending the session beyond the 90-day limit. During an extension the General Assembly may only consider the Budget Bill and any appropriations necessary for the cost of the extension. However, between the 83rd day and the end of the regular 90-day session, the General Assembly may continue to consider and pass other legislation, but may not pass bond bills. Although nine extended sessions have been proclaimed since 1990, the only actual extended session in the last 25 years occurred in 1992, which lasted four days and was followed by a one-day Special Session. If the Budget Bill passes by the 90th day, then the gubernatorial proclamation does not take effect and session will not be extended.

The Senate has not yet acted on the House amendments to another part of the balanced budget package, [SB 508](#), the revenue raising bill (Budget Revenue and Financing Act), also known as BRFA or “burfa.”

A House committee has recommended amendments to the capital bond bill, [SB 191](#), and is expected to bring the bill to the House floor for consideration. The capital

bond bill may not pass until the Budget Bill wins final legislative approval.

[HB 297](#), a corporate income tax bill, is back in the House following passage by the Senate with its amendments. The legislation seeks to prevent corporations from avoiding the Maryland corporate income tax by shifting income away from the State through the use of Delaware Holding Companies and other State tax avoidance techniques. The next step in the process is House action on the Senate amendments that include the addition of a settlement period provision identical to the provision already added to [SB 187](#), now in a House committee. One corporate income tax bill, [SB 156](#), received an unfavorable committee report and others remain in committee with no action reported ([HB 1037](#), [SB 727/HB 1206](#)).

The Tax Me More Voluntary Account income tax check-off bill, [SB 350](#), received an unfavorable committee report and another bill, [HB 36](#), permitting an income tax check-off for the State’s general fund, remains in committee.

Two weeks ago, the Senate placed on its agenda for this week a motion to reconsider the third reading vote by which [SB 370](#) failed to receive the required three-fifth’s vote. On Tuesday, the motion was withdrawn, thus maintaining the failed vote on the legislation that would have proposed a constitutional amendment to increase the General Assembly’s budgetary powers.

GAMING, RACING, AND SPORTS

On Tuesday, a large crowd of Marylanders, representing differing points of view, gathered to listen to the Governor’s testimony before a House committee on [SB 197](#). The Administration’s bill, as passed by the Senate, authorizes up to 15,500 video lottery terminals (slot machines) in the State at six locations: three racetrack locations (one of which must be in a rural area) and three non-racetrack locations. A Video Lottery Facility Location Commission is to award licenses based on eligibility criteria that include specified locations. It also provides for one-time application fees, creates an Education Trust Fund, increases State aid for primary and secondary education, and continues the current prohibition on additional forms of commercial gambling.

Additionally, the slots bill establishes an expanded State Lottery Commission to provide regulatory and oversight

authority for the slot machines that are to be owned or leased by the commission.

Referred to interim study was [HB 277](#) requiring the Board of Physicians to license and regulate “athletic trainers” and establishing an Athletic Trainer Advisory Committee.

HEALTH CARE AND HEALTH INSURANCE

[HB 1284](#), the Medical Decision Making Act of 2004, passed the House. As amended, the bill allows same-sex and heterosexual partners to register with the Secretary of the Department of Health and Mental Hygiene (DHMH) as life partners who may make medical decisions for each other regarding treatment, organ donation, and funeral arrangements.

[HB 1351](#) also got a green light from the House this week. Under the bill, as amended, the State may not sell a cemetery located on the grounds of a State-owned facility maintained by the Mental Hygiene Administration or the Developmental Disabilities Administration or sell an easement or right of entry to a cemetery, unless the deed contains a restrictive covenant requiring any future owner to maintain the cemetery. A hearing is scheduled for next week in the Senate.

[HB 475](#), providing respite care for families who care for individuals with developmental disabilities, passed the House, while the Senate version ([SB 338](#)) received an unfavorable committee vote. As amended, the House bill requires State residential centers to reserve a percentage of total beds for respite care for developmentally disabled individuals. The bill also requires that families caring for the individuals be offered a choice of obtaining care at a State residential center or in a community setting. The measure also contains mandated funding and directs DHMH to study the demand for respite care in State centers. The bill terminates after three years. A Senate committee hearing is scheduled for next week.

[HB 1198](#), killed by a committee this week, would have required a Certificate of Need to be issued before a health care facility could establish an advanced cardiac health care service and would have prohibited a facility from performing certain procedures unless the facility also performed open heart surgery at that location.

The Senate has passed an amended [SB 167](#) requiring DHMH to request waivers from the federal government

to allow a State program to purchase and import prescription drugs from Canada and certify the safety and efficacy of any Canadian imported drugs. By January 1, 2005, DHMH is to develop a plan to implement a Canadian Mail Order Plan to be operative within 30 days after required federal approvals. The legislation is null and void without federal approval. The bill is now in the House.

The House responded to concerns regarding rising medical malpractice insurance premiums and awards with the passage of [HB 1299](#). The bill, as amended, establishes a legislative task force to study and make recommendations to address increased costs of medical malpractice liability coverage with a reporting date of December 15, 2004. Another provision of the bill allows courts to deduct from patients’ malpractice awards any incurred health costs that are paid by the patients’ insurers. The bill is scheduled for a Senate hearing next week.

The renamed Community Health Care Access and Safety Net Act of 2004 ([HB 1271](#)) passed in the House. Among the bill’s provisions are the establishment of the Community Health Resources Commission and corresponding Fund to increase access to health care through these designated community resources and through Medicaid eligibility. Funding sources include an HMO premium tax and the cigarette restitution fund, but a payroll tax was deleted from the legislation reported from the committee. The bill convenes a Joint Legislative Task Force on Universal Access to Quality and Affordable Health Care with recommendations to the Governor and General Assembly by December 31, 2004.

STATE GOVERNMENT

The State’s Open Meetings Act does not apply to a public body when it is carrying out an executive function, which is defined as the administration of a State law, a political subdivision’s law, or a rule, regulation, or bylaw of a public body. [HB 1243](#), as amended, differs from the original draft that would have deleted the executive function language. The bill now takes a more cautious approach by requiring a study of the use of the executive function exclusion in the Open Meetings law. A report is due by December 1, 2004. Currently, closed session meetings of public bodies are permitted under limited circumstances, including the discussion of specified personnel matters, the acquisition of real property for a public purpose, specified

expenditures, and consulting with legal counsel. A Senate hearing for this bill is on the agenda for next week. Other proposals ([SB 87/HB 73](#) and [SB 111](#)) that make changes to the Open Meetings Law are poised to advance in the last week of session.

Whistleblower legislation, [HB 1044](#), before a Senate committee this week, prohibits private sector employers performing under State contract from taking or refusing to take personnel actions against an employee as a reprisal for whistleblowing.

The proposals transferring the Department of Natural Resources Police Force into the Department of State Police are no longer under consideration. [SB 811/HB 1406](#) were both returned to their original committees, thus ending their 2004 journey. Also off the radar screen for this session, [SB 484/HB 1118](#) would have created a State Teleworking Implementation Program for executive branch employees.

Several bills addressing prevailing wage issues ([SB 273/HB 1111](#), [SB 660/HB 425](#), [HB 396](#) and [HB 532](#)) are also dead. However, [SB 621](#) that requires payment of a living wage by specified contractors and subcontractors is on the Senate floor today. Its companion bill, [HB 1192](#) remains in its first committee.

TRANSPORTATION

A hearing this week on [SB 900](#) generated testimony on the creation of a Medical Assistance Program Fund to be supported by additional license renewal fees assessed against individuals who have certain convictions including drunk and/or drugged driving violations and the accumulation of five or more points for nonalcohol-related infractions within three years. The fund is mandated to receive 25% of the fee revenues, with the remaining balance allocated to the State's general fund.

Measures stopped on the committee level address a number of topics related to driving issues:

- [SB 233](#) would have prohibited a licensed driver under the age of 18 from driving with a passenger under the age of 18 for 181 days after the issuance of the driver's license. (The restriction would not have applied to a passenger who was a spouse or a family member of the licensee);
- [SB 218/HB 173](#) would have created the offense of homicide by aggressive driving;

- [SB 293](#) would have created the offense of homicide by motor vehicle or vessel while fatigued; and
- [HB 1508](#) would have imposed a surcharge of \$200 on a defendant convicted of DWI or a DUI offense, including cases in which they waived their rights to a trial and also imposed a \$50 surcharge on a defendant convicted of a moving violation, where the defendant waived their rights to a trial.

Two other failed bills relate to driving privileges extended to noncitizens:

- [HB 40](#) would have prohibited a person from knowingly permitting the person's motor vehicle to be driven on a highway by an individual that the person knew was not lawfully admitted into or otherwise lawfully present in the U.S.; and
- [HB 41](#) would have prohibited the Motor Vehicle Administration from issuing a driver's license to an individual who is not lawfully present in the U.S. in accordance with federal law and regulations.

Additionally, [SB 159/HB 1527](#) are out of the 2004 picture. The bills would have submitted a question at the next general election to determine if voters were willing to fund and build a third Chesapeake Bay bridge crossing. Also dead for 2004, [SB 97/HB 30](#) would have expanded the types of energy-efficient vehicles that are allowed to use high occupancy vehicle lanes at all times to include hybrid vehicles.