

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Transportation
(DLS Control No. 20-074)**

Overview and Legal and Fiscal Impact

This regulation adds several moving violations that will result in a one point assessment on an individual's driving record upon conviction.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Transportation:

Motor Vehicle Administration – Driver License and Identification Card: Point System:
Definition of Moving Violation and Assessment of Points: COMAR 11.17.13.02

Legal Analysis

Background

In part, the regulation implements Chapter 622 (House Bill 1493) and Chapter 623 (Senate Bill 878) of 2020. Chapters 622 and 623 define “exhibition driving” as (1) the transportation of a passenger on or in an area of a motor vehicle that is not designed or intended for passenger transport such as the hood or roof or (2) the operation of a motor vehicle in a manner that results in: (i) the excessive, abrupt acceleration or deceleration of the motor vehicle; (ii) the skidding, squealing, burning, or smoking of the tires of the motor vehicle; (iii) the swerving or swaying of the motor vehicle from side to side while skidding; (iv) the engine of the motor vehicle producing an unreasonably loud, raucous, or disturbing noise; (v) the grinding of the gears or the backfiring of the engine of the motor vehicle; or (vi) any of the wheels of the motor vehicle losing contact with the ground. The Acts prohibit an individual from engaging in exhibition driving within a special event zone in Worcester County. A violator is subject to imprisonment for up to 60 days or a fine of up to \$1,000 or both.

Chapters 622 and 623 also modified the penalties associated with several violations of the Maryland Vehicle Law (speeding, negligent driving, driving in a race or speed contest, and participating in a race or speed contest as a timekeeper or flagman) to establish higher maximum fines when these violations occur in special event zones in Worcester County.

Summary of Regulation

The regulation establishes that additional moving violations are subject to a one point assessment on an individual's driving record upon conviction except for any moving violation that contributes to an accident. If a moving violation contributes to an accident, there is a three point assessment. The moving violations added under the regulation include: (1) exhibition driving in a special event zone; (2) exceeding the maximum speed limit by 1 to 9 miles per hour in a special event zone; (3) driving a motor vehicle in a negligent manner in a special event zone; (4) driving in an improper manner to cause skidding, spinning wheels, or noise in a special event zone; and (5) failure to exercise due care for a bicycle, an EPAMD, or a motor scooter to a one point assessment.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The Motor Vehicle Administration cites §§ 12-104(b) and 16-402 of the Transportation Article as the statutory authority for the regulation. Section 12-104(b) grants the administration broad authority to adopt rules and regulations to carry out its duties under Maryland Vehicle Law. Section 16-402 establishes that points must be assessed upon conviction for a violation of specified State vehicle laws. Unless otherwise specified, a moving violation that does not contribute to an accident is assessed one point.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Technical Corrections and Special Notes

DLS contacted the administration regarding the Statement of Purpose to alert the administration that the Statement of Purpose only discusses moving violations pursuant to Chapters 622 and 623, and fails to discuss a one point assessment for the failure to exercise due care for a bicycle, an EPAMD, or a motor scooter.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulation implements Chapter 622 (House Bill 1493) and Chapter 623 (Senate Bill 878) of 2020, which prohibit a person from engaging in "exhibition driving" within a

special event zone in Worcester County. A violator is subject to imprisonment for up to 60 days, a fine of up to \$1,000, or both. The Acts also subject specified violations of the Maryland Vehicle Law to higher maximum fines when such violations occur in special event zones in Worcester County. The administration advises that the regulation is expected to result in a potential minimal increase in general fund revenues due to the relevant penalty provisions. The Department of Legislative Services disagrees and notes that any fiscal impact has already been assumed under the fiscal and policy notes for House Bill 1493 and Senate Bill 878 of 2020. The fiscal and policy notes for those bills noted that general fund revenues may increase minimally due to higher maximum fines in the affected areas. There is no fiscal impact due to adding to the list for a one-point assessment the failure to exercise due care for a bicycle, EPAMD, or motor scooter.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The administration advises that the regulation has minimal or no impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

Legal Analysis: Holly N. Vandegrift – (410) 946/(301) 970-5350

Fiscal Analysis: Eric Pierce – (410) 946/(301) 970-5510