

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 286 (Chairman, Judicial Proceedings Committee)
(Maryland Judicial Conference)
Judicial Proceedings

Vehicle Offenses - Incarcerable and Nonincarcerable Offenses

This bill defines a violation of the Maryland Vehicle Law that is not punishable by a term of imprisonment as a civil offense and prohibits a court from imposing a probation before judgment decision on a civil offense. The bill also requires the Motor Vehicle Administration to keep a record of any probation before judgment that is imposed for any motor vehicle offense.

Fiscal Summary

State Effect: Special fund revenues could increase by \$28,100 in FY 1998, which reflects the bill's October 1, 1997 effective date, and \$37,500 annually thereafter. General fund revenues could increase by \$8,400 in FY 1998, accounting for the bill's effective date; future year revenues reflect annualization and a constant number of hearings. Special fund expenditures could increase by \$47,300 in FY 1998, accounting for the bill's effective date; future year expenditures reflect annualization and inflation. Potential indeterminate increase in computer programming costs as discussed below.

(\$ in dollars)	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002
GF Revenues	\$8,400	\$11,250	\$11,250	\$11,250	\$11,250
SF Revenues	\$28,100	\$37,500	\$37,500	\$37,500	\$37,500
SF Expenditures	\$47,300	\$63,450	\$64,450	\$65,450	\$66,550
Net Effect	(\$10,800)	(\$14,700)	(\$15,700)	(\$16,700)	(\$17,800)

Note: () - decrease; GF - General funds; FF - federal funds; SF - special funds

Local Effect: Minimal increase in revenue for the circuit courts to the extent that additional funds are imposed. Expenditures would not be affected.

Small Business Effect: None. The bill would not directly affect small businesses.

Fiscal Analysis

State Revenues: PBJ findings do not result in the imposition of points against a licensee or the suspension or revocation of driver's licenses. By eliminating a PBJ finding for civil offenses, the number of convictions for civil offenses could increase resulting in an increase in fine revenues and license suspensions and revocations. Hence, State revenues could increase from three sources: (1) fine revenues collected by the District Court; (2) MVA fees for the reinstatement of suspended and revoked licenses; and (3) filing fees paid to the Office of Administrative Hearings. The amount of any increase in fine revenues through the District Court cannot be reliably estimated at this time. However, because the court may issue a PBJ and simultaneously impose a fine under current law, any such revenue increase is assumed to be minimal. The MVA levies a \$45 dollar fee to reinstate a revoked license and \$10 to reissue a duplicate license for either a suspended or revoked license. Thus, special fund revenues of the MVA could increase by an estimated \$28,125 in fiscal 1998, which accounts for the bill's October 1, 1997 effective date, and \$37,500 each year thereafter.

The Office of Administrative Hearings (OAH) imposes a \$15 filing fee per hearing which is deposited into the general fund. Assuming an additional 750 hearings annually, general fund revenues could increase by \$8,400 in fiscal 1998, which accounts for the October 1, 1997 effective date; and by \$11,250 annually thereafter, assuming a constant number of hearings.

State Expenditures: Maryland courts impose an estimated 120,000 PBJ decisions annually, of which an estimated 12,000 are the result of violations that could result in incarceration. If the bill results in convictions instead of PBJs for the remaining 108,000 PBJs issued annually, it is estimated that the MVA would be required to conduct an additional 19,000 point system conferences, suspend an additional 1,000 licenses, and revoke an additional 500 licenses annually. The additional workload would require an additional Typist Clerk III position at an annual cost of \$22,480, and a fiscal 1998 cost of \$16,845 accounting for the bill's October 1 effective date. In addition, postage and mailing supply expenditures would increase by an estimated \$6,825 annually.

The bill requires the MVA to keep records of every PBJ disposition. Under current law the MVA is only required to maintain records of PBJs for violations of driving under the influence of drugs and/or alcohol. Of the 12,000 PBJs resulting from offenses that carry incarcerable penalties, the MVA maintained records of approximately 3,000 in fiscal 1996 pursuant to current law. The MVA advises that maintaining records of the remaining 9,000 PBJs annually would increase data processing expenditures by \$148,050. The Department of Fiscal Services advises that if other legislation is passed requiring computer reprogramming changes, economies of scale could be realized. This would reduce computer programming costs associated with this bill and other legislation affecting the MVA system. Further, DFS advises that the increased computer expenditure is simply an estimate and the MVA may be able to handle the changes with either less money than it estimates or existing resources.

Finally, expenditures could increase as a result of drivers appealing the suspension or revocation of their licenses. Assuming that 50% of the revocations and suspensions result in requests for administrative hearings, the Office of Administrative Hearings' caseload could increase by 750 persons annually. Based on an estimated cost of \$45 per hearing, special fund expenditures would increase by \$33,750 annually, \$25,313 in fiscal 1998 accounting for the effective date of the bill.

Information Source(s): Judiciary (District Court of Maryland), Department of Transportation (Motor Vehicle Administration), Department of Fiscal Services

Fiscal Note History: First Reader - March 6, 1997
nrd

Analysis by: Lori Caldwell-Valentine
Reviewed by: Paul Ballou

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 841-3710
(301) 858-3710