

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

Senate Bill 7 (Senator Boozer)
Judicial Proceedings

Referred to Judiciary

Driver's License - Controlled Dangerous Substance Restriction

This amended bill authorizes the Motor Vehicle Administration (MVA) to impose, for good cause, a controlled dangerous substance (CDS) restriction on a driver's license which would prohibit the licensee from driving while the substance is in the licensee's blood. In addition, the bill provides that an individual may be detained by the police and administered a test if the individual is suspected of driving under the influence of a CDS in violation of the restriction. If convicted, the individual's driver's license may be suspended.

Fiscal Summary

State Effect: General fund expenditures could increase by an estimated \$37,000 for one-time computer programming changes in FY 1998 only; future year expenditures would depend on the number of blood tests administered. Special fund expenditures could increase by \$39,250 for form changes in FY 1998 only. Indeterminate increase in general and special fund revenues.

Local Effect: None.

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

Fiscal Analysis

State Revenues: The bill allows the MVA to place a CDS restriction on a licensee for good cause. Further, the MVA is required to place a CDS restriction if ordered by a court. It is unknown the extent to which the standards for good cause would be applied by the MVA or how many CDS court ordered restrictions the MVA may be required to place on driver's licenses.

There were 66,351 CDS violations in fiscal 1996. It is not known how many individuals will

have their licenses suspended for driving in violation of the CDS restriction. The MVA collects a \$10 license duplication fee to reissue a license after a suspension. To the extent that the MVA suspends driver's licenses for this offense, Transportation Trust Fund revenues could increase.

Hearings are provided to contest driver's license suspensions. The Office of Administrative Hearings (OAH) imposes a \$15 filing fee per hearing which is deposited into the general fund. The additional number of hearings that may be requested as a result of this bill is uncertain. To the extent that an individual with a suspended license requests a hearing, general fund revenues could increase.

State Expenditures: Currently, if a circuit court or the District Court orders a licensee not to drive with alcohol in the licensee's blood, the MVA must place an alcohol restriction on the driver's license reflecting the court ordered restriction. The District Court has an automated traffic computer system to notify the MVA; the circuit courts notify the MVA manually of such orders.

CDS violations are held in the criminal computer system and the District Court currently sends some information to the MVA from this system. To notify the MVA of CDS violations, general fund expenditures are estimated to increase by \$37,000 for computer reprogramming costs provided the driver's license number is not required to be given by the District Court. If the driver's license number is required, additional general fund expenditures would be necessary. Computer reprogramming costs are required because the criminal computer system is not presently adaptable to sending the MVA this information.

Because circuit courts notify the MVA manually for alcohol related court orders, it is assumed that CDS related orders will also be notified manually to MVA. Depending on the number of circuit court ordered restrictions, circuit court costs could increase for MVA notification of CDS orders.

The number of individuals that may be detained by the police and administered a test for driving under the influence of a CDS in violation of the restriction is uncertain. The State Police advises that the only test to determine if an individual is under the influence of a CDS is the analysis of a blood sample. The average cost to administer and analyze a blood sample is \$252. To the extent that an individual detained for a CDS restriction violation takes a blood sample test, general fund expenditures may increase.

Police certification and order of suspension forms must be modified to reflect the CDS restrictions violation. Transportation Trust Fund expenditures could increase by \$39,420 to reorder police forms to reflect this modification.

It costs the MVA approximately \$45 in reimbursement costs to OAH for each MVA hearing. The number of hearings that may be administered to contest license suspensions is uncertain. To the extent that an individual with a suspended license requests a hearing, Transportation Trust Fund expenditures could increase.

The MVA advises that computer programming expenditures could increase by an estimated \$67,250 to modify the computer programs to impose a CDS restriction. The Department of Fiscal Services (DFS) 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.

Information Source(s): Judiciary (District Court of Maryland, Circuit Court of Anne Arundel County); Department of Transportation (Motor Vehicle Administration); Department of State Police; Office of Administrative Hearings; Department of Fiscal Services

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