

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 361 (Delegate Genn. *et al.*)

Judiciary

Drunk Driving - Intoxicated Per Se - Driving While Under the Influence

This bill reduces the level of alcohol concentration required for a determination of driving while intoxicated per se from 0.10 to 0.08. The alcohol concentration level required for a determination of driving while under the influence of alcohol is reduced from 0.07 to 0.06. The bill also reduces the level of alcohol concentration required to result in an individual being charged with the crimes of homicide by motor vehicle or vessel while intoxicated per se, and the crime of life threatening injury by motor vehicle or vessel while intoxicated per se from 0.10 to 0.08.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures could increase by \$104,400 in FY 1999, exclusive of administrative hearings and computer programming. Future years reflect ongoing personnel expenditures. TTF revenues would increase by an indeterminate amount. General fund revenues and expenditures could increase by an indeterminate amount depending on the increase in the number of hearings, fines, and convictions.

(in dollars)	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
SF Revenues	--	--	--	--	--
SF Expenditures	104,400	87,200	90,400	93,600	97,000
Net Effect	(\$104,400)	(\$87,200)	(\$90,400)	(\$93,600)	(\$97,000)

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

Local Effect: Revenues and expenditures could increase depending on the number of additional fines and convictions imposed.

Small Business Effect: None.

Fiscal Analysis

State Revenues: The bill is expected to increase the number of driver's license suspensions and revocations. For a revocation, the Motor Vehicle Administration (MVA) collects a \$15 filing fee for an application to reinstate a license plus \$60 for the reinstatement on an alcohol or drug-related driving offense. An additional \$30 fee is assessed to produce the new license. Further, the MVA imposes a fee of \$20 to reissue a license after an alcohol or drug-related suspension. TTF revenues could increase in future years depending upon the number of reinstatements.

It is estimated that 700 additional hearings would be requested as a result of the bill. The Office of Administrative Hearings imposes a \$15 fee per case. Assuming 700 additional cases, general fund revenues could increase by approximately \$10,500 annually.

The bill will increase the number of individuals charged with drunk driving. General fund revenues could increase under the monetary penalty provision for those cases heard in the District Court, depending upon the number of convictions and fines imposed.

State Expenditures: Under this bill, the MVA estimates that it will process an additional 1,400 revocations and an additional 1,400 administrative per se certifications (suspensions). It is further estimated that an additional 700 administrative hearings would be requested to contest license suspensions and revocations.

TTF expenditures could increase by an estimated \$79,725 in fiscal 1999, which accounts for the bill's October 1, 1998 effective date. This estimate reflects the cost of hiring one Docket Specialist to handle the additional administrative work for the hearings and one Administrative Specialist to screen and approve incoming applications regarding driver's license reinstatements. The estimate also includes a Customer Service Representative to process administrative per se certifications. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. An additional one-time cost of \$24,660 would be required in order to reprint forms to reflect the bill's changes.

Salaries and Fringe Benefits	\$63,730
One-time Expenses	24,660
Operating Expenses	<u>15,995</u>
Total FY 1999 State Expenditures	\$104,385

Future year expenditures reflect: (1) full salaries with 3.5% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

The MVA advises that one additional Typist Clerk will be needed to assist with reinstatements and to answer phones. The Department of Legislative Services (DLS) advises that the additional position is not justified. The increased workload could be handled with existing resources.

The MVA advises that computer programming expenditures could increase by an estimated \$10,000 to modify the computer programs to update driving records. DLS 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, DLS 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.

The bill could increase the number of individuals charged with drunk driving. General fund expenditures could increase due to more people being committed to a Division of Correction (DOC) facility and increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed.

Local Revenues: Revenues could increase under the monetary penalty provision for those cases heard in the circuit courts, depending upon the number of convictions and fines imposed.

Local Expenditures: Expenditures could increase due to a greater number of individuals being charged with drunk driving. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$23 to \$84 per inmate in fiscal 1999.

Additional Comments: The United States Senate has passed a measure to lower the federal standard for the level of alcohol concentration from 0.10 to 0.08. States that do not accept the tougher standard would lose 5% of federal highway funding in fiscal 2002 and 10% of such funding each year thereafter. The U.S. House of Representatives has yet to act on the measure.

Information Source(s): Department of Transportation (Motor Vehicle Administration), Judiciary (The District Court), Department of Public Safety and Correctional Services (Division of Correction), Office of Administrative Hearings, Department of Legislative Services

Fiscal Note History: First Reader - March 9, 1998

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