

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE
Revised

Senate Bill 32 (Senator Forehand. *et al.*)

Judicial Proceedings

Vehicle Laws - Reckless Driving - Penalties and Points

This bill increases the penalty for an initial conviction for reckless driving from a maximum fine of \$500 to a maximum fine of \$1,000 or imprisonment of not more than six months, or both. The bill also makes the criminal reckless endangerment offense applicable to a person who creates a substantial risk of death or serious injury to another person by the use of a motor vehicle. This offense carries a fine of up to \$5,000 and imprisonment of up to five years, or both. Additionally, the bill increases the number of points assessed against an individual convicted of reckless driving and establishes points for negligent or reckless driving that contributes to an accident resulting in the death of another person and for reckless endangerment.

Fiscal Summary

State Effect: Indeterminate increase in general fund revenues and expenditures due to the bill's penalty provisions. Indeterminate increase in Transportation Trust Fund (TTF) expenditures.

Local Effect: Indeterminate increase in revenues and expenditures due to the bill's penalty provision.

Small Business Effect: None.

Fiscal Analysis

State Revenues: General fund revenues could increase under the bill's increased monetary penalty provision for those cases heard in the District Court, depending upon the number of convictions and fines imposed.

The Motor Vehicle Administration (MVA) charges a \$45 fee to process forms in order to reinstate a revoked license. It charges a \$20 fee to create the new license. TTF revenues

could increase in future years based on the number of individuals whose licenses were revoked and subsequently reinstated.

State Expenditures: In fiscal 1997, there were 3,747 violations of reckless driving and 13,613 violations of negligent driving. It is not known how many of these violations contributed to an accident resulting in the death of another person. It is also unknown to what extent individuals would be charged with reckless endangerment by means of a motor vehicle. TTF expenditures could increase to the extent that the MVA would be required to mail additional point system suspension and revocation letters to those individuals who accumulate a certain number of points. The bill increases the number of points for reckless driving from four to eight. The bill establishes points for negligent driving contributing to the death of another person at 12 points, and reckless endangerment by means of a motor vehicle at 12 points. The MVA must suspend the license of any individual who accumulates eight points in a two-year period, and must revoke the license at 12 points.

It costs the MVA approximately \$62 in reimbursable funds for each MVA hearing conducted by the Office of Administrative Hearings. The number of hearings that may be administered to contest license suspensions and revocations is uncertain. To the extent that an individual with a suspended or revoked license requests a hearing, TTF expenditures could increase.

General fund expenditures could increase as a result of the bill's incarceration penalty 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. Persons serving a sentence longer than one year are incarcerated in a DOC facility. In fiscal 1999 the average monthly cost per inmate is estimated at \$1,500.

Persons serving a sentence of one year or less are sentenced to a local detention facility. The State reimburses counties for part of their per diem rate after a person has served 90 days. State per diem reimbursements for fiscal 1999 are estimated to range from \$12 to \$42 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility, with an average monthly cost estimated at \$1,500 for fiscal 1999. [The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions. The per diem cost for BCDC in fiscal 1999 is estimated at \$43 per inmate.]

Local Revenues: Revenues could increase under the bill's 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 as a result of the bill's incarceration

penalty depending upon the number of convictions and sentences imposed. 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.

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

Fiscal Note History:

First Reader - March 6, 1998

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