

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 772 (Senator Ruben)

Judicial Proceedings

Vehicle Laws - Failure to Comply with a Notice to Appear - Guilty Plea

This bill provides that an individual who fails to comply with a notice to appear in court for a traffic offense is deemed to have pleaded guilty to that offense. The District Court must notify such an individual of the finding of guilt and the assessment of penalties. If no payment is made by the individual within 10 days of the date of the notice, the court may order the suspension of the individual's driver's license.

Fiscal Summary

State Effect: General fund expenditures could increase by \$231,400 in FY 1999 and by \$92,800 annually thereafter. Potential indeterminate increase in computer programming costs. Potential indeterminate increase in Transportation Trust Fund (TTF) expenditures. Indeterminate general fund revenue increase.

Local Effect: None.

Small Business Effect: Minimal. To the extent that drivers accumulate additional points on their driving records, small businesses that provide driver improvement programs may experience an indeterminate increase in business.

Fiscal Analysis

State Expenditures: The bill would require the District Court to revise the traffic citation forms to reflect the consequences for a failure to appear. Additionally, the District Court would be required to notify all those who failed to appear to explain the judgement of guilt and assessment of penalties. There are approximately 290,000 failures to appear each year in the District Court. General fund expenditures would increase by \$185,000 for citation revisions in fiscal 1999 and by \$92,800 annually for postage.

Under current law, the Motor Vehicle Administration (MVA) must suspend the license of those individuals that fail to appear in court as notified by the District Court. In 1997, the MVA suspended 108,774 licenses of individuals that failed to appear. The MVA estimates that the additional guilty pleas for the traffic violations associated with the failure to appear violations will increase the number of point system suspensions and revocations by as much as 32,000. The MVA estimates that it will require eight additional Customer Service Representatives and one Administrative Specialist to issue additional warning letters, suspension letters, and revocation letters and to schedule additional point system conferences.

TTF expenditures could increase by an estimated \$200,936 in fiscal 1999, which accounts for the bill's January 1, 1999 effective date. This estimate includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. Future year expenditures would be approximately \$325,000 and reflect: (1) full salaries with 3.5% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

The Department of Legislative Services (DLS) advises that the bill will not necessarily increase the number of points assessed on an individual's driving record. It will, however, change the time frame in which the points are assessed. Under current law, those charged with traffic violations and failure to appear still have those traffic charges outstanding. Those individuals are required to pay the fine or go to court in order to renew their vehicles' registration. These cases will eventually be adjudicated and any points will be assessed before a registration could be renewed. Therefore, it is not clear what impact, if any, the bill would have on the workload of the MVA.

The MVA and the District Court advise that computer programming expenditures could increase by an estimated \$10,000 and \$50,000 respectively to modify the computer programs to transfer and accept guilty pleas from failure to appear cases. 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 and the District Court systems. Further, DLS advises that the increased computer expenditure is simply an estimate and the MVA and the District Court may be able to handle the changes with either less money than they estimate or existing resources.

State Revenues: Currently, those individuals that fail to appear in court for traffic offenses have a 90-day period in which to apply for a rescheduled hearing. In such hearings, the court may find that the individual is subject to a lesser fine or no fine at all. If the failure to appear results in an immediate guilty finding by the court, as required by the bill, the full fine associated with the violation is assessed. Accordingly, the bill may result in an indeterminate increase in general fund revenue.

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

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