

Department of Legislative Services  
Maryland General Assembly

**FISCAL NOTE**

Senate Bill 6 (Senator Boozer)

Judicial Proceedings

---

**Driver's License - Controlled Dangerous Substance Restriction**

---

This 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. The MVA must impose this restriction on a driver's license if so ordered by a circuit court or a District Court.

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 would increase depending on the number of blood tests administered (approximately \$250 per test). Special fund expenditures could increase by \$39,250 for form changes in FY 1999 only. General and special fund revenues could increase by an indeterminate amount from fees imposed by the MVA and the Office of Administrative Hearings.

**Local Effect:** None.

**Small Business Effect:** None.

---

## **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, the latest year for which such information is readily available. 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.

The District Court is currently in the process of updating its computer system. This updating effort can include reprogramming to notify the MVA of a court ordered CDS restriction as required by the bill. However, the new computer system will not be fully operational until after the bill's effective date. Until such time that the computer system can automatically notify the MVA, manual notification will be required. Costs associated with manual notification are expected to be minimal.

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 \$52 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.

---

**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 Legislative Services

**Fiscal Note History:** First Reader - January 27, 1998

ncs

---

Analysis by: Jody J. Minnich

Reviewed by: John Rixey

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 841-3710

(301) 858-3710