

Department of Legislative Services
 Maryland General Assembly
 1999 Session

FISCAL NOTE

House Bill 1010 (Delegate Dembrow, *et al.*)

Judiciary

Drunk Driving - Alcohol Concentration Levels

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 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.

The bill provides that an individual convicted of driving while intoxicated with blood alcohol concentration (BAC) of less than 0.10 is subject to the administrative and criminal penalties of the lesser charge of driving while under the influence of alcohol. However, a police officer must issue an immediate order of suspension if an individual refuses to take a blood or breath test or who was tested at a blood alcohol level of 0.08. The bill also doubles the penalties of those convicted of driving while intoxicated with a blood alcohol level of 0.25 or more to a maximum of 2 years imprisonment and/or \$2,000 for the first offense, 4 years imprisonment and/or \$4,000 for a second offense, and 6 years imprisonment and/or \$6,000 for a third or subsequent offense. The bill is to be construed only prospectively.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures would increase by \$157,800 in FY 2000. Future years reflect inflation and ongoing personnel expenses. Estimates are exclusive of potentially significant costs for administrative hearings and computer programming. TTF revenues could increase by an indeterminate amount. General fund revenues and expenditures could increase depending upon the increase in fines and sentences imposed. Significant increase in federal fund revenue.

(in dollars)	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004
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SF Revenues	-	-	-	-	-
FF Revenues	-	-	-	-	-
SF Expenditures	\$157,800	\$93,100	\$96,600	\$100,100	\$103,800
Net Effect	(\$157,800)	(\$93,100)	(\$96,600)	(\$100,100)	(\$103,800)

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

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

Small Business Effect: None.

Fiscal Analysis

State Revenues:

Federal Funds

The federal government provides incentive grants for states that adopt a .08 blood alcohol concentration (BAC) as the legal standard for a drunk driving offense. The Transportation Equity Act for the 21st Century (TEA-21) provides \$500 million in incentive grants over the 6-year program period beginning in fiscal 1998. The incentive grant is based upon the proportion of funds allocated to each eligible state under the federal State and Community Safety Grant Program. Grants under the State and Community Safety Grant Program are disbursed based on a formula of each state's population and road miles. Maryland receives approximately 2% of total program funding.

Currently, 15 states have enacted and are enforcing a .08 BAC level as the legal standard for driving while intoxicated. The following chart details Maryland's share of the incentive program should Maryland become the 16th state to adopt the .08 standard.

Maryland's Projected Share of TEA-21 Incentive Grants With 16 States Complying (in millions)

<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>
\$2.3	\$2.7	\$3.3	\$3.8	\$4.2	\$4.6

These estimates are based on only 16 states complying with the federal standard. As additional states adopt the new standard, Maryland's share of the program would decrease. If all states were to comply, Maryland's grant would simply be 2% of the total available

funding, or \$1.6 million in fiscal 2000.

Maryland has forgone the grant for 1998. This bill has an effective date of October 1, 1999, the first day of federal fiscal 2000. Therefore, Maryland would be eligible for grants beginning in federal fiscal 2000 and would not receive any funds for 1999.

Special Funds

The bill is expected to increase the number of driver's license suspensions. The MVA imposes a fee of \$10 to reissue a license after an alcohol or drug-related suspension. TTF revenues could increase in future years depending upon the number of suspension reinstatements.

General Funds

The bill will increase the monetary penalty for those individuals charged with driving while intoxicated who were tested with a BAC of 0.25 or higher. 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. Furthermore, it is expected that the bill will significantly increase the requests for administrative hearings. The Office of Administrative Hearings imposes a \$15 fee for each case.

State Expenditures: In fiscal 1998 the MVA processed 3,263 suspensions for individuals convicted of driving while under the influence and who fell into the BAC range of .08 to .10. Under the bill these individuals would be subject to an immediate driving suspension issued by a police officer at the time of the violation.

Accordingly, Transportation Trust Fund expenditures could increase by an estimated \$157,800 in fiscal 2000, which accounts for the October 1 effective date. This estimate reflects the cost of hiring 1 customer service representative, 1 administrative specialist, and 1 docket specialist. These employees will be responsible for a variety of duties including processing suspensions and preparing cases for administrative hearings. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. An additional one-time cost of \$74,400 would be required to reprint forms to reflect the bill's changes.

Salaries and Fringe Benefits	\$68,300
One-time Expenses	74,400
Operating Expenses	<u>15,100</u>

Total FY 2000 TTF Expenditures

\$157,800

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.

It costs the MVA approximately \$88 in reimbursable funds to the Office of Administrative Hearings for each MVA hearing. It is expected that this bill will significantly increase the number of hearings requested, although the number of additional hearings that may be held to contest license suspensions is uncertain. To the extent that individuals with suspended licenses request hearings, TTF expenditures could increase.

The MVA advises that computer programming expenditures could increase by an estimated \$10,000 to modify its computer programs. The Department of Legislative Services (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 length of sentences imposed on individuals charged with driving while intoxicated who were tested with a BAC of 0.25 or higher. General fund expenditures could increase minimally due to people being committed to a Division of Correction facility for longer periods of time and increased payments to counties for reimbursement of inmate costs.

Local Revenues: Revenues could increase minimally under the increased monetary penalty provision for those cases heard in the circuit courts.

Local Expenditures: Expenditures could increase due to a greater number of individuals being sentenced for longer periods of time. 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 \$15 to \$80 per inmate in fiscal 2000.

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

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