

Department of Legislative Services
 Maryland General Assembly
 1999 Session

FISCAL NOTE

House Bill 851 (Delegate Benson)

Judiciary

Minors - Possession or Consumption of Alcoholic Beverages - Driver's License Sanctions

This bill requires a court to order the Motor Vehicle Administration (MVA) to suspend the driving privilege of an individual under the age of 21 who has been found to have been in possession of alcohol or has driven or attempted to drive with a blood alcohol content (BAC) of .02. The suspension terms are: 90 days for a first offense, one year for a second offense; and until the individual is 21 years old for a third or subsequent offense. The bill provides that a person under the age of 21 in the driver's seat of a motor vehicle is deemed to be in possession of any alcoholic beverage in the passenger compartment of the vehicle. The bill also allows the MVA to reinstate a license after an investigation of the child's driving habits and after it is determined that it is safe to reinstate the license.

The bill requires a police officer to detain a child, confiscate the child's driver's license, issue a temporary license to drive in some cases, and inform the child of his or her right to an administrative hearing, if the police officer has reasonable grounds to believe that the child had alcohol in his or her possession or attempted to drive with a BAC of .02 or more. The bill further prescribes the procedures and rules of evidence for administrative hearings. Depending on the finding of specified evidence, the MVA must suspend the child's license following the administrative hearing.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures would increase by \$276,900 in FY 2000 for personnel and related expenditures, exclusive of administrative hearings. Future years reflect annualization and inflation. Indeterminate increase in computer programming costs for the District Court. Revenues would not be affected.

(in dollars)	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004
SF Revenues	\$0	\$0	\$0	\$0	\$0

SF Expenditures	276,900	303,400	314,600	326,200	338,200
Net Effect	(\$276,900)	(\$303,400)	(\$314,600)	(\$326,200)	(\$338,200)

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

Local Effect: None.

Small Business Effect: None.

Fiscal Analysis

Background: Currently, drivers under 21 years old are issued a restrictive license that prohibits them from driving with a BAC of .02 or higher. The MVA has the authority to suspend the license of those driving in violation of a restricted license. However, there are no requirements to investigate the driving ability or habits of such offenders prior to reinstating the license. Also, police officers do not issue immediate orders of suspensions for juvenile offenders unless a juvenile refuses to submit to a chemical test.

State Expenditures: There are approximately 1,500 cases of juveniles with a BAC of .02 or higher annually. Also, about 3,000 citations are written each year for juvenile alcohol possession. Under the requirements of the bill, each of these cases involving licensed drivers would require immediate suspension of driver's licenses, mandated suspension by the courts, and further investigative responsibilities for the MVA.

TTF expenditures could increase by an estimated \$276,900 in fiscal 2000, which accounts for the bill's October 1, 1999 effective date. This estimate reflects the cost of hiring one administrative specialist, seven investigators, and one customer service representative. The administrative specialist will be responsible for handling the order of suspension submitted by police agencies and to prepare cases for administrative hearings. The investigators, with the support of the customer service representative, will be responsible for investigating the driving habits and ability of juvenile offenders and will monitor their participation in alcohol treatment. The estimate includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. It also includes expenses to revise the order of suspension forms to reflect the juvenile requirements.

Salaries and Fringe Benefits	\$222,900
Form Revision Expenses	8,700
Operating Expenses	<u>45,300</u>
Total FY 2000 TTF Expenditures	\$276,900

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 the bill will 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 under 21 with suspended licenses request hearings, TTF expenditures could increase.

The MVA advises that it would require another three employees to work in its Driver Control division to further monitor the driving ability and habits of juvenile offenders. The costs for such employees in fiscal 2000 would be approximately \$86,400. The Department of Legislative Services advises that this represents a duplication of work performed by the investigators and advises that such employees are not required.

The District Court advises that computer programming costs would be incurred to allow automated transmission of suspension orders to the MVA. While an estimate of such costs is unknown at this time, it is assumed to be minimal. Law enforcement agencies could handle the additional orders of suspension with existing personnel and resources.

Information Source(s): Maryland Department of Transportation (Motor Vehicle Administration), Judiciary (The District Court), Office of Administrative Hearings, Department of Legislative Services

Fiscal Note History: First Reader - March 10, 1999

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