

Department of Legislative Services
 Maryland General Assembly
 1999 Session

FISCAL NOTE

Senate Bill 119 (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 6 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 5 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: General fund and Transportation Trust Fund (TTF) expenditures would increase \$48,500 and \$28,900 respectively in FY 2000. Future years reflect annualization and ongoing personnel expenditures. Estimates are exclusive of administrative hearings and incarceration costs. Indeterminate increase in general fund and TTF revenues.

(in dollars)	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004
GF Revenues	-	-	-	-	-
SF Revenues	-	-	-	-	-
GF Expenditures	\$48,500	\$58,400	\$60,600	\$62,800	\$65,100
SF Expenditures	28,900	32,500	33,600	34,800	36,000
Net Effect	(\$77,400)	(\$90,900)	(\$94,200)	(\$97,600)	(\$101,100)

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

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

provisions.

Small Business Effect: None.

Fiscal Analysis

State Revenues: 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.

General fund revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

State Expenditures:

Transportation Trust Fund Expenditures

In fiscal 1998 there were 4,047 violations of reckless driving and 13,896 violations of negligent driving. The bill increases the number of points for reckless driving from 4 to 8. The bill establishes points for negligent driving contributing to the death of another person at 12 points, and reckless endangerment by means of motor vehicle at 12 points. As under current law, the MVA must suspend the license of any individual who accumulates 8 points in a 2-year period, and must revoke the license at 12 points.

Under current law a 4-point violation as the only charge on a driving record requires only a warning letter. Increasing the point assessment to 8 points for convictions of reckless driving and adding the other 12 point violations will necessitate either a suspension or revocation action by the MVA, which entails multiple correspondence, hearing preparation, and other related duties. Special fund expenditures could increase by an estimated \$28,900 in fiscal 2000, which accounts for the bill's October 1, 1999 effective date. This estimate reflects the cost of hiring 1 customer service representative to process an increased number of suspensions and revocations. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

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 cost the MVA approximately \$88 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

Under the bill the offense of reckless driving will become a “must appear” offense. All those cited for this violation and who face a jail sentence may request a jury trial. Due to the large number of individuals cited for reckless driving annually, it is anticipated that the District Court will require 2 clerks to handle the increased caseload.

As such, general fund expenditures could increase by an estimated \$48,500 in fiscal 2000, which accounts for the bill’s October 1, 1999 effective date. This estimate reflects the cost of hiring 2 judiciary clerks. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

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.

General fund expenditures could increase minimally as a result of the bill’s incarceration penalty due to increased payments to counties for reimbursement of inmate costs and more people being committed to Division of Correction (DOC) facilities.

Local Revenues: Revenues could increase minimally as a result of the bill’s monetary penalty provision from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase as a result of the bill’s incarceration penalty. Counties pay the full cost of incarceration 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), Judiciary (The District Court), Department of Public Safety and Correctional Services (Division of Correction), Office of Administrative Hearings, Department of Legislative Services

Fiscal Note History: First Reader - February 4, 1999

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