

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE

House Bill 594 (Delegate Petzold. *et al.*)

Judiciary

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**Alcoholic Beverages - Possession and Consumption - Regulation**

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The bill expands the definition of public property by including rights-of-way owned by specified public entities and prohibits a person from drinking an alcoholic beverage in any vehicle being driven on public property. Further, the bill defines “public roadway” and prohibits a person from possessing an open container of an alcoholic beverage while in a vehicle being driven on a public roadway. The court must notify the Motor Vehicle Administration (MVA) if an individual under 21 violates these provisions.

The MVA must impose an alcohol restriction on the licenses of individuals under 21 that prohibits the licensees from possessing an open alcoholic beverage container in a vehicle or consuming an alcoholic beverage in a vehicle.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in Transportation Trust Fund (TTF) expenditures and revenues due to a potential increase in the number of suspended driver’s licenses. Potential minimal increase in general fund fine revenue.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Public property is defined as including any building, ground, park, street, highway, alley, sidewalk, station, terminal or other structure, road or parking area located on land owned, leased, or operated by specified public entities. A person may not drink alcoholic beverages: (1) on a public property; (2) on a property commonly known as a shopping center to which the general public is invited for business purposes; (3) on an adjacent parking area or other outside area of any other retail establishment; or (4) in any parked vehicle located on any of the places above.

Similarly, a person may not possess in an open container any alcoholic beverage while: (1) on a property commonly known as a shopping center to which the general public is invited for business purposes; (2) on an adjacent parking area or other outside area of any other retail establishment; or (3) in any parked vehicle located on any of the places above. An offender of the possession and consumption provisions altered by the bill is guilty of a misdemeanor and is subject to a fine of up to \$100.

The MVA is required to impose an alcohol restriction on the licenses of individuals under 21 that prohibits the licensees from driving with an alcohol concentration of .02 or more.

**State Fiscal Effect:** The MVA may currently suspend or revoke the driver's license of an individual who violates the alcohol restriction. Suspended drivers are given the right to an administrative hearing. The bill increases the number of drivers who will have alcohol restricted licenses. To the extent that the bill increases the number of licensees suspended due to increased license restriction violations, TTF expenditures could increase. It costs the MVA approximately \$92 in reimbursable funds to the Office of Administrative Hearings for each MVA hearing. Any increase is assumed to be minimal. MVA could handle the actual imposition of the additional restrictions with existing resources.

Furthermore, if the bill results in a greater number of license suspensions, TTF revenues could increase. The MVA imposes a fee of \$20 to reissue a license after an alcohol or drug-related suspension.

Additionally, general fund revenues from fines could increase. Because the bill expands the areas where possession or consumption of alcohol is prohibited, it is likely that more fines will be imposed. Any increase is assumed to be minimal. There is also a \$50 fine for driving in violation of a license restriction. The bill is expected to increase the number of individuals who have an alcohol-restricted license. To the extent that those individuals violate the alcohol restriction, general fund fine revenue would increase. Any such increase is expected to be minimal.

**Additional Comments:** Failure to conform the State's law on open containers to federal

regulation by October 1, 2000, will alter the federal funds allocated to the State under the Transportation Equity Act for the 21st Century. Funds allocated under specified highway programs would be transferred to safety programs emphasizing alcohol-impaired driving countermeasures or enforcement of drunk driving laws. Approximately \$3.7 million would be transferred in fiscal 2001 and 2002 and \$7.7 million in each year thereafter. Overall total funding to the State would not be affected. This bill would make the necessary changes to conform State statute to federal regulations.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 528 (Senator Forehand, *et al.*) - Judicial Proceedings.

**Information Source(s):** Department of Transportation (Motor Vehicle Administration), Baltimore City, Garrett and Prince George's counties, Department of Legislative Services

**Fiscal Note History:** First Reader - February 24, 2000

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