

Department of Legislative Services
 Maryland General Assembly
 2000 Session

FISCAL NOTE

House Bill 1234 (Delegate Mandel. *et al.*)

Judiciary

Vehicle Laws - Aggressive Driving

This bill establishes the offense of aggressive driving. An individual is guilty of aggressive driving if that individual commits a combination of two or more specified offenses at the same time or arising out of circumstances simultaneous in time and place. Violators are subject to a fine of up to \$500 or imprisonment of up to two months. In addition, three points are assessed on the violator's driving record. The Motor Vehicle Administration (MVA) must assess cumulative points for aggressive driving and for each additional offense that was committed at the same time or arising out of simultaneous circumstances to a maximum of 12 points.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures would increase by \$63,900 in FY 2001, exclusive of costs for administrative hearings and computer programming. TTF revenues would increase from fees to reissue suspended and revoked licenses. General fund revenues would increase from fines.

(in dollars)	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
GF Revenues	-	-	-	-	-
SF Revenues	-	-	-	-	-
SF Expenditures	\$63,900	\$74,400	\$78,000	\$81,700	\$85,700
Net Effect	(\$63,900)	(\$74,400)	(\$78,000)	(\$81,700)	(\$85,700)

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

Local Effect: The criminal penalty provisions of this bill are not expected to materially affect local finances or operations.

Small Business Effect: Minimal. To the extent that drivers accumulate additional points on

their driving records, small businesses that provide driver improvement programs may experience an indeterminate increase in business.

Analysis

Current Law: There is no offense for aggressive driving under the Maryland Vehicle Law. However, reckless driving is defined as driving in a wanton or willful disregard for the safety of persons or property. Further, negligent driving is defined as driving in a careless or imprudent manner that endangers the life or property of any individual.

If a conviction occurs on multiple charges that were committed at the same time or arose out of circumstances simultaneous in time and place, the MVA must only assess points for the charge that has the highest point assessment.

Background: In 1997, the Federal Highway Administration awarded a \$400,000 grant to the Maryland State Police to test advanced speed detection devices and high-resolution digital cameras that would detect and record aggressive driving and other traffic violations. Warnings are sent to the offending drivers but no fines are imposed under the pilot program.

In 1999, 15 states introduced a total of 31 aggressive driving bills. Most of these bills attempted to define aggressive driving offenses and to establish penalties for them. Some specify characteristics of aggressive drivers, or give those convicted of the offense certain additional penalties. Arizona became the first state to adopt an aggressive driving law in 1998. In 1999, Delaware and Nevada enacted similar laws. The Delaware law provides that drivers are guilty of aggressive driving if convicted of three or more specific traffic offenses resulting from a single incident. Offenders are required to attend behavior modification courses.

In 1999, there were 4,377 violations of reckless driving and 15,338 violations of negligent driving in Maryland.

State Revenues: General fund revenue could increase from the penalty provision applicable to this offense under the Maryland Vehicle Law (maximum \$500 fine).

The MVA charges a \$45 fee to process forms in order to reinstate a license that was revoked due to non-alcohol related offenses and \$75 to reinstate a license revoked for alcohol/drug related offenses. A \$20 fee is charged 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.

State Expenditures: The MVA suspends the driver's licenses of individuals who accumulate eight points on their driving records and must revoke the licenses of those who accumulate 12 points. The bill establishes aggressive driving as a three-point offense. The bill further requires that the MVA must assess cumulative points for aggressive driving and

for each additional offense that was committed at the same time. Accordingly, it is likely that many of those charged with aggressive driving will be subject to a license suspension or revocation.

TTF expenditures thus could increase by an estimated \$63,900 in fiscal 2001, which accounts for the bill's October 1, 2000, effective date. This estimate reflects the cost of hiring two administrative specialists to process an estimated 3,000 license suspensions and revocations. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Salaries and Fringe Benefits	\$53,200
Operating Expenses	<u>10,700</u>
Total FY 2001 State Expenditures	\$63,900

Future year expenditures reflect (1) full salaries with 4.5% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

It costs the MVA approximately \$92 in reimbursable funds to the Office of Administrative Hearings for each MVA hearing. 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 \$30,000 to modify the computer programs to reflect cumulative point assessments. 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 either with less money than it estimates or with existing resources.

The imprisonment penalty provision of this bill is not expected to significantly affect State expenditures or operations.

Additional Information

Prior Introductions: A similar bill was introduced in the 1999 session as SB 710 and was not reported from the House Commerce and Government Matters Committee.

Cross File: None.

Information Source(s): Maryland Department of Transportation (Motor Vehicle Administration), Department of Legislative Services

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