

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 1235 (Delegate Mitchell. *et al.*)

Judiciary

**Alcoholic Beverages and Tobacco Violations - Driver's Licenses - Enhanced
Suspension**

This bill requires a court to order the Motor Vehicle Administration (MVA) to suspend the driver's license of an individual under the age of 21 if that individual misrepresents his/her age to obtain alcohol or tobacco products. The suspension for the first offense must be for not less than three months and up to six months. A second or subsequent offense carries a suspension of not less than six months and not extending beyond the person's 21st birthday.

The bill requires that all fines collected due to underage alcohol and tobacco violations must be used to conduct programs for employees of those licensed to sell alcoholic beverages for techniques of alcohol management training. The bill further requires a law enforcement officer to issue a citation to a child if the officer has probable cause to believe that the child is violating provisions governing the use of falsified identification to obtain tobacco products.

Fiscal Summary

State Effect: General fund expenditures could increase as fine revenue is earmarked for alcohol management training programs for employees of those licensed to sell alcoholic beverages. Potential minimal increase in general fund expenditures in FY 2001 only to modify the computer systems of The District Court. The MVA could handle the requirements of the bill with existing resources.

Local Effect: None.

Small Business Effect: Potentially meaningful.

Analysis

Current Law: A court is authorized to order the MVA to suspend the driver's license of an individual under the age of 21 if that individual misrepresents his/her age to obtain alcohol or tobacco products. The first offense carries a suspension of six months. For a second or subsequent offense, the license is suspended until the individual is 21 years old.

A law enforcement officer is required to issue a citation to a child if the officer has probable cause to believe that the child is violating provisions related to the possession of alcohol and using falsified identification to obtain alcohol.

State Fiscal Effect: The bill requires that all fines collected due to underage alcohol violations must be used to conduct programs for employees of those licensed to sell alcoholic beverages for techniques of alcohol management training. The District Court reports that there were 2,291 such violations. Records regarding fine revenue associated with these violations are not kept (the maximum fine for a first offense is \$500 and for a subsequent offense is \$1,000). The bill does not specify where the fine revenue should be forwarded, nor does it specify which entity should conduct the alcohol management training. Regardless, the District Court would require reprogramming of its cash registers to earmark the fine revenue for the purposes proposed by the bill. Any such cost is assumed to be minimal.

Small Business Effect: Currently, the Comptroller of the Treasury certifies and licenses alcohol awareness programs. A licensee or the licensee's designee must be certified by an approved alcohol awareness program. The Comptroller currently licenses about 24 such programs. The Comptroller reports that only one such licensed program conducts a class entitled "techniques of alcohol management." The program does not qualify as a small business, although, many other licensed programs do. Business may be diverted from small businesses that do not offer the particular class specified by the bill.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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cm/jr

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