

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

Senate Bill 36 (Chairman, Judicial Proceedings Committee)
(Departmental - Transportation)

Judicial Proceedings

Vehicle Law - Right of Appeal to Arresting Officer - Repeal

This departmental bill repeals the ability of an individual to request a hearing at the time of arrest for drunk or drugged driving related offenses.

Fiscal Summary

State Effect: None. The change is procedural in nature and would not directly affect governmental finances.

Local Effect: None.

Small Business Effect: The Department of Transportation has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: An individual arrested for drunk or drugged driving may request a hearing at the time of arrest or within ten days of the arrest to show cause why the driver's license should not be suspended.

Background: When an individual requests a hearing at the time of an arrest, the arresting officer is required to process that request in addition to the arresting and suspension paperwork. If the request for a hearing is made after the arrest, the licensee is required to submit the request directly to the Office of Administrative Hearings. There have been cases

where the arresting officer's failure to process the request resulted in a reversal of the Motor Vehicle Administration's decision to suspend a license. The bill would eliminate the officer's role in the process of requesting hearings.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - January 24, 2000
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