

Department of Legislative Services  
Maryland General Assembly  
2000 Session

**FISCAL NOTE**

House Bill 779 (Delegate Giannetti)

Judiciary

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**Vehicle Laws - Drunk Driving - Suspension of Driver's License**

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The bill establishes that current mandated durations for license suspensions are the maximum periods of time for which licenses can be suspended for specified drunk driving related offenses. The bill allows the Motor Vehicle Administration (MVA) to establish suspension periods for less than the current suspension periods.

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**Fiscal Summary**

**State Effect:** Transportation Trust Fund (TTF) expenditures would increase by \$27,800 in FY 2001 only. Potential minimal increase in TTF expenditures for administrative hearings.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** For specified drunk driving offenses, current law establishes set license suspension time frames. The MVA is required to suspend an individual's driver's license for the refusal to take an alcohol or drug test or for a test result indicating an alcohol concentration of 0.10 or more. The MVA is required to suspend a license for 120 days for a first test refusal and for one year for any subsequent refusal. Further, the MVA is required to suspend a license for a first test result of 0.10 or more for 45 days and for 90 days for any subsequent test result of 0.10 or more. Also under current law, the MVA is required to disqualify a commercial driver's license for one year for refusal to take a test and for three years if the refusal occurs while transporting hazardous materials.

The MVA may modify a suspension of a driver's license for a first offense of a test result of 0.10 or more if: (1) the licensee has not had a license suspended during the past five years;

(2) the licensee has not been convicted of another drunk driving offense within the past five years; and (3) the licensee is required to drive in the course of employment or the license is required for the purpose of attending an alcohol program.

**State Expenditures:** In fiscal 1999, there were 22,794 orders of suspension issued to licensees. Approximately 75% of those licensees requested administrative hearings to ask the MVA to modify their suspensions. The MVA advises that the bill would result in an additional 2,800 requests for hearings. To process that many requests, the MVA would require an additional employee at an average annual cost of \$32,000. The Department of Legislative Services (DLS) notes that the MVA currently has the capacity to modify license suspension, causing the majority of those suspended to request hearings. DLS advises that the bill's provisions are not likely to increase the number of requests to the point where MVA would require additional personnel. It costs the MVA approximately \$92 in reimbursable funds to the Office of Administrative Hearings for each MVA hearing. To the extent that additional individuals request modified suspensions, TTF expenditures could increase. Any such increase is assumed to be minimal.

TTF expenditures will increase to recall and reprint the order of suspension forms used by law enforcement officers to reflect the new suspension lengths. Such forms are expected to cost approximately \$27,800.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 29, 2000  
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