

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTEHouse Bill 380 (Delegate Mandel, *et al.*)

Commerce and Government Matters

Vehicle Laws - Medical Advisory Board - Safe Operation of Motor Vehicles

This bill adds specified professionals to the list of those authorized to report to the Medical Advisory Board (MAB) on an individual who has a disorder or condition that would impair the individual's ability to operate a motor vehicle safely. The bill allows the Motor Vehicle Administration (MVA) to conduct an investigation of such a report to determine if the report has an underlying basis in fact. The MVA may dismiss reports with no underlying basis in fact. If an individual fails an examination to determine fitness to drive, the MVA must either: (1) suspend, revoke, or refuse to issue or renew the driver's license; or (2) issue a restricted license to the driver. The bill allows a driver to petition the MVA for a reinstatement of an unrestricted or restricted license. The MVA is required to rule on petitions within 30 days.

If acting in good faith, a person who submits a report or a member of the board is immune from any civil or criminal liability arising out of a report. A violator of the reporting or confidentiality provisions governing the MAB is subject to payment of counsel fees, litigation costs, and a criminal fine of up to \$1,000. Further, the bill requires the MVA to keep specified records and to distribute information about the MAB reporting requirements to health care professionals and law enforcement officials.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures would increase by \$60,700 in FY 2002 to provide for two additional employees. Out-years reflect annualization and inflation.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	60,700	74,400	78,700	83,300	88,300
Net Effect	(\$60,700)	(\$74,400)	(\$78,700)	(\$83,300)	(\$88,300)

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

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Only a physician or other person authorized to diagnose, detect, or treat disorders that may impair a person's ability to drive are authorized to issue reports to the MAB. Upon receipt of a report, the MVA, as soon as practicable, must arrange for an examination of the individual. If the driver fails an examination, the MVA must cancel the driver's license.

A civil or criminal action may not be brought against any person who makes a report and who does not violate any confidential or privileged relationship conferred by law.

State Expenditures: The MVA advises that it needs two additional employees -- one case worker and one customer service representative -- to meet the 30-day deadline required under the bill for ruling on petitions for reinstatement of a driver's license. The MVA now receives about 1,000 petitions monthly and completes them in an average time of 45 to 60 days. The department that handles these petitions now employs 9 customer service representatives and 11 case workers. The MVA further advises that the bill could otherwise be implemented with existing resources.

TTF expenditures would increase by an estimated \$60,700 in fiscal 2002, which accounts for the bill's October 1, 2001 effective date. This estimate reflects the cost of hiring one administrative specialist and one customer service representative to perform the functions required by the bill. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Salaries and Fringe Benefits	\$52,973
Supplies and Equipment	<u>7,745</u>
Total FY 2002 State Expenditures	\$60,718

Future year expenditures reflect full salaries with a 6.5% increase in fiscal 2003 and a 4.5% increase each year thereafter, with 3% employee turnover and a 1% annual increase in ongoing operating expenses.

Additional Information

Prior Introductions: This bill was introduced during the 2000 session as HB 619 and received an unfavorable report from the Commerce and Government Matters Committee.

Cross File: None.

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

Fiscal Note History: First Reader – February 5, 2001
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