

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 1430 (Delegates Hutchins and Mitchell)
Judiciary

Driver's License - Alcohol Restrictions - Persons Under the Age of 21

This bill establishes that it is prima facie evidence that a person was driving in violation of an alcohol-restricted license if the person has any alcohol concentration as determined by a blood or breath test. The bill also requires the Motor Vehicle Administration (MVA) to impose an alcohol restriction on the license of a person who is under the age of 21 if the person is found guilty of driving or attempting to drive while having any alcohol in the blood.

Fiscal Summary

State Effect: Because it is expected that the bill would not substantially increase the number of people violating license restrictions, there would not be a significant effect on governmental operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: It is prima facie evidence that a person was driving in violation of an alcohol-restricted license if the person has an alcohol concentration of .02 as determined by a blood or breath test. The MVA must impose an alcohol restriction on each licensee under the age of 21 that prohibits driving with a blood alcohol concentration of .02 or more.

Background: Some circuit courts have found that existing law only allows a blood alcohol test to be used as proof that an under-21 alcohol provision has been violated, despite any circumstantial evidence that may exist. This creates an incentive for juveniles to refuse to take an alcohol test when detained by an officer. In contrast, circumstantial evidence can be used to prove alcohol violations by an adult. In 2000, 1,633 persons under the age of 21 were issued citations for alcohol violations.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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