

Department of Legislative Services
 Maryland General Assembly
 2001 Session

FISCAL NOTE

House Bill 64 (Delegate Boutin)
 Judiciary

Alcoholic Beverages Violations - License to Drive - Suspension

This bill requires the circuit courts to notify the Motor Vehicle Administration (MVA) if a person 18 to 21 years old is found guilty of specified alcoholic beverages violations. The Court of Appeals, in conjunction with the MVA, must establish uniform reporting procedures for the circuit courts. This bill also requires the juvenile courts to order the MVA to initiate an action to suspend the driver's license of a child who is found guilty of specified alcohol-related violations.

Fiscal Summary

State Effect: Special fund expenditures could increase by \$34,500 in FY 2002. Out-year expenditures reflect annualization and ongoing operations. No effect on revenues.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	34,500	46,000	46,000	46,000	46,000
Net Effect	(\$34,500)	(\$46,000)	(\$46,000)	(\$46,000)	(\$46,000)

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

Local Effect: Any additional workload for the circuit courts could be handled with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: A court must report to the MVA a person who is 18 to 21 years old and is found guilty of violating any of the provisions of Article 2B, Title 19 (*Disorderly Intoxication*) or consuming alcohol while driving.

The violations that the juvenile court must report include any of the provisions in Title 19, misrepresenting one's age to purchase alcohol, possession of alcohol by a minor, possession of a false identification, providing alcohol to a minor, possession of alcohol (Anne Arundel and Worcester counties only), drinking or possessing alcohol on school premises, or consuming alcohol while driving. A child is defined as any person under the age of 18.

Current Law: While the alcohol violations referenced in this bill can be heard in both the District Court and the circuit courts, only the District Court is required to report a person's alcohol-related violations to the MVA. Such cases are generally heard in the District Court.

A juvenile court may order the MVA to initiate an action to suspend a child's driver's license for the referenced violations, but is not required to do so. The penalty for a child's first offense is a six-month suspension and subsequent offenses result in a license suspension until the child is 21. If the child is not yet 16 the penalty begins on the day the child turns 16.

Background: The vast majority of these alcoholic beverage violations (for persons at least 18 years old) are adjudicated in the District Court where they are originally charged, but some find their way to a circuit court (due to an appeal or other action). The District Court and the circuit courts use the Judicial Information System to report traffic violators to the MVA, but only the District Court uses it to report criminal violations to the MVA.

Since criminal reporting from the circuit courts is not required, estimating the annual report volume is difficult. As a point of reference, the MVA advises that it received approximately 40 reports last year from Howard County circuit court, the only circuit court that submits reports. Most of these resulted in a license suspension. Based on Howard County's results, it is estimated that the bill will result in about 1,000 new reports statewide and all will result in license suspensions.

State Expenditures: Transportation Trust Fund expenditures could increase by \$34,500 in fiscal 2002, which accounts for a 90-day start-up delay. Based on experience, the MVA estimates that about 50% of all drivers' license suspensions will be appealed to the Office of Administrative Hearings (OAH). Assuming the MVA suspends 1,000 drivers'

licenses as a result of this bill and OAH continues to charge \$92 per case, special fund expenditures will increase by \$46,000 on an annual basis. Any additional workload for the MVA can be handled with existing resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (District Court, Administrative Office of the Courts), Department of Transportation (Motor Vehicle Administration), Department of Legislative Services

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ncs/jr

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