

Department of Legislative Services
 Maryland General Assembly
 2001 Session

FISCAL NOTE

House Bill 1164
 Judiciary

(Delegate R. Baker, *et al.*)

Vehicle Laws - Aggressive Driving

This bill establishes the offense of aggressive driving. An individual is guilty of aggressive driving if the individual, while exceeding the posted speed limit, commits a combination of two or more specified offenses at the same time or arising out of circumstances simultaneous in time and place. Violators are subject to a fine of up to \$500 or imprisonment of up to two months. In addition, three points are assessed on the violator's driving record. The Motor Vehicle Administration (MVA) must assess cumulative points for aggressive driving and each additional offense that was committed at the same time or arising out of simultaneous circumstances to a maximum of 12 points.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures would increase by \$66,700 in FY 2002, exclusive of costs for administrative hearings and computer programming. Future years reflect annualization and inflation. TTF revenues would increase from fees to reissue suspended and revoked licenses. General fund revenues would increase minimally from fines.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
GF Revenue	-	-	-	-	-
SF Revenue	-	-	-	-	-
SF Expenditure	66,700	92,200	97,000	102,000	107,500
Net Effect	(\$66,700)	(\$92,200)	(\$97,000)	(\$102,000)	(\$107,500)

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

Local Effect: The criminal penalty provisions of this bill are not expected to materially affect local finances or operations.

Small Business Effect: Minimal. To the extent that drivers accumulate additional points on their driving records, small businesses that provide driver improvement programs may experience an indeterminate increase in business.

Analysis

Current Law: There is no offense for aggressive driving under the Maryland Vehicle Law. However, reckless driving is defined as driving in a wanton or willful disregard for the safety of persons or property. Further, negligent driving is defined as driving in a careless or imprudent manner that endangers the life or property of any individual.

Background: In 1997 the Federal Highway Administration awarded a \$400,000 grant to the Maryland State Police to test advanced speed detection devices and high-resolution digital cameras that would detect and record aggressive driving and other traffic violations. Warnings are sent to the offending drivers but no fines are imposed under the pilot program.

In fiscal 2000 there were over 390,000 citations issued for offenses listed in the bill. Over 203,000 drivers either prepaid the fine or were convicted in court.

In 2000, 19 states introduced a total of 36 aggressive driving bills, and so far this year 8 states have 14 bills under consideration. Most of these bills attempted to define aggressive driving offenses and to establish penalties for them. Some specify characteristics of aggressive drivers, or give those convicted of the offense certain additional penalties. Arizona became the first state to adopt an aggressive driving law in 1998. In 1999 Delaware and Nevada enacted similar laws. The Delaware law provides that drivers are guilty of aggressive driving if convicted of three or more specific traffic offenses resulting from a single incident. Offenders are required to attend behavior modification courses.

State Revenues: General fund revenues could increase from the penalty provision applicable to this offense under the Maryland Vehicle Law (maximum \$500 fine). Any increase is assumed to be minimal. The imprisonment penalty provision of this bill is not expected to significantly affect State expenditures or operations.

The MVA charges a \$45 fee to process forms in order to reinstate a license that was revoked due to non-alcohol related offenses and \$75 to reinstate a license revoked for alcohol/drug related offenses. A \$20 fee is charged to create the new license. TTF

revenues could increase in future years based on the number of individuals whose licenses were revoked and subsequently reinstated.

State Expenditures: Transportation Trust Fund expenditures could increase by an estimated \$66,720 in fiscal 2002, which accounts for the bill's October 1, 2001 effective date. This estimate reflects the cost of hiring two administrative specialists to process an estimated 3,000 license suspensions. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Salaries and Fringe Benefits	\$58,425
Operating Expenses	<u>8,295</u>
Total FY 2002 State Expenditures	\$66,720

Future year expenditures reflect: (1) full salaries with a 6.5% increase in fiscal 2003 and a 4.5% increase each year thereafter, with 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

It costs the MVA approximately \$92 in reimbursable funds to the Office of Administrative Hearings for each MVA hearing. The number of additional hearings that may be held to contest license suspensions is uncertain. To the extent that individuals with suspended licenses request hearings, TTF expenditures could increase.

The MVA advises that computer programming expenditures could increase by an estimated \$30,000 to modify the computer programs to reflect cumulative point assessments. The Department of Legislative Services (DLS) advises that if other legislation is passed requiring computer reprogramming changes, economies of scale could be realized. This would reduce computer programming costs associated with this bill and other legislation affecting the MVA system. Further, DLS advises that the increased computer expenditure is simply an estimate and the MVA may be able to handle the changes either with less money than it estimates or with existing resources.

Additional Information

Prior Introductions: Two similar bills were introduced in the 2000 session as SB 217 and HB 1234 and in the 1999 session as SB 710. SB 217 passed the Senate but received an unfavorable report from the House Judiciary Committee. HB 1234 received an unfavorable report from the House Judiciary Committee. SB 710 passed the Senate but was not reported from the House Commerce and Government Matters Committee.

Cross File: None.

Information Source(s): Judiciary (District Court), Department of Legislative Services

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Analysis by: Brian D. Baugus

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510