

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 485 (Delegates Malone and Moe)
Judiciary

Vehicle Laws - Aggressive Driving - Penalties

This bill establishes the offense of aggressive driving. A person is guilty of aggressive driving if that person exceeds the speed limit and also commits two or more specified offenses at the same time or during a single and continuous period of driving. Violators are subject to a fine of up to \$500 or imprisonment of up to two months. In addition, five points are assessed on the violator's driving record.

Fiscal Summary

State Effect: Minimal increases in general fund fine revenue and special fund expenditures due to additional license suspensions, administrative hearings, and computer programming.

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 a small 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, of which 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 Effect: General fund revenue 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 Motor Vehicle Administration (MVA) suspends the driver's licenses of individuals who accumulate eight points on their driving records. The bill establishes aggressive driving as a five-point offense. Transportation Trust Fund (TTF) expenditures could increase minimally to the extent that the MVA would be required to mail additional suspension letters to those individuals that accumulate a certain number of points due to aggressive driving convictions.

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 \$10,000 to modify the computer programs to allow for a new violation code. 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 with either less money than it estimates or existing resources.

Additional Information

Prior Introductions: This bill was introduced in the 2000 session as SB 217 and in the 1999 session as SB 710. SB 217 passed the Senate but 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: SB 113 (Senator Baker, *et al.*) – Judicial Proceedings.

Information Source(s): National Conference of State Legislatures, Maryland Department of Transportation (Motor Vehicle Administration), Department of Legislative Services

Fiscal Note History: First Reader – March 7, 2001
ef/jr

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