

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 76 (Delegate Petzold, *et al.*)
Judiciary

Alcoholic Beverages - Possession and Consumption - Regulation

This bill expands the definition of public property by including rights-of-way owned by specified public entities and prohibits a person from drinking an alcoholic beverage in any vehicle on public property. Further, the bill defines “public roadway” and prohibits a person from possessing an open container of an alcoholic beverage while in a vehicle on a public roadway. The court must notify the Motor Vehicle Administration (MVA) if an individual under 21 violates these provisions.

The MVA must impose an alcohol restriction on the licenses of individuals under 21 that prohibits the licensees from possessing an open alcoholic beverage container in a vehicle or consuming an alcoholic beverage in a vehicle.

Fiscal Summary

State Effect: Potential minimal increase in Transportation Trust Fund (TTF) expenditures and revenues due to a potential increase in the number of suspended driver’s licenses. Potential minimal increase in general fund fine revenue.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Public property is defined as including any building, ground, park, street, highway, alley, sidewalk, station, terminal or other structure, road or parking area located

on land owned, leased, or operated by specified public entities. A person may not drink alcoholic beverages: (1) on a public property; (2) on a property commonly known as a shopping center to which the general public is invited for business purposes; (3) on an adjacent parking area or other area outside of any other retail establishment; or (4) in any parked vehicle located on any of the places above.

Similarly, a person may not possess in an open container any alcoholic beverage while: (1) on a property commonly known as a shopping center to which the general public is invited for business purposes; (2) on an adjacent parking area or other outside area of any other retail establishment; or (3) in any parked vehicle located on any of the places above.

An offender of the possession and consumption provisions altered by the bill is guilty of a misdemeanor and is subject to a fine of up to \$100.

The MVA is required to impose an alcohol restriction on the licenses of individuals under 21 that prohibits the licensees from driving with an alcohol concentration of .02 or more.

Background: Failure to conform the State's law on open containers to federal regulation by October 1, 2001 will alter federal funds allocated to the State under the Transportation Equity Act for the 21st Century. Funds allocated under specified highway programs would be transferred to safety programs emphasizing alcohol-impaired driving countermeasures or enforcement of drunk driving laws. Approximately \$3.85 million was transferred in fiscal 2001 and approximately \$3.85 million will be transferred in 2002, doubling to \$7.7 million in fiscal 2003 and each year thereafter. Overall total funding to the State would not be affected. This bill would make the necessary changes to conform State statute to federal regulations.

State Fiscal Effect: The MVA may currently suspend or revoke the driver's license of an individual who violates an alcohol restriction. Suspended drivers are given the right to an administrative hearing. The bill increases the number of drivers who will have alcohol restricted licenses. To the extent that the bill increases the number of licensees suspended due to increased license restriction violations, TTF expenditures could increase. It costs the MVA approximately \$92 in reimbursable funds to the Office of Administrative Hearings for each MVA hearing. Any increase is assumed to be minimal. MVA could handle the actual imposition of the additional restrictions with existing resources.

Furthermore, if the bill results in a greater number of license suspensions, TTF revenues could increase. The MVA imposes a fee of \$20 to reissue a license after an alcohol or drug-related suspension.

Additionally, general fund revenues from fines could increase. Because the bill expands the areas where possession or consumption of alcohol is prohibited, it is likely that more fines will be imposed. Any increase is assumed to be relatively minimal. There is also a \$50 fine for driving in violation of a license restriction. Because the bill is expected to increase the number of individuals who have an alcohol-restricted license, general fund revenues would increase to the extent that those individuals violate the alcohol restriction. Any such increase is expected to be minimal.

Additional Information

Prior Introductions: A nearly identical bill was cross filed in the 2000 session as SB 528/HB 594. Both bills received an unfavorable report from the committees to which they were assigned, Judicial Proceedings and Judiciary respectively.

Cross File: None.

Information Source(s): Department of Transportation (Motor Vehicle Administration), Kent County, Montgomery County, Prince George's County, Washington County, Worcester County, Department of Legislative Services

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jm/jr

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