

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

House Bill 987 (Chairman, Judiciary Committee)

(Departmental – Transportation)

Judiciary

**Maryland Vehicle Laws - Motor Carriers and Commercial Motor Vehicles -
Penalties**

This departmental bill increases the penalties for violations of certain motor vehicle laws by commercial vehicle drivers and authorizes a motor carrier to be charged with a violation if it requires or permits a driver to commit a violation of Maryland Vehicle Law or Code of Federal Regulations.

Fiscal Summary

State Effect: Potential significant increase in general fund revenues from the bill's enhanced monetary penalty provisions. Potential minimal increase in general fund expenditures from the bill's enhanced incarceration penalties.

Local Effect: Potential increase in revenues and expenditures due to the bill's enhanced penalty provisions.

Small Business Effect: The Department of Transportation has determined that this bill has minimal or no impact on small business (attached). Legislative Services disagrees with this assessment as discussed below.

Analysis

Bill Summary: For drivers of commercial motor vehicles, the bill provides for a fine of up to \$3,000 or imprisonment for up to one year or both if convicted of one of the following violations and the violation resulted in bodily injury to another person. If the

violation results in the death of another person, upon conviction the driver is subject to a fine of \$5,000 or imprisonment up to five years or both.

- Violating a license restriction;
- operating a commercial motor vehicle when ineligible or with any alcohol concentration in the blood or breath;
- operating a class of vehicle not authorized;
- operating a commercial motor vehicle in an unsafe condition or in violation of width, height, length, size, weight, or load requirements;
- operating in violation of hours of service restrictions; and
- operating a commercial motor vehicle in violation of certain federal regulations, relating to:
 - hazardous materials;
 - driving under the influence of drugs and other substances;
 - alcohol consumption;
 - load securement;
 - driving time; and
 - unsafe operations.

Under the bill, a motor carrier is subject to a fine of up to \$10,000 if a violation results in bodily injury to another person, and a fine of up to \$25,000 if the violation results in the death of another person. A motor carrier is subject to these fines if convicted of the following violations:

- operating a commercial motor vehicle when ineligible, in an unsafe condition, or in violation of width, height, length or load requirements;
- failing to comply with safety regulations; and
- failing to comply with federal regulations governing hazardous materials, driving under the influence of drugs and other substances, load securement; driving time, and unsafe operations.

If a driver is convicted of violating federal regulations relating to drivers declared out of service and out-of-service orders, the driver is subject to a fine of up to \$5,000 or imprisonment for up to three years or both if the violation results in bodily injury to another person, and a fine of up to \$10,000 or imprisonment for up to ten years or both if the violation results in the death of another person. A motor carrier convicted of these violations is subject to a fine of up to \$20,000 if a violation results in bodily injury to another person or up to \$50,000 if the violation results in the death of another person.

Current Law: A commercial motor vehicle is defined as a motor vehicle or combination of motor vehicles used to transport passengers or property that:

- has a gross combination weight of 26,001 or more pounds inclusive of a towed unit;
- has a gross vehicle weight of 26,001 or more pounds;
- is designed to transport 16 or more passengers, including the driver; or
- used to transport certain hazardous materials.

A motor carrier is defined as a common carrier by motor vehicle, a contract carrier by motor vehicle, or a private carrier of persons or property by motor vehicle and includes the owner's, agents, officers, representatives, and employees of a motor carrier.

Federal regulations for hours of service prohibit a commercial driver who has driven 10 hours or has been on duty for 15 hours from driving again until he or she has had a minimum of eight hours off duty. Drivers who work for companies that operate commercial motor vehicles seven days a week may not drive after being on duty more than 70 hours in the previous eight days.

Penalties for the offenses covered by the bill range from a fine of \$500 to two years imprisonment.

Background: The Maryland Department of Transportation (MDOT) is seeking to stiffen the penalties for drivers and owners of commercial motor vehicles when either the driver or owner is convicted of safety violations related to an accident that caused serious injury or death. MDOT contends that the current penalties are not sufficient and that owners do not face fines when a serious accident occurs. Owners are only responsible for the cost of repairing any highway or bridge damage that results from the accident. MDOT also advises that a significant number of accidents that result in fatalities involve trucks registered in other states.

State Revenues: The bill significantly increases the fines for commercial motor vehicle violations that result in bodily injury or death. General fund revenues could increase significantly as a result of the bill's monetary penalty provisions from cases heard in the District Court.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's enhanced incarceration penalties due to people being committed to Division of Correction (DOC) facilities for longer periods of time and, if applicable, increased payments to counties for reimbursement of inmate costs. The number of people convicted of this proposed crime is expected to be minimal.

Persons serving a sentence longer than one year are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,700 per month. This bill alone, however, should not create the need for additional beds,

personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$288 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2002 are estimated to range from \$9 to \$52 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center (BCDC), a State-operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues could increase significantly as a result of the bill's enhanced monetary penalty provisions from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalties. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$17 to \$77 per inmate in fiscal 2002.

Small Business Effect: Small businesses are prevalent in the trucking industry. To the extent that small motor carriers or their employees are convicted of certain violations, the bill could result in substantially increased fines or imprisonment.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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