

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 1048 (Delegate Grosfield, *et al.*)
 Judiciary

Vehicle Laws - Drunk Driving - Repeat Offenders

This bill requires the Motor Vehicle Administration (MVA) to suspend for at least one year the driver's license of a person convicted of repeat offenses of driving while intoxicated and driving under the influence of alcohol, drugs, or a combination of alcohol and drugs. This bill requires repeat offenders to participate in the ignition interlock program as a condition of license reinstatement, and requires repeat offenders to undergo an alcohol and drug assessment.

Fiscal Summary

State Effect: Special fund expenditures would increase by \$100,400 in FY 2002. Out-year expenditures reflect ongoing operations. General fund expenditures could increase from the drug and alcohol treatment provision if drug and alcohol treatment programs are expanded to specifically serve this population. Potential increase in special fund revenues from MVA fees beginning in FY 2003.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
SF Revenue	\$0	-	-	-	-
GF Expenditure	-	-	-	-	-
SF Expenditure	100,400	137,600	142,600	148,000	153,700
Net Effect	(\$100,400)	(\$137,600)	(\$142,600)	(\$148,000)	(\$153,700)

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

Local Effect: Local expenditures would increase to the extent that the mandatory imprisonment provisions increase the number of inmates in local jails.

Small Business Effect: None.

Analysis

Bill Summary: The Motor Vehicle Administration (MVA) must suspend for one year the driver's license of a person who is convicted of driving while under the influence of alcohol and/or drugs within five years of having been convicted of any alcohol and/or drug-impaired driving offense.

If a person's license is suspended or revoked due to a second or subsequent alcohol and/or drug-impaired driving offense or due to an accumulation of points resulting from such offenses, less than five years after a previous conviction of one of these offenses, the individual may file a reinstatement application no earlier than one year after the license was surrendered. Reinstatement shall be conditioned on the person maintaining an ignition interlock system for not less than 12 months on all vehicles owned and operated by the individual.

If a person's license is subject to suspension or revocation due to an excess accumulation of points or for two or more convictions of an alcohol and/or drug-impaired driving offense within a five-year period, any adverse effects to a person's employment and employment opportunities that may arise from such actions are not to be considered in making the final suspension/revocation decision.

A person guilty of driving while under the influence of alcohol and/or drugs or a person who participates in the ignition interlock program and receives a suspension in lieu of a revocation shall have his/her license suspended for not more than 12 months for a second conviction within five years of any previous alcohol and/or drug-impaired driving offense or for a third conviction. For a fourth and subsequent conviction, the penalty shall be not less than 12 months or more than 24 months.

A person who is convicted of a second alcohol and/or drug-impaired driving offense within a five-year period is subject to the following mandatory penalties: (1) imprisonment for not less than 120 hours; or (2) community service of not less than 30 days as a mandatory condition of probation or a suspended sentence of less than five days.

A person who is convicted of a third or subsequent alcohol and/or drug-impaired offense within a five-year period is subject to a mandatory penalty of: (1) imprisonment of not less than ten days; or (2) community service for not less than 60 days as a mandatory condition of probation or a suspended sentence of less than ten days.

A person who is convicted of a second or subsequent alcohol and/or drug-impaired offense within a five-year period shall also be required by the court to undergo a

comprehensive drug and alcohol assessment and, if recommended, participate in a treatment program certified by the Department of Health and Mental Hygiene (DHMH).

Current Law: The MVA may suspend for 120 days the driver's license of a person who is convicted of driving while under the influence of alcohol and/or drugs within three years of having been convicted of any alcohol and/or drug-impaired driving offense.

If a person's license is suspended the individual may file a reinstatement application no earlier than one year after the license was surrendered.

A person guilty of driving while under the influence of alcohol and/or drugs or a person who participates in the ignition interlock program and receives a suspension in lieu of a revocation shall have his or her license suspended for not more than six months for a first conviction and for not more than nine months for a second conviction at least five years after the first conviction.

A person who participates in the ignition interlock program may have the license suspension period reduced to 15 to 180 days, depending on the number of prior convictions for the same offenses.

A person who is convicted of driving while intoxicated within three years of a previous conviction is subject to the following mandatory penalties: (1) imprisonment for not less than 48 consecutive hours; or (2) community service of not less than 80 hours.

Background: In 2000 there were 9,205 convictions of any alcohol and/or drug-impaired driving offense. Studies show that about half of these, or approximately 4,600, have had a similar conviction within the last five years. There are about 3,700 people enrolled in the ignition interlock program, of whom approximately 1,500 have a similar offense within the past five years.

Failure to conform the State's law on repeat alcohol and/or drug-impaired driving offenders 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 Expenditures: Transportation Trust Fund expenditures could increase by an estimated \$100,439 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 work as case managers for approximately 3,100 new ignition interlock participants. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Salaries and Fringe Benefits	\$55,416
Contractual Services	37,500
Operating Expenses	<u>7,523</u>
Total FY 2002 State Expenditures	\$100,439

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.

Any court ordered drug and alcohol assessment would be conducted by the county health departments and could be handled with existing resources. However, the bill contains no provisions as to which entity is responsible for funding any treatment that may be recommended. DHMH pays for most in-patient drug and alcohol treatments but driving while intoxicated and/or driving under the influence education classes are self-pay. Other State agencies that could provide substance abuse treatment to this population include the Department of Juvenile Justice, the Division of Correction, and the Division of Parole and Probation.

The bill is also silent on how the courts may view any drug or alcohol treatment a violator may voluntarily complete before trial. It is a common practice for a person to complete such treatment before trial. If these treatments meet the recommendations of DHMH, then that would also affect any potential State expenditures.

State Revenues: The bill is expected to increase the number of driver's license suspensions and revocations. For a revocation, the MVA collects a \$15 filing fee for an application to reinstate a license plus \$60 for the reinstatement on an alcohol or drug-related driving offense. An additional \$30 fee is assessed to produce the new license. Further, the MVA imposes a fee of \$20 to reissue a license after an alcohol or drug-related suspension. TTF revenues could increase in future years depending upon the number of reinstatements.

Additional Information

Prior Introductions: None.

Cross File: SB Delegate Grosfeld, et al. imeno, *et al.*) – Judicial Proceedings.

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

Fiscal Note History: First Reader – February 19, 2001
ncs/jr

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