

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

Senate Bill 178 (Senator Lawlah, *et al.*)
Judicial Proceedings

**Alcohol, Drug, or Controlled Dangerous Substance Related Driving Offenses -
Mandatory License Suspension and Vehicle Impoundment or Immobilization for
Subsequent Offenses**

This bill requires the Motor Vehicle Administration (MVA) to suspend for one year the driver's license of a person who is convicted of a second or subsequent alcohol, drug, or controlled dangerous substance related driving offense under specified circumstances. A court must order the impoundment or immobilization of a vehicle used in the commission of such an offense under certain circumstances.

Fiscal Summary

State Effect: The bill's requirements could be handled with existing budgeted resources.

Local Effect: To the extent that local law enforcement agencies impound and store additional vehicles as a result of this bill, local expenditures would increase. Any such increase is assumed to be minimal.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill affects two different components of the law regarding alcohol and drugged driving violations: license suspensions and vehicle impoundment.

License Suspensions

The MVA must suspend for one year the driver's license of a driver who, after having been previously convicted of any alcohol and/or drug-related driving impaired offense, is subsequently convicted of driving or attempting to drive while: (1) under the influence of alcohol; or (2) so far under the influence of any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely.

The MVA must apply to a suspension for an accumulation of points the points accumulated for a conviction of one of these offenses; or for a suspension given in lieu of a license revocation for a driver who participates in the ignition interlock program towards an excessive point license suspension. The suspension shall be for one year for a second or third conviction, regardless of how long ago the previous conviction occurred.

This bill also changes the reduction in the license suspension period for those who participate in the interlock ignition program. A driver who is convicted of a second or third alcohol or drug-related driving offense is eligible for a 45-day reduction in the driving license suspension period.

Vehicle Impoundment

If a person who is convicted of any alcohol and/or drug-related driving impaired offense for a second or subsequent time, the court shall order the vehicle to be impounded or immobilized for a period not to exceed one year, if the person is the sole owner of the vehicle.

Current Law:

License Suspensions

The MVA may suspend for up to 120 days the license of a person who is convicted of driving or attempting to drive while: (1) under the influence of alcohol; or (2) so far under the influence of any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely, who, within a three-year period was previously convicted of any alcohol and/or drug-related driving impaired offense.

The MVA may apply for a suspension for an accumulation of points the points accumulated for a conviction of one of these offenses; or for a suspension given in lieu of

a license revocation for a driver who participates in the ignition interlock program towards an excessive point license suspension. The suspension shall be:

- not more than nine months for any person convicted at least five years after any previous conviction of any alcohol and/or drug-related driving impaired offense; and
- not more than 12 months for any person who receives a second conviction less than 5 years after any previous conviction or as a third such conviction of any alcohol and/or drug-related driving impaired offense.

A person's license must be suspended if the person accumulates more than 12 points in a two-year period.

Vehicle Impoundment

The court may, as part of a sentence or as a condition of probation, order the impoundment or immobilization not to exceed 180 days of the vehicle the person was driving at the time of the offense; if the person is the sole owner of the vehicle.

Background: The District Court advises that 38,500 citations were issued in 2000 for violations of alcohol and/or drug-related driving impaired offenses, of these about 20,600 cases were heard in court and 4,505 were convicted of the offenses referenced in this bill.

Additional Comments: The State Highway Administration does not believe this bill meets certain new federal requirements (23 U.S. Code Section 164) regarding federal highway funding. Section 164 funding, about \$3.8 million for the State in fiscal 2002, is tied to State laws concerning penalties for repeat offenders of alcohol and/or drug-related driving impaired offenses. Because enactment (or nonenactment) of this bill does not affect the status of these federal funds, the Department of Legislative Services does not consider the disposition of these funds part of the bill's fiscal effect.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Transportation (State Highway Administration, Motor Vehicle Administration), Judiciary (District Court), Department of Legislative Services

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