

**Department of Legislative Services**  
 Maryland General Assembly  
 2002 Session

**FISCAL NOTE**

House Bill 580 (Delegate Boutin, *et al.*)  
 Judiciary

**Alcoholic Beverages Violations - License to Drive - Suspension**

This bill expands the types of alcoholic beverage violations for which the District Court or juvenile court must notify the Motor Vehicle Administration (MVA). The bill also requires circuit courts to report these violations to the MVA. The Court of Appeals, in conjunction with the MVA, must establish uniform reporting procedures for the circuit courts. This bill requires the juvenile court to notify the MVA when a child violates specified provisions relating to obtaining, possessing, and consuming alcoholic beverages or consumption of alcohol while driving a motor vehicle. The MVA is required to suspend the driver's license of a child who is found guilty of these specified alcohol-related violations. The bill has prospective application.

**Fiscal Summary**

**State Effect:** Special fund expenditures could increase by \$34,700 in FY 2003. Out-year expenditures reflect annualization and ongoing operations. No effect on revenues.

(in dollars)	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	34,700	46,700	47,200	47,700	48,200
Net Effect	(\$34,700)	(\$46,700)	(\$47,200)	(\$47,700)	(\$48,200)

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

**Local Effect:** Any additional workload for the circuit courts could be handled with existing resources.

**Small Business Effect:** None.

## Analysis

**Bill Summary:** For a person under the age of 21, the District Court or a circuit court must notify the MVA if the person is found guilty of violating any of the provisions relating to:

- possession of alcoholic beverages on school property;
- open container, public consumption, and disorderly intoxication violations;
- consumption of alcoholic beverages while driving;
- misrepresentation of age to obtain alcoholic beverages;
- possession of an alcoholic beverage by an underage person;
- possession of false identification or documentation;
- obtaining alcoholic beverages for underage consumption;
- furnishing alcoholic beverages for or allowing underage consumption;
- possession of an unregistered keg; or
- allowing underage consumption of the contents of an unregistered keg.

The reporting requirement applies to the circuit courts, and the juvenile court, as well as the District Court. The Court of Appeals, in conjunction with the Administrator of the MVA, must establish uniform procedures for reporting violations from a circuit court. For an adult violator, the MVA must suspend the person's license for six months for a first offense. For a second or subsequent offense, the license must be suspended until the person becomes 21 or for a period of one year whichever is longer.

A child is defined as any person under the age of 18. On receipt of notice of an alcoholic beverage violation involving the use of a driver's license, the MVA must suspend the driving privileges of a child violator for six months for a first offense. For a second or subsequent offense, the child's driving privilege must be suspended until he or she is 21. On receipt of notice involving alcoholic beverage violations not related to the use of a driver's license or a document purporting to be a driver's license, the MVA must suspend

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the child's license for six months for a first offense. For a second or subsequent offense, the MVA must suspend the license until the person is 21 or for a period of one year whichever is longer.

**Current Law:** Currently, if an adult under the age of 21 years is found guilty of misrepresentation of age to obtain alcoholic beverages that involves the use of a driver's license or a document purporting to be a driver's license, the District Court is required to notify the MVA of the violation, and the MVA is required to suspend the person's driver's license. The court may require an adult violator to pay a maximum fine of \$500 for a first offense. For a repeat violation, the maximum fine is \$1,000.

While the alcohol violations relating to underage drinking may be heard in both the District Court and the circuit courts, for persons between 18 and 21, only the District Court is required to report a person's alcohol-related violations to the MVA. Such cases are generally heard in the District Court.

Also, the juvenile court may order the MVA to initiate an action to suspend the driving privileges of a child for the following types of alcoholic beverage violations:

- misrepresentation of age for purposes of obtaining alcoholic beverages;
- possession of an alcoholic beverage by an underage person;
- possession of a false age identification card or document by an underage person;
- obtaining alcoholic beverages for purposes of consumption by an underage person;  
and
- possession of an alcoholic beverage on school property.

A juvenile court may order the MVA to initiate an action to suspend a child's driving license for the referenced violations but is not required to do so. Generally, on a finding that a child committed an alcoholic beverage violation, the court may order the MVA to initiate an action to suspend the driving privilege of the child for at least 30 days, but not more than 90 days. If the court finds that a child has violated a provision against possession of alcoholic beverages on school property, the court must order the MVA to suspend the driving privilege of a child for not less than 30 days or more than 90 days. However, if a child has committed an alcoholic beverage violation involving the use of a driver's license or a document purporting to be a driver's license, the court may order the

MVA to suspend the driving privilege of a child for six months for a first offense or until the child is 21 years old for a second or subsequent offense.

If the child is not yet 16, the penalty begins on the day the child turns 16. In addition to a suspension, the court may counsel the child or parent or both, order the child to participate in an alcohol education or rehabilitation program, or impose a maximum civil fine of \$25 for a first offense and \$100 for a second or subsequent offense. The court may also order the child to participate in a supervised work program for up to 20 hours for the first violation or up to 40 hours for second and subsequent violations.

The MVA may modify a suspension for a child or adult violator or issue a restricted license if the license is required: (1) for attending an alcohol education, prevention, or treatment program; (2) for driving a motor vehicle in the course of employment; or (3) because the adult's or child's education or employment would be adversely affected.

**Background:** The vast majority of these alcoholic beverage violations (for persons at least 18 years old) are adjudicated in the District Court where they are originally charged, but some find their way to a circuit court (due to an appeal or other action). The District Court and the circuit courts use the Judicial Information System to report traffic violators to the MVA, but only the District Court uses it to report criminal violations to the MVA.

Since criminal reporting from the circuit courts is not required, estimating the annual report volume is difficult. As a point of reference, the MVA advises that it receives about 40 reports annually from Howard County circuit court, the only circuit court that submits reports. Most of these resulted in a license suspension. Based on Howard County's results, it is estimated that the bill will result in about 1,000 new reports statewide and all will result in license suspensions.

**State Expenditures:** Transportation Trust Fund expenditures could increase by \$34,733 in fiscal 2003 which accounts for a 90-day start-up delay. Based on experience, the MVA estimates that about 50% of the estimated total of 1,000 drivers' license suspensions will be appealed to the Office of Administrative Hearings (OAH). The MVA expects \$310 in postage costs for notification. For the anticipated 500 suspension appeals, the MVA will be required to pay \$92 per case (500 x \$92 = \$46,000). Out-year expenditures are adjusted for full operation and inflation. The caseload is expected to remain stable. Any other additional workload for the MVA can be handled with existing resources.

## Additional Information

**Prior Introductions:** A similar bill, HB 64 of 2001, received an unfavorable report from the Judiciary Committee.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Transportation, Department of Public Safety and Correctional Services, Department of Legislative Services

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