

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 581 (Delegate Boutin, *et al.*)
Judiciary

**Drunk and Drugged Driving - Refusal to Submit to Test for Alcohol, Drugs, or
Controlled Dangerous Substances - Suspension of Driver's License**

This bill increases the period of time for which the Motor Vehicle Administration (MVA) must suspend the driver's license of a person who, when detained by a law enforcement officer, refuses to submit to a test of blood or breath. The bill has prospective application.

Fiscal Summary

State Effect: Potential minimal increase in special fund (Transportation Trust Fund) expenditures for additional hearings. Potential minimal increase in general fund revenues from hearing fees.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The suspension period is: (1) 180 days for a first offense; and (2) two years for a second or subsequent offense.

For a person licensed in Maryland or a non-resident driver, these suspensions apply to: (1) a person adjudicated at an administrative hearing as having refused to take a test for alcohol, drug, or controlled substance concentration; (2) a person who is detained by a law enforcement officer who has reasonable grounds to believe the person has committed

an alcohol and/or controlled dangerous substance driving offense and fails to request a hearing within ten days of being stopped; and (3) a person who is detained by a law enforcement officer who has reasonable grounds to believe the person has committed an alcohol and/or controlled dangerous substance driving offense, requests an administrative hearing, and fails to appear for the hearing.

Current Law: The suspension period for refusal to submit to a test is: (1) 120 days for a first offense; and (2) one year for a second or subsequent offense.

Background: The District Court reports that in fiscal 2001, 8,308 people refused to submit to a test out of 35,962 cases.

State Expenditures: It is expected that the number of hearings requested would increase initially due to the bill's increase in the suspension period. The Office of Administrative Hearings charges the MVA \$92 per hearing and collects \$15 from the individual for each hearing, but the \$15 collected goes to the general fund. In the long run, it is expected that the number of hearings requested would decrease as people learn about the new law and change their behavior accordingly. The bill could prompt a reduction in the number of test refusals, and therefore the number of hearings requested.

Additional Information

Prior Introductions: An identical bill, HB 47 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 (Motor Vehicle Administration), Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2002
mam/cer

Analysis by: Karen D. Morgan

Direct Inquires to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510