

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 372

(Delegate Menes, *et al.*)

Judiciary

Drunk and Drugged Driving - First Offenders - Uniform Medical Report

This bill requires a person convicted of, or who receives probation before judgment for, specified alcohol- and/or drug-related driving offenses, to provide medical information to the Motor Vehicle Administration (MVA). If a person does not complete a “uniform medical report,” and return it to the MVA within 30 days, the MVA must suspend the person’s driving license for 90 days. The bill has prospective application.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill’s provisions apply to a person who was convicted for a first violation under § 21-902 of the Transportation Article and accepts probation before judgment. The violation may be for driving or attempting to drive: (1) under the influence of alcohol; (2) under the influence of alcohol per se; (3) while impaired by alcohol; (4) while impaired by a drug, a combination of drugs, or one or more drugs and alcohol; or (5) while impaired by a controlled dangerous substance.

After the MVA provides adequate notice (either in person or by mail), the MVA is authorized to require the person to complete a “uniform medical report form” and return

it within 30 days after the effective date of the notice. If the person refuses to comply, the MVA is required to suspend the person's driver's license for 90 days. The MVA may not modify the suspension or issue a restrictive license during the 90-day suspension period.

Current Law: An application for a driver's license is required to state the general physical condition of each applicant. A driver's license examination may include any physical or mental examination that the MVA considers necessary to determine an applicant's fitness to drive. The MVA is authorized to appoint a medical advisory board and may refer to that board for an advisory opinion, if the MVA has good cause to believe that a driver's existing or suspected mental or physical disability would be contrary to the public safety or welfare. After notice and hearing, the MVA may suspend, for an indefinite period, the license of any individual who cannot drive safely due to a physical or mental condition.

The MVA is required to revoke the license of anyone who is convicted of driving or attempting to drive a motor vehicle under the influence of alcohol, under the influence of alcohol per se, or while impaired by a controlled dangerous substance. The MVA also must revoke the license of anyone who is convicted of driving while impaired by alcohol, or driving while impaired by any combination of drugs and alcohol and who, within a three-year period, was also convicted of driving or attempting to drive: while under the influence of alcohol; under the influence per se; while impaired by alcohol; while so far impaired by a drug, a combination of drugs, or one or more drugs and alcohol that a vehicle cannot be driven safely; or while impaired by a controlled dangerous substance.

For not more than 60 days, the MVA may suspend the license of any person convicted of driving or attempting to drive a motor vehicle while impaired by alcohol or while so far impaired by a drug, a combination of drugs, or one or more drugs and alcohol that the vehicle cannot be driven safely. The MVA may suspend for not more than 120 days the license of any person for driving or attempting to drive while impaired by a drug, a combination of drugs, or one or more drugs and alcohol. This suspension authority applies to persons who were previously, within a three-year period, convicted of driving under the influence of alcohol, driving under the influence of alcohol per se, driving while impaired by alcohol, or driving while impaired by a drug, a combination of drugs, or one or more drugs and alcohol.

The MVA is authorized to modify any such suspension or modify a suspension and issue a restrictive license to a person who will participate in the Ignition Interlock System Program. Once the suspension expires, the MVA is required to immediately return the driver's license and reinstate the driving privileges, unless the privilege is being withheld due to a violation of another provision of the Maryland Vehicle Law.

Background: The bill would authorize Maryland’s Medical Advisory Board to examine the characteristics of first time drunk driving offenders using a standardized medical screening form. The National Institute on Alcohol Abuse and Alcoholism, within the National Institutes of Health, will fund the study.

The purpose of the study is to test the validity of a uniform medical screening report for all first time offenders in Maryland to determine the propensity for recidivism. Roughly one-third of all first time offenders become repeat offenders in Maryland, according to the MVA. It is not clear that the group of first time offenders most likely to drink and drive a second or subsequent time is being accurately detected and aggressively treated.

The study will examine the medical reports of 3,000 first time offenders. It will compare “non-abuse dependent” drivers with the “abuse dependent” group to determine the overall rate of recidivism based on the outcome of their conviction sanctions. Once 3,000 responses are received, the MVA plans to discontinue issuing that particular form.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Transportation, Department of Legislative Services

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