

# Department of Legislative Services

Maryland General Assembly

2002 Session

## FISCAL NOTE

Senate Bill 54

(Senator Haines)

Judicial Proceedings

Commerce and Government Matters

### Motor Vehicle Administration - Driver's License Provisions - Safe Driving Credit System

This bill requires the Motor Vehicle Administration (MVA) to create a system that provides safe driving credits.

## Fiscal Summary

**State Effect:** Transportation Trust Fund expenditures would increase by \$80,000 in FY 2003 only. No effect on revenues.

(in dollars)	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	80,000	0	0	0	0
Net Effect	(\$80,000)	\$0	\$0	\$0	\$0

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

**Local Effect:** None.

**Small Business Effect:** None.

## Analysis

**Bill Summary:** The bill directs the MVA to maintain a safe driving credit system under which a safe driving credit is awarded each calendar year to each individual whose driving record does not contain a suspension, revocation, conviction, or probation before judgment for vehicular manslaughter or violations of alcohol and/or drug related motor vehicle laws (under Section 21-902 of the Transportation Article and Sections 2-209 and

3-211 of the Criminal Law Article) or of any State or local vehicle laws or regulations. Conviction of, or a probation before judgment for, of any of those violations will invalidate any credit awarded for the period during which the violation occurred.

The credits can only offset an equivalent number of points assessed against the individual after each conviction for a moving violation for which no more than two points can be assessed. The MVA must apply the safe driving credits to the chronologically earliest conviction for which points are assessed. Each licensee can accumulate up to five credits.

**Current Law:** Maryland does not have a safe driving credit system.

Examples of moving violations for which two points can be assessed include: (1) tailgating; (2) driving with an improper license class; (3) failing to stop for a school vehicle with flashing red warning lights; (4) speeding in excess of the posted speed limit by ten miles per hour or more; (5) failing to stop for a red light; and (6) throwing substances on a highway that are likely to injure a person, animal, or vehicle.

Pursuant to Section 2-209 of the new Criminal Law article, manslaughter caused by a person's driving, operating, or controlling a vehicle or vessel in a grossly negligent manner is a felony -- the maximum punishment is imprisonment not exceeding ten years or a fine not exceeding \$5,000 or both. A person who causes life-threatening injuries by motor vehicle while under the influence of alcohol or drugs is guilty of a misdemeanor and, upon conviction, is subject to imprisonment not exceeding two years or a fine not exceeding \$3,000 or both. Section 21-902 of the Transportation Article prohibits driving while under the influence of or impaired by alcohol or a controlled dangerous substance. A violator is guilty of a misdemeanor and is subject to varying levels of fines and/or terms of imprisonment, depending on the circumstances of the violation and whether there have been prior offenses.

**Background:** Massachusetts has enacted a similar program referred to as the “Safe Driver’s Insurance Plan.” This program allows drivers to accumulate credits for good driving that can then be used to offset insurance costs. Virginia issues safe driving points to licensees who complete an eight-hour driver improvement clinic that teaches defensive driving. However, drivers who enroll in the clinic to reduce insurance premiums are not eligible to receive safe driving points.

The South Carolina legislature attempted unsuccessfully to pass a “safe driving credit system” in the 1997-1998 session that would have allowed a licensed driver to receive one safe driver credit for each year in which the driver receives no points and would have

allowed for a reduction in the motor vehicle insurance recoupment fee based on safe driver credits.

**State Expenditures:** The MVA advises that the computer programming costs associated with this bill are approximately \$80,000. The Department of Legislative Services concurs with this assessment but also advises that if other legislation that requires programming changes is passed, economies of scale could be realized and reduce the programming costs associated with this bill.

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### **Additional Information**

**Prior Introductions:** A substantially similar bill was introduced last year as SB 255 and passed the Senate. It was given an unfavorable report by the House Commerce and Government Matters Committee.

**Cross File:** None.

**Information Source(s):** Department of Transportation (Motor Vehicle Administration), Department of Legislative Services

**Fiscal Note History:** First Reader - January 22, 2002  
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