

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 285

(Delegates Mitchell and Hutchins)

Judiciary

Alcoholic Beverages - Suspension of Driver's Licenses - Program Reimbursement

This bill makes driver's license suspension mandatory for certain alcohol-related violations committed by children and provides for reimbursement of alcohol awareness program costs by local licensing boards.

Fiscal Summary

State Effect: The bill's requirements could be handled by the Motor Vehicle Administration (MVA) using existing budgeted resources.

Local Effect: Local expenditures could increase in FY 2003 to reimburse alcoholic beverage licensees and their employees for alcohol awareness training. *This bill may impose a mandate on a unit of local government.*

Small Business Effect: Minimal. To the extent that funds are available, small business alcoholic beverage licensees and their employees could be reimbursed in whole or in part for alcohol awareness training.

Analysis

Bill Summary: The bill requires the juvenile court, in making a disposition on a finding that a child has committed the violation: (1) of misrepresentation of age to obtain alcoholic beverages; or (2) underage possession of alcoholic beverages, involving the use of a driver's license or a document purporting to be a driver's license, to order the MVA to suspend the child's driver's license. The suspension period for a first offense must be not less than three months and not more than six months. Subsequent offenses require a suspension of at least six months but not extending beyond the child's twenty-first birthday.

The bill also requires the District Court to notify the MVA if a person who is at least 18 but under 21 years of age is found guilty of underage possession of alcoholic beverages, involving the use of a driver's license or document purporting to be a driver's license.

In addition, the bill authorizes alcoholic beverage licensees and their employees to apply to a local licensing board for reimbursement of all or part of the cost of an approved alcohol awareness program, requires local licensing boards to make reimbursements to applicants who have completed alcohol awareness training to the extent that funds are available, and authorizes a local licensing board to adopt regulations for the reimbursement of alcohol awareness training costs.

Current Law: The District Court must notify the MVA if a person who is at least 18 but under 21 years of age is found guilty of committing the violation of misrepresentation of age to obtain alcoholic beverages involving the use of a driver's license or purported driver's license. Upon receiving this notification, the MVA must suspend the individual's driver's license for six months for a first offense, and for a second or subsequent offense, until the individual is 21 or for a period of one year, whichever is longer.

In making a disposition on a finding that a child has committed the violation of misrepresentation of age to obtain alcoholic beverages involving the use of a driver's license or purported driver's license, the juvenile court *may* order the MVA to suspend the child's driver's license. For a first offense, the suspension period is six months. For a second or subsequent offense, the license must be suspended until the child is 21 years old.

In any other violation of alcoholic beverage law by a child, a court may notify the MVA to initiate an action to suspend a child's driver's license for not less than 30 days but no more than 90 days.

A holder of a retail alcoholic beverage license or a designated employee is required to complete an alcohol awareness program. Harford, Howard, and Montgomery counties require a person certified by an approved alcohol awareness training program to be present on licensed premises during the hours alcoholic beverages are sold.

There is no provision of law that requires a local board of license commissioners to reimburse, in whole or in part, the costs of alcoholic beverage awareness training completed by alcoholic beverage licensees or their employees.

Background: Alcohol awareness programs: (1) provide instruction on the influence of alcohol on a person's behavior and body; (2) provide education on the dangers of

drinking and driving; (3) define effective methods for serving customers to minimize intoxication; (4) provide instruction on how to cease service before a customer becomes intoxicated; and (5) provide instruction on how to determine if a customer is under the drinking age. According to the Office of the Comptroller, there are approximately 200 certified instructors on alcohol awareness in the State, and it is estimated that approximately 15,000 individuals complete the awareness training each year. Alcoholic beverage awareness training costs approximately \$50. The training is valid for four years after which time another training session is required.

Local Fiscal Effect: Local government expenditures could increase to subsidize and reimburse the costs for alcohol awareness training completed by alcoholic beverage licensees and their employees. Montgomery and Allegany counties advise that the alcohol awareness training costs could total \$50,000. Prince George's County estimates such costs at approximately \$31,000 every four years.

Any additional expenditures for reimbursement of alcohol awareness training absent any other source of revenue could negatively impact enforcement of alcoholic beverage laws.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Wicomico County, Allegany County, Montgomery County, Prince George' County, Talbot County, Judiciary (Administrative Office of the Courts), Department of Transportation, Baltimore City, Department of Legislative Services

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