

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1010

(Delegate Niemann, *et al.*)

Judiciary

Judicial Proceedings

Drivers' Licenses - Certain Manslaughter and Alcohol- or Drug-Related Driving
Offenses

This bill requires the Motor Vehicle Administration (MVA) to revoke the license of any person who has been convicted of manslaughter by vehicle if the crime involves a motor vehicle. The MVA is prohibited from issuing a temporary driver's license to any person whose license has been revoked due to a conviction for this crime. The clerk of court must notify the MVA of each person convicted of manslaughter or alcohol- or drug-related driving offenses that result in life-threatening injury by motor vehicle. The bill specifies that provisions of the bill that authorize an allowance of additional points for a licensee required to drive in the course of employment do not apply to an accumulation of points from vehicular manslaughter, or homicide or life-threatening injury while under the influence of or impaired by alcohol or drugs.

Fiscal Summary

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

Local Effect: None. The bill's requirements could be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: A person is prohibited from causing the death of another due to the grossly negligent driving, operation, or control of a vehicle or vessel. A person who violates this prohibition is guilty of the felony of manslaughter by motor vehicle or vessel and is subject to imprisonment not exceeding ten years, a maximum fine of \$5,000, or

both. For purposes of this prohibition, “vehicle” includes a motor vehicle, streetcar, locomotive, engine, and train.

The MVA is required to revoke the license of any person who has been convicted of homicide by a motor vehicle while under the influence of alcohol, impaired by alcohol, impaired by drugs, or impaired by a controlled dangerous substance. The MVA may not issue a temporary driver’s license during an administrative appeal to any person whose license has been revoked due to the aforementioned conviction. The MVA is also required to assess 12 points to the license of a driver guilty of any homicide committed by means of a vehicle and to the license of a driver guilty of a felony involving the use of a vehicle. The MVA is required to revoke a driver’s license if the driver accumulates 12 points.

Except for certain alcohol- and drug-related driving offenses, and refusal to be tested for alcohol or drug content, if a suspension or revocation would adversely affect the employment or employment opportunities of a licensee, the hearing officer is authorized to cancel, modify, or decline to order the suspension or revocation. If a licensee is required to drive a motor vehicle in the course of regular employment, suspension requires 16 points and revocation requires 19 points, except that the higher point totals do not apply to someone with accumulated points from a conviction for certain alcohol- and drug-related driving offenses.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - March 13, 2003
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