

Department of Legislative Services
 Maryland General Assembly
 2003 Session

FISCAL AND POLICY NOTE
Revised

House Bill 664
 Judiciary

(Delegate Niemann, *et al.*)

Judicial Proceedings

Vehicle Laws - Driving While License Refused, Suspended, Canceled, or Revoked - Penalties

This bill provides that driving while a person’s license or privilege to drive is refused, suspended, canceled, or revoked, in this State or any other state, is a moving violation and is subject to the assessment of six points or three points based on the nature of the offense.

The bill also standardizes the maximum criminal penalties for these violations to be 60 days/\$500 for a first offense, 90 days/\$1,000 for a second offense, and one year/\$2,000 for a third or subsequent offense.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) revenues decline by \$21,000 in FY 2004 accounting for revenue reductions (due to the processing of fewer license revocation notifications). Out-years account for annualization and inflation and assume stable caseload and fees. TTF expenditures decline by \$14,500 (due to a reduction in certified postage and administrative hearings). Potential minimal decrease in general fund revenues and expenditures due to the bill’s penalty provisions.

(in dollars)	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
SF Revenue	(\$21,000)	(\$28,000)	(\$28,000)	(\$28,000)	(\$28,000)
SF Expenditure	(14,500)	(19,600)	(19,800)	(20,000)	(20,200)
Net Effect	(\$6,500)	(\$8,400)	(\$8,200)	(\$8,000)	(\$7,800)

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

Local Effect: Potential minimal decrease in expenditures due to the bill’s reduced penalty provisions.

Small Business Effect: None.

Analysis

Current Law: A person may not drive a motor vehicle on any highway or public use property while the person's license or privilege to drive is refused, canceled, suspended, or revoked in Maryland or any other state. For driving while suspended due to lapse or termination of required security, noncompliance with a traffic citation, or nonpayment of fine, the maximum criminal penalties are two months' imprisonment and/or a fine of \$500, regardless of the number of offenses. In all other cases, maximum criminal penalties are imprisonment for one year and/or a fine of \$1,000 for a first offense and two years' imprisonment and/or a fine of \$2,000 for a second offense.

The administrative penalty assessed against the driver's license of a person who is convicted of a violation of driving while a license is refused, suspended, canceled, or revoked is generally 12 points (except for driving while suspended due to lapse or termination of required security, noncompliance with a traffic citation, or nonpayment of fine, for which 3 points are assessed). The Motor Vehicle Administration (MVA) must revoke a license of a driver who accumulates 12 points and suspend the license of a driver who accumulates 8 points.

State Revenues: TTF revenues are expected to decline by \$20,993 in fiscal 2004 due to the elimination of revenue from license reinstatement, accounting for an October 1 start date. In fiscal 2002, the MVA processed 430 license revocation cases due to driving while the license is refused, suspended, cancelled, or revoked. Of the 430 cases, 142 cases were assessed fees of \$45 for revocation of licenses due to point accumulation. The remaining 288 cases were assessed fees of \$75 for license revocation due to alcohol- and drug-related driving offenses. Out-years assume annualization, a stable caseload, and no change in fees.

General fund revenues could decrease minimally as a result of the reduced monetary penalties from cases heard in the District Court.

State Expenditures: TTF expenditures are expected to decline by \$14,523 in fiscal 2004 due to savings in certified postage and administrative hearing costs, accounting for an October 1, 2003 start date. During fiscal 2002, the MVA processed 430 notices of revocation as a result of driving while the license is refused, cancelled, suspended, or revoked. For each revocation, the MVA sends notification to drivers by certified and regular mail. Under this bill, the drivers who would receive six points for a violation would be notified of the points by the MVA through regular mail and would be called in for a driver's conference. Postage savings of \$861 for fiscal 2004 are anticipated. Annual savings account for annualization and inflation, and assume no changes in

postage rates or caseload. The MVA advises that of the 430 notices of revocation that were processed in 2002, 46%, or 198 of those notified requested a hearing. The MVA pays the Office of Administrative Hearings \$92 for each hearing requested. Fiscal 2004 savings of \$13,662 are anticipated, accounting for the October 1 start date. Out-year savings include annualization and inflation.

General fund expenditures could be reduced minimally as a result of the bill's reduced incarceration penalties due to reduced payments to counties for reimbursement of inmate costs.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2004 are estimated to range from \$14 to \$59 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility. Currently, the DOC average total cost per inmate, including overhead, is estimated at \$1,850 per month. Excluding medical care, the average cost of housing a DOC inmate is \$120 per month.

Local Expenditures: Expenditures could be reduced as a result of the bill's incarceration penalties. Counties pay the full cost of incarceration for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$28 to \$84 per inmate in fiscal 2004.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - March 4, 2003
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