

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**

House Bill 460

(Delegate Niemann, *et al.*)

Judiciary

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

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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 The MVA is prohibited from issuing a temporary driver's license to any person whose license has been revoked due to a conviction for this crime.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 the 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 current law 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.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in Transportation Trust Fund (TTF) and general fund expenditures for computer reprogramming costs in FY 2005 only.

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

**Small Business Effect:** None.

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**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 10 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 The MVA may not issue a temporary driver’s license during an administrative appeal to any person whose license has been revoked due to the aforementioned conviction.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.

**State Expenditures:** The MVA advises that computer programming modifications to set up a File Transfer Protocol with the circuit courts would be needed to meet the bill’s requirements. The modifications could result in a one-time expenditure of \$30,000 in special funds. However, the Department of Legislative Services (DLS) advises that if other legislation is passed requiring computer programming changes, economies of scale could be realized. This would reduce the computer programming costs associated with this bill and other legislation affecting the MVA system. Further, DLS advises that the increased computer expenditure is an estimate and that the MVA may be able to handle the changes with existing resources.

The Judiciary advises that creation of an electronic interface for the daily transmission of data from the courts to the MVA would be needed. The Judiciary advises that a one-time expenditure of \$83,344 in fiscal 2005 only would be needed for the computer programming changes, and that does not include programming costs for Baltimore City and system functions such as data storage, network loads, and run-times. However, the Judiciary’s estimate is based on automation of the reporting of all moving violations to the MVA. This bill does not require reporting of all moving violations, only those convictions for manslaughter by vehicle or vessel or life-threatening injury while under the influence of alcohol or impaired by alcohol, drugs and alcohol, or a controlled dangerous substance. DLS advises that automation of the reporting of the required

violations would be significantly less than is estimated by the Judiciary. Further, DLS advises that if other legislation is passed requiring computer programming changes, economies of scale could be realized. This would reduce computer programming costs associated with this bill and other legislation affecting the Judiciary. DLS advises that the increased computer expenditure is an estimate and that the Judiciary may be able to accomplish the changes within existing resources.

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### **Additional Information**

**Prior Introductions:** This bill is a reintroduction of HB 1010 from the 2003 session. HB 1010 was amended and passed the House. It was then referred to the Judicial Proceedings Committee, which held a hearing, but took no further action.

**Cross File:** SB 569 (Senator Forehand) – Judicial Proceedings.

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

**Fiscal Note History:** First Reader - February 10, 2004  
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