

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 594 (Senator Middleton)
Judicial Proceedings

Alcoholic Beverages - Suspension of Driver's License - 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 alcoholic beverages 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 2005 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 to order the MVA to suspend a child's driver's privilege if the 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. The suspension period for a first offense must be not less than three months and not more than six months. For a second or subsequent offense, the suspension must be at least six months but not extending beyond the later of the end of the six-month period, or 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, or a minor otherwise subject to the jurisdiction of the court is found guilty of misrepresentation of age to obtain alcoholic beverages or underage possession of alcoholic beverages, involving the use of a driver's license or a document purporting to be a driver's license.

The mandatory suspension periods established under the bill are subject to modification by the MVA for education and employment purposes.

In addition, the bill authorizes alcoholic beverage licensees and their employees to apply to a local alcoholic beverages licensing board for reimbursement of all or part of the cost of an approved alcohol awareness program; requires a local licensing board 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. If a person subject to a suspension does not hold a license to operate a motor vehicle on the date that the individual is found guilty of a violation, the suspension must begin on the date the license is issued, or after the individual applies and is qualified to receive a license, or on the individual's twenty-first birthday, whichever occurs first.

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. If a child subject to a suspension does not hold a driver's license on the date of the disposition, the suspension must begin on the date of the disposition if the child is at least 16 years old. If the child is younger than 16 years on the date of the court order, the suspension must begin on the child's sixteenth birthday.

The mandatory suspension periods are subject to modification by the MVA for education and employment purposes. 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 Comptroller's Office, there are approximately 275 certified instructors on alcohol awareness and 24 certified alcohol awareness programs in the State. 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. However, Queen Anne's County advises that the bill is not expected to have a fiscal impact.

Additional Information

Prior Introductions: A similar bill, HB 285 of the 2002 session was referred to the Judiciary Committee, where it received an unfavorable report.

Cross File: HB 856 (Charles County Delegation) – Judiciary.

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

Fiscal Note History: First Reader - February 16, 2004
ncs/jr

Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510