

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE

House Bill 6 (Delegate Owings)  
Judiciary

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**Drunk and Drugged Driving - Young Drivers - License Suspension and Revocation**

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This bill imposes mandatory suspension or revocation of the driving licenses or privileges of drivers under the age of 21 who violate alcohol- or drug-related driving provisions.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues due to additional administrative hearings. Potential minimal increase in Transportation Trust Fund (TTF) expenditures for computer programming costs in FY 2005 only and for additional administrative hearings in FY 2005 and out-years.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** This bill requires the Motor Vehicle Administration (MVA) to revoke a child's driving privilege or suspend a child's driving privilege until the child is 21 years old if the child has been adjudicated delinquent or has been found to have committed a delinquent act due to violation of alcohol- or drug-related driving provisions.

For a person at least 18, but less than 21 years, who has been convicted of an alcohol- or drug-related driving offense, the MVA is required to revoke the person's driving license or privilege or suspend the person's driving license or privilege from the date of the conviction to the person's twenty-first birthday or, for one year, whichever is longer.

A suspension imposed on a child or young adult under the age of 21 due to violation of alcohol- or drug-related driving provisions is mandatory. The MVA may not modify a suspension or issue a restrictive license to a driver under the age of 21 during the mandatory suspension period. Notwithstanding the authority of the MVA to reinstate a revoked driver's license or privilege, the MVA may not reinstate the driving license or privilege of a person under 21 whose license has been revoked due to an alcohol- or drug-related driving offense until the person's twenty-first birthday, or any time after one year from the day the revoked license is surrendered to and received by the MVA; or after one year from the effective date of the revocation, if the offender does not have a license, whichever is later.

**Current Law:** A person may not drive or attempt to drive any vehicle while: (1) under the influence of alcohol or under the influence of alcohol per se; (2) impaired by alcohol; (3) impaired by drugs or drugs and alcohol; or (4) impaired by any controlled dangerous substance.

An adjudication that a child is delinquent or a finding that a child committed a delinquent act due to an alcohol- or drug-related driving offense must be reported by the clerk of court to the MVA. If the child violated the prohibition against driving while under the influence of alcohol or under the influence of alcohol per se, or while impaired by a controlled dangerous substance, the MVA is required to revoke the child's driving privilege. For a child's first violation of the prohibition against driving while impaired by alcohol, or while impaired by drugs or drugs and alcohol, the MVA is required to suspend the child's driving privilege for six months. For a second or subsequent violation of driving while impaired by alcohol or driving while impaired by drugs or drugs and alcohol, the MVA is required to suspend the child's driving privilege for one year.

The MVA may revoke the license of any person who is convicted of driving or attempting to drive any vehicle (1) while under the influence of alcohol or under the influence of alcohol per se; or (2) while impaired by a controlled dangerous substance. The MVA may also revoke the license of anyone who is convicted of driving (1) while impaired by alcohol; or (2) while impaired by drugs or drugs and alcohol, and within a three-year period, was convicted of another alcohol- or drug-related driving offense.

The MVA may suspend, for not more than 60 days, the license of any person who is convicted of driving or attempting to drive a motor vehicle while: (1) impaired by alcohol; or (2) impaired by drugs or drugs and alcohol.

The MVA may suspend, for not more than 120 days, the license of any person who is convicted of driving or attempting to drive while: (1) impaired by alcohol; or (2)

impaired by drugs or drugs and alcohol. This suspension period applies to a person who was previously convicted within a three-year period of driving or attempting to drive while: (1) under the influence of alcohol or under the influence of alcohol per se; (2) impaired by alcohol; (3) impaired by drugs or drugs and alcohol; or (4) impaired by a controlled dangerous substance.

If a child who is subject to suspension or revocation does not hold a driver's license, the suspension or revocation must commence on the date of disposition, if the child is at least 16 years old. If the child is younger than 16, the suspension or revocation must commence on the date the child reaches age 16.

An individual whose driving license or privilege has been suspended or revoked may apply for reinstatement within time frames as established by statute. The time frames vary depending on whether it is the individual's first, second, third, fourth, or subsequent revocation.

Generally, the MVA may reinstate the driving license or privilege. If, however, the license or privilege has been refused, revoked, suspended, or canceled under any other provision of the Maryland Vehicle Law, the license or privilege may not be reinstated. If an individual has been involved in any combination of three or more separate alcohol-related or drug-related driving incidents, as defined by statute, involved in a vehicular accident resulting in the death of another person, or convicted of failing to stop after a vehicular accident resulting in bodily injury or death, the MVA must conduct an investigation of the individual's habits and driving ability. The MVA may only reinstate the driving license or privilege if the MVA is satisfied that it will be safe to do so. Except as otherwise provided, the MVA shall require the applicant for reinstatement to submit to appropriate examinations before issuing a new license.

**State Revenues:** General fund revenues could increase minimally as a result of the \$15 fee charged by the Office of Administrative Hearings (OAH) to additional individuals who may request administrative hearings.

From fiscal 2000 to 2003, the MVA reports that the average number of drivers under age 21 who were convicted of alcohol- or drug-related driving offenses is 635. It is not expected that the number of license revocations or suspensions for the young driver population would increase under this bill. Suspensions and revocations are likely to be longer, due to the bill's restrictions on the MVA authority to reduce suspensions or reinstate licenses after revocations.

**State Expenditures:** There could be a potential, minimal increase in special fund expenditures related to additional administrative hearings, as noted above. The MVA is required to pay \$92 to OAH for each administrative hearing.

The MVA advises that computer programming modifications to add violation codes, law codes, age information, and suspension periods would be needed to meet the bill's requirements. The changes could result in a one-time expenditure of \$35,000 in special funds in fiscal 2005 only. However, 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 MVA system. Further, DLS advises that the increased computer expenditure is an estimate and that the MVA may be able to handle the changes within existing resources.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - January 23, 2004  
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