

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 168

(Senator Haines)

Judicial Proceedings

Environmental Matters

Motor Vehicle Administration - Driver's License Provisions - Safe Driving Credit System

This bill requires the Motor Vehicle Administration (MVA) to create a system that provides safe driving credits.

Fiscal Summary

State Effect: Potential Transportation Trust Fund expenditure increase for computer reprogramming in FY 2005 only. Otherwise, the MVA could implement the system with existing resources. No effect on revenues.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill directs the MVA to maintain a safe driving credit system under which a safe driving credit is awarded each calendar year to each individual whose driving record does not contain a suspension, revocation, conviction, or probation before judgment for vehicular homicide, manslaughter, violations of alcohol- or drug-related motor vehicle laws, or of any State or local vehicle laws or regulations. Conviction of, or a probation before judgment for, any of those violations will invalidate any credit awarded for the period during in which the violation occurred.

The credits can only offset an equivalent number of points assessed against the individual after each conviction for a moving violation for which no more than two points can be

assessed. The MVA must apply the safe driving credits to the chronologically earliest conviction for which points are assessed. Each licensee can accumulate up to five credits.

Current Law: Maryland does not have a safe driving credit system.

Examples of moving violations for which two points can be assessed include: (1) tailgating; (2) driving with an improper license class; (3) following a vehicle closer than reasonable and prudent; (4) speeding in excess of the posted speed limit by 10 miles per hour or more; (5) failing to stop for a red light; and (6) throwing substances on a highway that are likely to injure a person, animal, or vehicle.

Under Title 2, Subtitle 5 of the Criminal Law Article, homicide by motor vehicle while under the influence of alcohol or while impaired by drugs or alcohol is a felony, subject to varying terms of imprisonment and fines. The maximum sentence is up to five years imprisonment or a maximum fine of \$5,000, or both. Pursuant to § 2-209 of the Criminal Law Article, manslaughter caused by a person's driving, operating, or controlling a vehicle or vessel in a grossly negligent manner is a felony – the maximum punishment is imprisonment not exceeding 10 years or a fine not exceeding \$5,000, or both. A person who causes life-threatening injuries by motor vehicle while under the influence of alcohol or impaired by drugs or alcohol is guilty of a misdemeanor and, upon conviction, is subject to imprisonment not exceeding two years or a fine not exceeding \$3,000, or both. Section 21-902 of the Transportation Article prohibits driving while under the influence of or impaired by alcohol or a controlled dangerous substance. A violator is guilty of a misdemeanor and is subject to varying levels of fines and/or terms of imprisonment, depending on the circumstances of the violation and whether there have been prior offenses.

Background: Massachusetts has enacted a similar program referred to as the “Safe Driver’s Insurance Plan.” This program allows drivers to accumulate credits for good driving that can then be used to offset insurance costs. Virginia issues safe driving points to licensees who complete an eight-hour driver improvement clinic that teaches defensive driving. However, drivers who enroll in the clinic to reduce insurance premiums are not eligible to receive safe driving points. Other states that have established safe credit programs include Alaska, New Jersey, and Maine.

State Expenditures: The MVA advises that the computer programming costs associated with this bill are approximately \$120,000. The Department of Legislative Services concurs with this assessment but also advises that if other legislation that requires programming changes is passed, economies of scale could be realized and reduce the programming costs associated with this bill.

Additional Information

Prior Introductions: This bill is a reintroduction of SB 54 from the 2002 session. SB 54 passed the Senate and was referred to the Commerce and Government Matters Committee, where it received an unfavorable report. A substantially similar bill was introduced in 2001 as SB 255 and passed the Senate. It was given an unfavorable report by the House Commerce and Government Matters Committee.

Cross File: None.

Information Source(s): Maryland Department of Transportation (Motor Vehicle Administration), New Jersey Motor Vehicle Administration, Department of Legislative Services

Fiscal Note History: First Reader - February 2, 2004
n/jr

Analysis by: Karen D. Morgan

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