
By: **Chairman, Environmental Matters Committee (By Request -
Departmental - Transportation)**

Introduced and read first time: February 11, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Administration - Driver's Licenses - Restoration Fees**

3 FOR the purpose of requiring certain individuals on application for a driver's license
4 after a refusal, cancellation, suspension, or revocation of a driver's license to pay
5 the Motor Vehicle Administration a restoration fee; authorizing the Secretary of
6 Budget and Management to allow the Motor Vehicle Administration to outsource
7 certain collection activities; providing that the restoration fees shall be credited
8 to the Gasoline and Motor Vehicle Revenue Account in the Transportation Trust
9 Fund; excluding restoration fees from the definition of "miscellaneous fees" for
10 certain purposes; authorizing the Motor Vehicle Administration to contract with
11 private entities to provide certain services; providing that the Administration's
12 refusal to restore a driver's license under certain circumstances is not subject to
13 certain hearing requirements; providing for a delayed effective date; and
14 generally relating to restoration fees in connection with driver's licenses.

15 BY repealing and reenacting, with amendments,
16 Article - State Finance and Procurement
17 Section 3-302
18 Annotated Code of Maryland
19 (2001 Replacement Volume and 2004 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Transportation
22 Section 8-402
23 Annotated Code of Maryland
24 (2001 Replacement Volume and 2004 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - Transportation
27 Section 12-120 and 16-209
28 Annotated Code of Maryland
29 (2002 Replacement Volume and 2004 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - State Finance and Procurement**

4 3-302.

5 (a) (1) Except as otherwise provided in subsection (b) of this section or in
6 other law, the Central Collection Unit is responsible for the collection of each
7 delinquent account or other debt that is owed to the State or any of its officials or
8 units.

9 (2) [An] EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (D) OF THIS
10 SECTION, AN official or unit of the State government shall refer to the Central
11 Collection Unit each debt for which the Central Collection Unit has collection
12 responsibility under this subsection and may not settle the debt.

13 (3) For the purposes of this subtitle, a community college or board of
14 trustees for a community college established or operating under Title 16 of the
15 Education Article is a unit of the State.

16 (b) Unless, with the approval of the Secretary, a unit of the State government
17 assigns the claim to the Central Collection Unit, the Central Collection Unit is not
18 responsible for and may not collect:

19 (1) any taxes;

20 (2) any child support payment that is owed under Article 88A, § 48 of the
21 Code;

22 (3) any unemployment insurance contribution or overpayment;

23 (4) any fine;

24 (5) any court costs;

25 (6) any forfeiture on bond;

26 (7) any money that is owed as a result of a default on a loan that the
27 Department of Business and Economic Development or the Department of Housing
28 and Community Development has made or insured; or

29 (8) any money that is owed under Title 9, Subtitles 2, 3, and 4 and Title
30 20 of the Insurance Article.

31 (c) The Central Collection Unit shall be responsible for the collection of each
32 delinquent account or other debt that is owed to a community college established or
33 operating under Title 16 of the Education Article if the board of trustees for the
34 community college:

1 (1) adopts a resolution appointing the Central Collection Unit as the
2 collector of delinquent accounts or other debt; and

3 (2) submits the resolution to the Central Collection Unit.

4 (D) THE SECRETARY MAY AUTHORIZE THE MOTOR VEHICLE ADMINISTRATION
5 TO ENTER INTO A CONTRACT FOR THE PROCUREMENT OF COLLECTION SERVICES,
6 INCLUDING THE AUTHORITY TO SETTLE DEBT, WITH RESPECT TO COLLECTION OF
7 ANY PART OF THE MOTOR VEHICLE ADMINISTRATION DEBT IN LIEU OF REFERRING
8 COLLECTION TO THE CENTRAL COLLECTION UNIT, IF THE PROCUREMENT
9 CONTRACT OTHERWISE MEETS THE REQUIREMENTS OF THIS ARTICLE.

10 **Article - Transportation**

11 8-402.

12 (a) There is a Gasoline and Motor Vehicle Revenue Account in the
13 Transportation Trust Fund.

14 (b) All revenues collected from the following, after deductions provided by law,
15 shall be credited to the Gasoline and Motor Vehicle Revenue Account:

16 (1) All of the motor vehicle fuel tax;

17 (2) Except as otherwise provided by law, 80 percent of the vehicle titling
18 tax;

19 (3) Except for revenues collected under Parts III and IV of Title 13,
20 Subtitle 9 of this article, vehicle registration fees;

21 (4) The revenue disbursed to this account under § 2-614 of the Tax -
22 General Article; [and]

23 (5) 80 percent of the funds distributed on short-term vehicle rentals
24 under § 2-1302.1 of the Tax - General Article to the Transportation Trust Fund from
25 the sales and use tax; AND

26 (6) THE REVENUES COLLECTED UNDER § 16-209 OF THIS ARTICLE.

27 (c) (1) During each fiscal year, the Account shall be used to pay the
28 allocations of highway user revenues provided by this subtitle to the counties,
29 municipalities, and Baltimore City; and

30 (2) The balance of the Account may be used as provided in § 3-216 of this
31 article.

32 12-120.

33 (a) In this section, "miscellaneous fees" means all fees collected by the
34 Administration under this article other than:

- 1 (1) The vehicle titling tax; [and]
2 (2) Vehicle registration fees under Part II of Title 13, Subtitle 9 of this
3 article; AND
4 (3) THE RESTORATION FEES COLLECTED UNDER § 16-209 OF THIS
5 ARTICLE.

6 (b) Except as provided in this section, the Administration may not alter the
7 miscellaneous fees that the Administration is authorized under this article to
8 establish.

9 (c) (1) Subject to the limitations under subsection (d) of this section, before
10 the start of any fiscal year the Administration by regulation may alter, effective
11 beginning in the upcoming fiscal year, the levels of the miscellaneous fees that the
12 Administration is authorized under this article to establish.

13 (2) The Administration shall alter the levels of miscellaneous fees for the
14 upcoming fiscal year if the projected cost recovery under subsection (d) of this section
15 exceeds 100%.

16 (d) The Administration shall set the levels of miscellaneous fees so that the
17 total amount of projected revenues from all miscellaneous fees for the upcoming fiscal
18 year is at least 95 percent but does not exceed 100 percent of the sum of:

19 (1) The operating budget of the Administration for that fiscal year as
20 approved by the General Assembly in the annual State budget;

21 (2) The average annual capital program of the Administration as
22 reported in the 6-year consolidated transportation program described in § 2-103.1 of
23 this article; and

24 (3) The Administration's portion of the cost for that fiscal year of the
25 Department's data center operations, except for the cost of data center operations
26 attributable to other administrations' activities.

27 (e) (1) The Administration may not alter miscellaneous fees more than once
28 in any fiscal year.

29 (2) The Administration need not reduce fees for the upcoming fiscal year
30 if legislative budget modifications cause the projected cost recovery percentage to
31 exceed 100 percent.

32 (3) The level of a miscellaneous fee set by the Administration remains in
33 effect until again altered by the Administration as provided under this section.

1 16-209.

2 (a) On filing an application for a new license or for reinstatement of the
3 privilege to drive, any individual whose license or privilege to drive has been revoked,
4 shall pay to the Administration a fee [established by the Administration] OF \$300.

5 (b) (1) [If the applicant's license was revoked as a result of a conviction
6 under § 21-902 of this article or a violation of an alcohol restriction, the applicant
7 shall pay a fee established by the Administration in addition to the amount charged
8 under subsection (a) of this section.] ANY INDIVIDUAL WHOSE LICENSE OR
9 PRIVILEGE TO DRIVE HAS BEEN REFUSED, CANCELED, OR SUSPENDED SHALL PAY TO
10 THE ADMINISTRATION A RESTORATION FEE BEFORE THE ADMINISTRATION CAN
11 RESTORE THE DRIVER'S LICENSE OR PRIVILEGE TO DRIVE.

12 (2) THE FEE SHALL BE IN ADDITION TO ANY COURT COSTS OR LICENSE
13 FEES REQUIRED AT THE TIME OF APPLICATION.

14 (3) THE FEE AMOUNTS SHALL BE:

15 (I) \$300, IF THE SUSPENSION, REFUSAL, OR CANCELLATION WAS
16 THE RESULT OF A VIOLATION OF AN ALCOHOL RESTRICTION, A VIOLATION OF §
17 16-205.1 OF THIS SUBTITLE, A CONVICTION UNDER § 21-902 OF THIS ARTICLE, AN
18 ACCUMULATION OF POINTS, OR ANY CONVICTION THAT WAS THE RESULT OF A
19 FATAL ACCIDENT; OR

20 (II) \$100, IF THE SUSPENSION, REFUSAL, OR CANCELLATION WAS
21 THE RESULT OF A VIOLATION NOT DEFINED IN ITEM (I) OF THIS PARAGRAPH, WITH
22 THE EXCEPTION OF A SUSPENSION, REFUSAL, OR CANCELLATION UNDER § 16-108 OR
23 § 16-118 OF THIS TITLE OR § 16-201 OR § 16-207 OF THIS SUBTITLE.

24 (C) (1) SUBJECT TO § 3-302(D) OF THE STATE FINANCE AND PROCUREMENT
25 ARTICLE, THE ADMINISTRATION MAY ENTER INTO A CONTRACT FOR THE
26 PROCUREMENT OF BILLING AND COLLECTION SERVICES FOR RESTORATION FEES,
27 INCLUDING THE AUTHORITY TO SETTLE DEBTS OWED TO THE ADMINISTRATION.

28 (2) THE PRIVATE CONTRACTOR MAY CHARGE AN INDIVIDUAL REQUIRED
29 TO PAY A RESTORATION FEE UNDER THIS SECTION AN ADDITIONAL FEE, AS
30 APPROVED BY THE ADMINISTRATION, FOR ITS BILLING AND COLLECTION SERVICES.

31 (D) A REFUSAL BY THE ADMINISTRATION TO RESTORE THE LICENSE OR
32 PRIVILEGE TO DRIVE PENDING PAYMENT OF THE RESTORATION FEE IS NOT SUBJECT
33 TO ANY REQUIREMENT OF A HEARING UNDER TITLE 12, SUBTITLE 2 OF THIS
34 ARTICLE.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
36 effect January 1, 2006.