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By: **Senators Garagiola, Brinkley, Britt, Brochin, Colburn, Conway, Currie, DeGrange, Dyson, Forehand, Giannetti, Greenip, Hafer, Haines, Harris, Hogan, Hooper, Hughes, Jacobs, Jimeno, Klausmeier, Kramer, Lawlah, McFadden, Middleton, Mooney, Munson, Ruben, Schrader, and Teitelbaum**

Introduced and read first time: January 27, 2005

Assigned to: Budget and Taxation

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A BILL ENTITLED

1 AN ACT concerning

2 **Driver Responsibility and First Responders Fund Act**

3 FOR the purpose of establishing the First Responders Fund; establishing that the  
4 purpose of the Fund is to provide grants to political subdivisions to pay for  
5 equipment and personnel for fire, rescue, and emergency medical services  
6 entities and local law enforcement agencies; requiring the Secretary of State  
7 Police to administer the Fund; establishing the composition of the Fund;  
8 limiting the uses of the Fund; providing for investment of money in the Fund;  
9 establishing a certain intent of the Fund; authorizing the Secretary to make  
10 grants from the Fund to political subdivisions to be used for fire, rescue, and  
11 emergency medical services entities and local law enforcement agencies in the  
12 political subdivision; establishing that grants from the Fund may be used for  
13 certain purposes; requiring the Secretary to establish certain procedures and  
14 guidelines; establishing that grants are for a certain duration and require  
15 certain matching funds; prohibiting a political subdivision from reducing money  
16 to fire, rescue, and emergency services entities or local law enforcement  
17 agencies because of money provided from the Fund; requiring a political  
18 subdivision that receives a grant to use the grant in accordance with certain  
19 terms and comply with certain requirements; requiring a certain percentage of  
20 revenues from certain fees to be deposited in the First Responders Fund and the  
21 balance to be deposited in the Transportation Trust Fund; requiring an  
22 individual holding a driver's license to pay a certain fee annually for each point  
23 that is assessed against the individual's driving record or if the individual has  
24 been convicted of certain alcohol- or drug-related offenses; requiring the Motor  
25 Vehicle Administration to send a notice to an individual subject to a fee under  
26 this Act a certain number of days after a certain event; requiring the suspension  
27 of an individual's driver's license unless the individual pays a fee under this Act  
28 except under certain circumstances; authorizing the Administration to establish  
29 a certain schedule for payment of fees charged under this Act; prohibiting the  
30 Administration from suspending and requiring the Administration to renew an  
31 individual's driver's license under certain circumstances; providing that a

1 conviction includes a probation before judgment for certain purposes;  
2 authorizing the Administration to adopt certain regulations; defining certain  
3 terms; and generally relating to the assessment of fees against certain drivers  
4 and establishment of the First Responders Fund.

5 BY adding to  
6 Article - Public Safety  
7 Section 4-401 to 4-403 to be under the new subtitle "Subtitle 4. First  
8 Responders Fund"  
9 Annotated Code of Maryland  
10 (2003 Volume and 2004 Supplement)

11 BY repealing and reenacting, without amendments,  
12 Article - Public Safety  
13 Section 7-101(b)  
14 Annotated Code of Maryland  
15 (2003 Volume and 2004 Supplement)

16 BY adding to  
17 Article - Transportation  
18 Section 16-1001 to be under the new subtitle "Subtitle 10. Assessment of Fees"  
19 Annotated Code of Maryland  
20 (2002 Replacement Volume and 2004 Supplement)

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

23 **Article - Public Safety**

24 **SUBTITLE 4. FIRST RESPONDERS FUND.**

25 4-401.

26 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
27 INDICATED.

28 (B) "FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES ENTITY" HAS THE  
29 MEANING STATED IN § 7-101 OF THIS ARTICLE.

30 (C) "FUND" MEANS THE FIRST RESPONDERS FUND.

31 (D) "LOCAL LAW ENFORCEMENT AGENCY" MEANS THE POLICE DEPARTMENT  
32 OF A COUNTY OR MUNICIPAL CORPORATION IN THE STATE.

33 (E) "POLITICAL SUBDIVISION" MEANS A COUNTY OR MUNICIPAL  
34 CORPORATION OF THE STATE.

1 (F) "SECRETARY" MEANS THE SECRETARY OF STATE POLICE.

2 4-402.

3 (A) THERE IS A FIRST RESPONDERS FUND.

4 (B) THE PURPOSE OF THE FUND IS TO PROVIDE GRANTS TO POLITICAL  
5 SUBDIVISIONS TO PAY FOR EQUIPMENT AND PERSONNEL FOR FIRE, RESCUE, OR  
6 EMERGENCY MEDICAL SERVICES ENTITIES AND LOCAL LAW ENFORCEMENT  
7 AGENCIES.

8 (C) THE SECRETARY SHALL ADMINISTER THE FUND.

9 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT  
10 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

11 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE  
12 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

13 (E) THE FUND CONSISTS OF:

14 (1) REVENUE DISTRIBUTED TO THE FUND UNDER § 16-1001 OF THE  
15 TRANSPORTATION ARTICLE;

16 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

17 (3) ANY INVESTMENT EARNINGS OF THE FUND; AND

18 (4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE  
19 BENEFIT OF THE FUND.

20 (F) THE FUND MAY BE USED ONLY TO PAY FOR GRANTS TO POLITICAL  
21 SUBDIVISIONS MADE UNDER THIS SUBTITLE.

22 (G) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE  
23 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

24 (2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO  
25 THE FUND.

26 (H) MONEY EXPENDED FROM THE FUND FOR EXPENSES OF FIRE, RESCUE, OR  
27 EMERGENCY MEDICAL SERVICES ENTITIES AND LOCAL LAW ENFORCEMENT  
28 AGENCIES IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF  
29 FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR EXPENSES OF THE  
30 POLITICAL SUBDIVISIONS.

31 4-403.

32 (A) THE SECRETARY MAY MAKE GRANTS FROM THE FUND TO POLITICAL  
33 SUBDIVISIONS TO BE USED FOR FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES

1 ENTITIES AND LOCAL LAW ENFORCEMENT AGENCIES IN THE POLITICAL  
2 SUBDIVISION.

3 (B) (1) GRANTS FROM THE FUND MAY BE USED:

4 (I) TO PURCHASE, REPLACE, OR IMPROVE EQUIPMENT OR  
5 FACILITIES FOR FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES ENTITIES AND  
6 LOCAL LAW ENFORCEMENT AGENCIES; OR

7 (II) TO HIRE ADDITIONAL PERSONNEL FOR FIRE, RESCUE, OR  
8 EMERGENCY MEDICAL SERVICES ENTITIES AND LOCAL LAW ENFORCEMENT  
9 AGENCIES.

10 (2) GRANTS FROM THE FUND MAY NOT BE USED TO PAY THE SALARIES  
11 OF EXISTING PERSONNEL.

12 (C) THE SECRETARY SHALL ESTABLISH:

13 (1) PROCEDURES FOR POLITICAL SUBDIVISIONS TO APPLY FOR GRANTS  
14 FROM THE FUND ON BEHALF OF FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES  
15 ENTITIES AND LOCAL LAW ENFORCEMENT AGENCIES; AND

16 (2) GUIDELINES FOR THE USE OF MONEY RECEIVED FROM THE FUND  
17 CONSISTENT WITH THIS SUBTITLE.

18 (D) (1) (I) THIS PARAGRAPH APPLIES TO GRANTS MADE UNDER  
19 SUBSECTION (B)(1)(I) OF THIS SECTION.

20 (II) A POLITICAL SUBDIVISION MAY RECEIVE MONEY FROM THE  
21 FUND IN THE FORM OF A 1-YEAR GRANT.

22 (III) A POLITICAL SUBDIVISION RECEIVING MONEY FROM THE FUND  
23 SHALL PROVIDE MATCHING FUNDS IN AN AMOUNT EQUAL TO AT LEAST 50% OF THE  
24 AMOUNT OF THE GRANT.

25 (2) (I) THIS PARAGRAPH APPLIES TO GRANTS MADE UNDER  
26 SUBSECTION (B)(1)(II) OF THIS SECTION.

27 (II) A POLITICAL SUBDIVISION MAY RECEIVE MONEY FROM THE  
28 FUND IN THE FORM OF A 3-YEAR GRANT.

29 (III) A POLITICAL SUBDIVISION RECEIVING MONEY FROM THE FUND  
30 SHALL PROVIDE:

31 1. IN THE FIRST YEAR, MATCHING FUNDS IN AN AMOUNT  
32 EQUAL TO AT LEAST 25% OF THE AMOUNT OF THE GRANT;

33 2. IN THE SECOND YEAR, MATCHING FUNDS IN AN AMOUNT  
34 EQUAL TO AT LEAST 50% OF THE AMOUNT OF THE GRANT; AND

1 3. IN THE THIRD YEAR, MATCHING FUNDS IN AN AMOUNT  
2 EQUAL TO AT LEAST 75% OF THE AMOUNT OF THE GRANT.

3 (3) A POLITICAL SUBDIVISION MAY NOT REDUCE THE AMOUNT OF  
4 MONEY THAT A FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES ENTITY OR A  
5 LOCAL LAW ENFORCEMENT AGENCY WOULD OTHERWISE BE ENTITLED TO RECEIVE  
6 FROM THE POLITICAL SUBDIVISION BECAUSE OF MONEY PROVIDED FROM THE  
7 FUND.

8 (E) A POLITICAL SUBDIVISION THAT RECEIVES A GRANT UNDER THIS  
9 SUBTITLE:

10 (1) MAY USE THE GRANT ONLY IN ACCORDANCE WITH THE TERMS OF  
11 THE GRANT ESTABLISHED BY THE SECRETARY; AND

12 (2) SHALL COMPLY WITH ANY REQUIREMENTS, INCLUDING REPORTING  
13 REQUIREMENTS, ESTABLISHED BY THE SECRETARY.

14 7-101.

15 (b) "Fire, rescue, or emergency medical services entity" means:

16 (1) a governmental subdivision, by its appropriate designated authority;

17 (2) a board or fire commission of a fire department or governmental  
18 subdivision;

19 (3) a fire department;

20 (4) a fire company;

21 (5) a rescue squad; or

22 (6) an emergency medical services unit, including an entity that provides  
23 emergency medical services at any level.

24 **Article - Transportation**

25 SUBTITLE 10. ASSESSMENT OF FEES.

26 16-1001.

27 (A) IN THIS SECTION, "CONVICTION" INCLUDES THE IMPOSITION OF A  
28 PROBATION BEFORE JUDGMENT UNDER § 6-220 OF THE CRIMINAL PROCEDURE  
29 ARTICLE.

30 (B) THE ADMINISTRATION SHALL ASSESS THE FOLLOWING FEES AGAINST A  
31 LICENSEE HOLDING A NONCOMMERCIAL CLASS A, B, C, D, E, OR M DRIVER'S LICENSE:

32 (1) FOR EACH POINT THAT A LICENSEE ACCUMULATES ON THE  
33 LICENSEE'S DRIVING RECORD, EXCLUDING POINTS ACCUMULATED FOR A

1 CONVICTION UNDER § 21-902 OF THIS ARTICLE, A FEE OF \$50 ANNUALLY FOR A  
2 PERIOD OF 3 YEARS FROM THE DATE THAT THE POINT WAS ASSESSED;

3 (2) IF THE LICENSEE IS CONVICTED FOR A VIOLATION OF § 21-902 OF  
4 THIS ARTICLE, OR AN OFFENSE IN ANOTHER JURISDICTION THAT WOULD BE A  
5 VIOLATION OF § 21-902 OF THIS ARTICLE IF COMMITTED IN THIS STATE, A FEE OF  
6 \$600 ANNUALLY FOR A PERIOD OF 3 YEARS FROM THE DATE OF CONVICTION;

7 (3) IN ADDITION TO ANY FEE PREVIOUSLY IMPOSED UNDER ITEM (2) OF  
8 THIS SUBSECTION, IF THE LICENSEE IS CONVICTED OF A SECOND VIOLATION OF §  
9 21-902 OF THIS ARTICLE, OR AN OFFENSE IN ANOTHER JURISDICTION THAT WOULD  
10 BE A VIOLATION OF § 21-902 OF THIS ARTICLE IF COMMITTED IN THIS STATE, A FEE  
11 OF \$1,200 ANNUALLY FOR A PERIOD OF 3 YEARS FROM THE DATE OF CONVICTION;  
12 AND

13 (4) IN ADDITION TO ANY FEES PREVIOUSLY IMPOSED UNDER ITEMS (2)  
14 AND (3) OF THIS SUBSECTION, IF THE LICENSEE IS CONVICTED OF A THIRD OR  
15 SUBSEQUENT VIOLATION OF § 21-902 OF THIS ARTICLE, OR AN OFFENSE IN ANOTHER  
16 JURISDICTION THAT WOULD BE A VIOLATION OF § 21-902 OF THIS ARTICLE IF  
17 COMMITTED IN THIS STATE, A FEE OF \$1,800 ANNUALLY FOR A PERIOD OF 3 YEARS  
18 FROM THE DATE OF CONVICTION.

19 (C) (1) THE ADMINISTRATION SHALL SEND NOTICE TO AN INDIVIDUAL OF  
20 THE IMPOSITION OF A FEE NO MORE THAN 30 DAYS AFTER A CONVICTION IS POSTED  
21 TO THE DRIVER'S RECORD THAT SUBJECTS THE INDIVIDUAL TO A FEE UNDER  
22 SUBSECTION (B) OF THIS SECTION.

23 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE  
24 ADMINISTRATION SHALL SUSPEND THE DRIVER'S LICENSE OF AN INDIVIDUAL  
25 UNLESS ALL FEES REQUIRED UNDER SUBSECTION (B) OF THIS SECTION ARE PAID  
26 WITHIN A TIME PERIOD ESTABLISHED BY THE ADMINISTRATION.

27 (3) (I) THE ADMINISTRATION MAY ESTABLISH A SCHEDULE FOR  
28 PAYMENT OF FEES IMPOSED UNDER SUBSECTION (B) OF THIS SECTION.

29 (II) IF THE PAYMENT SCHEDULE ESTABLISHED UNDER THIS  
30 PARAGRAPH IS FOLLOWED, THE ADMINISTRATION:

31 1. MAY NOT SUSPEND AN INDIVIDUAL'S LICENSE FOR  
32 NONPAYMENT OF THE FEES IMPOSED UNDER SUBSECTION (B) OF THIS SECTION;  
33 AND

34 2. SHALL REINSTATE A LICENSE THAT WAS SUSPENDED FOR  
35 FAILURE TO PAY THE FEES IMPOSED UNDER SUBSECTION (B) OF THIS SECTION.

36 (D) THE REVENUES DERIVED FROM FEES IMPOSED UNDER SUBSECTION (B)  
37 OF THIS SECTION SHALL BE DISTRIBUTED AS FOLLOWS:

38 (1) 25% TO THE FIRST RESPONDERS FUND ESTABLISHED UNDER TITLE 4,  
39 SUBTITLE 4 OF THE PUBLIC SAFETY ARTICLE; AND

1           (2)     THE BALANCE TO THE TRANSPORTATION TRUST FUND.

2     (E)     THE ADMINISTRATION MAY ADOPT REGULATIONS TO CARRY OUT THE  
3 PROVISIONS OF THIS SECTION.

4     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2005.