

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 252

(The Speaker, *et al.*) (By Request – Administration)

Judiciary

Judicial Proceedings

Drunk and Drugged Driving - Young Drivers - License Suspension

This Administration bill imposes mandatory suspension of the license of a driver under the age of 21 who violates alcohol- and/or drug-related provisions.

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 2006 only and for additional administrative hearings in FY 2006 and out-years.

Local Effect: None.

Small Business Effect: The Administration has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. The attached assessment does not reflect amendments to the bill.

Analysis

Bill Summary: This bill requires the Motor Vehicle Administration (MVA) to suspend the driving license of a child adjudicated as delinquent or a child found to have committed a delinquent act (without an adjudication of the child as delinquent) by violating alcohol- and/or drug-related driving provisions until the child is 21 years old or for three years, whichever is longer.

For an adult under the age of 21 who is convicted of an alcohol- and/or drug-related driving offense, the MVA must suspend the person's license or privilege for the longer of (1) three years; or (2) the period from the date of conviction until the person reaches age 21. The period of suspension is mandatory. The suspension must run concurrently with any other suspension or revocation that arises out of the same circumstances. Any other suspension imposed due to violation of an alcohol restriction or refusal to take a test of blood or breath must be credited against the suspension imposed under these provisions.

A person who requests a hearing on a suspension imposed under these provisions may elect on the record that any other hearing on a suspension or revocation that arises out of the same circumstances, for specified violations, may be consolidated if the person waives each required notice on the record. A hearing may not be postponed due to the person's request to consolidate hearings. However, the MVA is required to consolidate any hearings requested in accordance with the bill's provisions.

In the discretion of an Administrative Law Judge, the MVA may modify a suspension and issue a restrictive license to the person suspended under these provisions. When the suspension period expires, the MVA must immediately return the license and reinstate the privilege of the driver. For provisions relating to a child adjudicated or found delinquent due to alcohol- and/or drug-related driving offenses, and other specified provisions, the MVA is authorized to suspend a license or driving privilege for longer than one year, otherwise the MVA is generally prohibited from suspending a license for longer than one year. The provisions relating to other related suspensions or revocations running concurrently, credit for concurrent suspensions and consolidation of hearings apply to suspensions under these provisions.

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.

For a person previously convicted of certain driving offenses within a three-year period, 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 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 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. Additional license sanctions can also be imposed for (1) violations of an alcohol restriction by a person under the age of 21; (2) convictions for moving violations by a holder of a provisional license; and (3) alcoholic beverage code violations by minor and adult individuals under the age of 21 years.

Background: National data has recently shown that motor vehicle crashes are the number one killer of teenagers nationwide. In 2003, 7,884 teen drivers were involved in fatal crashes nationwide, according to the National Highway Traffic Safety Administration. In Maryland, although people younger than 21 account for only 1.6% of the population, they account for 5.3% of the motor vehicle accidents. One in five teenagers is involved in a crash during the first year of driving. An analysis of motor vehicle traffic fatalities from Mothers Against Drunk Driving for the year 2000 involving people from ages 15 to 20 indicates that in Maryland, 24 teenagers were killed who had a blood alcohol level of .10 or higher. Seventeen teenagers were killed in motor vehicle crashes who had between .01 and .09 blood alcohol level.

In Maryland, a person under the age of 21 is prohibited from purchasing or consuming alcohol and having any alcohol in his/her system while driving. The Administration bill is intended to prevent people under the age of 21 from drinking alcohol and driving.

State Revenues: General fund revenues could potentially increase minimally as a result of the \$125 fee charged by the Office of Administrative Hearings (OAH) to additional individuals who may request administrative hearings.

From fiscal 2000 to 2004, the MVA reports that the average number of drivers under age 21 who were convicted of alcohol- and/or drug-related driving offenses is 635. It is not expected that the number of license suspensions for the young driver population would increase under this bill. Suspensions are likely to be longer, due to the bill's restrictions on the MVA authority to reduce suspensions.

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 TTF expenditure of \$20,000 in fiscal 2006 only. However, the Department of Legislative Services (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.

Additional Information

Prior Introductions: This bill is similar to HB 6 of the 2004 session. HB 6 received an unfavorable report from the Judiciary Committee.

Cross File: SB 207 (The President *et al.*) – (By Request – Administration) – Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, National Highway Traffic Administration, National Conference of State Legislatures, Mothers Against Drunk Driving, *The Baltimore Sun*, *The Washington Times*, Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2005
mam/jr Revised - House Third Reader - March 31, 2005

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