

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 994
Judiciary

(Charles County Delegation)

Alcoholic Beverages - Underage Violations - Suspension of Driver's License

This bill makes driver's license suspension mandatory for certain alcohol-related violations committed by children.

Fiscal Summary

State Effect: Reimbursable fund revenues would increase minimally due to increased hearing fees from the Motor Vehicle Administration (MVA). Transportation Trust Fund (TTF) expenditures would increase minimally for additional administrative hearings. Potential additional increase in expenditures for computer programming costs in FY 2006 only.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires the juvenile court, in making a disposition, to order the MVA to suspend a child's driver's privilege, upon finding that the child has committed the violation: (1) of misrepresentation of age to obtain alcoholic beverages; or (2) underage possession of alcoholic beverages involving the use of a driver's license or a document purporting to be a driver's license. The suspension period for a first offense must be at least three months and not more than six months. For a second or subsequent offense, the suspension must be at least six months but may not extend beyond the later of the end of the six-month period, or the child's twenty-first birthday.

The bill also requires the District Court to notify the MVA if a person who is at least 18 but under 21 years of age, or a minor otherwise subject to the jurisdiction of the court is found guilty of misrepresentation of age to obtain alcoholic beverages or underage possession of alcoholic beverages, involving the use of a driver's license or a document purporting to be a driver's license.

The mandatory suspension periods established under the bill are subject to modification by the MVA for education, alcohol treatment, and employment purposes.

Current Law: The District Court must notify the MVA if a person who is at least 18 but under 21 years of age is found guilty of committing the violation of misrepresentation of age to obtain alcoholic beverages involving the use of a driver's license or purported driver's license. Upon receiving this notification, the MVA must suspend the individual's driver's license for six months for a first offense, and for a second or subsequent offense, until the individual is 21 or for a period of one year, whichever is longer. If a person subject to a suspension does not hold a license to operate a motor vehicle on the date that the individual is found guilty of a violation, the suspension must begin on the date the license is issued, or after the individual applies and is qualified to receive a license, or on the individual's twenty-first birthday, whichever occurs first.

In making a disposition on a finding that a child has committed the violation of misrepresentation of age to obtain alcoholic beverages involving the use of a driver's license or purported driver's license, the juvenile court *may* order the MVA to suspend the child's driver's license. For a first offense, the suspension period is six months. For a second or subsequent offense, the license must be suspended until the child is 21 years old. If a child subject to a suspension does not hold a driver's license on the date of the disposition, the suspension must begin on the date of the disposition if the child is at least 16 years old. If the child is younger than 16 years on the date of the court order, the suspension must begin on the child's sixteenth birthday.

The mandatory suspension periods are subject to modification by the MVA for education and employment purposes. In any other violation of alcoholic beverage law by a child, a court may notify the MVA to initiate an action to suspend a child's driver's license for not less than 30 days but no more than 90 days.

State Revenues: Although the District Court was not able to estimate how many cases would now be required to be reported to the MVA for suspension of a driver's license, there would be additional cases, though this number is likely to be minimal. The MVA anticipates that some individuals whose licenses were suspended for this offense would request a hearing from the MVA to protest the suspension, which would be administered

by the Office of Administrative Hearings (OAH). Therefore, reimbursable fund revenues would increase due to the MVA fees for administrative hearings and by the \$15 fee charged by OAH to additional individuals who may request administrative hearings.

State Expenditures: The MVA is required to pay \$92 to OAH for each administrative hearing; therefore, TTF expenditures would increase minimally due to increased referrals by the District Court. It is assumed that OAH could absorb the increase in expenditures associated with hearings within existing resources.

The MVA advises that computer reprogramming would cost approximately \$40,000. However, Legislative Services 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, Legislative Services 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: Similar bills, SB 594 and HB 856 were introduced in the 2004 session. SB 594 received an unfavorable report from the Judicial Proceedings Committee. HB 856 received an unfavorable report from the Judiciary Committee. A similar bill, HB 285 of the 2002 session was referred to the Judiciary Committee, where it received an unfavorable report. This bill contains no reference to reimbursement of alcohol awareness program costs by local licensing boards for alcohol awareness programs, as all three previous bills did.

Cross File: SB 479 (Senator Middleton) – Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2005
mam/ljm

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