

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 207

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

Judicial Proceedings

Judiciary

Drunk and Drugged Driving - Young Drivers - License Suspension and
Revocation

This Administration bill imposes mandatory suspension or revocation of the driving license or privilege 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.

Analysis

Bill Summary: This bill requires the Motor Vehicle Administration (MVA) to suspend the driving privilege 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.

For an adult who is under the age of 21 and who is convicted of driving while under the influence of alcohol, under the influence of alcohol per se, while impaired by a controlled dangerous substance and other subsequent offenses, the MVA must revoke the person's license or driving privilege. The MVA must suspend the person's license or privilege for a conviction of driving while impaired by alcohol or impaired by drugs or drugs and alcohol. The mandatory suspension is increased from six months to one year for a first offense and increased from one year to two years for a second or subsequent violation.

The MVA may not 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. The bill repeals a provision that allows the suspension or revocation of a child's license to begin on the date of disposition for a child who is 16 and to begin on the date of the child's sixteenth birthday for a child who is younger than 16. For the 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.

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.

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 revocations or suspensions for the young driver population would increase under this bill. Suspensions and revocations are likely to be longer, due to the bill's restrictions on the MVA authority to reduce suspensions or reinstate licenses after revocations.

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: HB 252 (The Speaker, *et al.*) (By Request – Administration) – Judiciary.

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

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