

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 620
Judiciary

(Delegate Shewell, *et al.*)

**Alcoholic Beverage Violations - Drivers' Licenses and Driving Privileges -
Suspensions**

This bill requires a juvenile court or court to notify the Motor Vehicle Administration (MVA) if a child is found to have committed or any adult is found guilty of specified alcoholic beverage violations. After the MVA receives the notice, the juvenile court or court is authorized to order the MVA to initiate an action to suspend the child's or adult's driving license.

Fiscal Summary

State Effect: Potential significant increase in general fund revenues from administrative hearing fees, depending on the number of additional drivers who request hearings. Potential minimal increase in Transportation Trust Fund (TTF) revenues from fees for license reinstatement. Potential significant increase in TTF expenditures for administrative hearings and additional personnel to process suspensions, depending on the number of additional drivers ordered by the courts to have their licenses suspended. The Judiciary could handle the provisions of this bill with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: This bill requires the juvenile court, in making a disposition, to notify the MVA of a specified alcoholic beverage violation committed by a child and may order

the MVA to initiate an action to suspend a child's driver's license. If an adult is found guilty of an alcoholic beverage violation relating to enabling underage consumption of alcohol, the bill requires a court to notify the MVA and the court may order the MVA to suspend the adult's driver's license. The required notification to MVA applies to the following violations:

- misrepresentation of age to obtain alcoholic beverages;
- underage possession of alcoholic beverages;
- underage possession of alcoholic beverages involving the use of a driver's license or a document purporting to be a driver's license;
- obtaining alcoholic beverages for a person under the legal age of consumption;
- furnishing or allowing consumption of alcohol by persons under the legal age of consumption;
- possessing an unregistered keg or allowing a person who is not of legal age to consume the contents of a keg;
- failure to provide proof of age;
- except as otherwise provided, possessing an open container of alcohol in the passenger area of a motor vehicle.

For a child, the juvenile court may order the MVA to initiate a license suspension for up to six months, for a first offense. For a subsequent offense, the child's driver's license may be suspended until the child is 21 years old. If the child does not hold a driver's license on the date of the court's suspension order, 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, then the suspension begins when the child reaches age 16.

For an adult, the court may order the MVA to initiate an action to suspend the driver's license for up to six months for a first offense. For a subsequent offense, the driver's license could be suspended for up to one year. If the adult is under the age of 21, the driver's license could be suspended for one year or until the person reaches age 21, whichever period is longer. If the adult does not hold a driver's license on the date he or she is found guilty, the suspension must begin on the date the license is issued, or after the individual qualifies for a driver's license, whichever occurs first.

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

Current Law: 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.

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. The suspension periods are subject to modification by the MVA for alcohol treatment, education, or employment purposes.

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 qualifies for a driver's license, or on the individual's twenty-first birthday, whichever occurs first.

State Revenues: Potential minimal increase in TTF revenues from fees for the reinstatement of suspended licenses. Currently, the MVA charges \$20 to renew a license after a suspension period.

Potential significant increase in general fund revenues from drivers with suspended licenses who pay the \$125 fee for a requested administrative hearing, depending on the extent to which additional drivers with suspended licenses request hearings under this bill. *By way of illustration*, if 3,000 additional drivers received license suspensions under this bill and 46% requested hearings, general fund revenues could increase by \$172,500.

State Expenditures:

Judiciary: The provisions of this bill could be handled with existing resources as the bill only requires courts to notify the MVA of adults and children who commit the specified alcohol-related offenses. While it is expected that the court would issue a larger number

of notifications, that will not have a fiscal impact. This bill also authorizes the courts to order a larger number of suspensions as a larger number of adults and children who are not now subject to license suspension could be subject to suspension under the provisions of this bill. Since the courts' authority is discretionary, there is no reliable method to determine the number of additional license suspensions that could be ordered under this bill's provisions, however, the additional orders could also be handled within existing resources.

Motor Vehicle Administration: Potential significant increase in TTF expenditures depending on the extent to which courts order additional license suspensions of children and adults. Because the courts have the discretion to order additional suspensions, and are not mandated to do so, there is no reliable way to determine the number of additional license suspensions that could occur under this bill. *By way of illustration*, the MVA advises that a customer service agent processes about 3,000 suspensions and hearing notifications annually. MVA experience indicates that about 46% of those notified of suspension request a hearing. *By way of illustration*, if the bill generated 3,000 new suspensions, then about 1,380 of those drivers could request an administrative hearing. Accordingly, administrative hearing costs for the MVA could increase by \$138,000.

Additional Information

Prior Introductions: A bill with similar provisions, HB 994, was heard in the Judiciary Committee, but was then withdrawn.

Cross File: None.

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

Fiscal Note History: First Reader - February 15, 2006
mam/jr

Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510