

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 424 (Senators Forehand and Ruben)
Judicial Proceedings

**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 an adult under the age of 21 is found guilty of specified alcoholic beverage or delinquency 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. The juvenile court or court may also order a child who has committed an alcoholic beverage violation or an adult under age 21 who is found guilty of an alcoholic beverage violation to undergo evaluation by the Department of Health and Mental Hygiene (DHMH) and may order the child or adult under age 21 to complete a recommended alcohol or drug treatment program.

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 and DHMH could handle the bill's provisions with existing resources.

Local Effect: The bill's provisions could be handled with existing resources.

Small Business Effect: Potential minimal. Private alcohol and drug treatment centers could attain additional income under the provisions of this bill.

Analysis

Bill Summary: This bill requires the juvenile court, in making a disposition, to notify the MVA of an alcoholic beverage or delinquency violation specified in the citation and may order the MVA to initiate an action to suspend a child's driver's license. If an adult under 21 is found guilty of an alcoholic beverage violation relating to causing underage consumption of alcohol or contributing to delinquent behavior, the bill requires a court to notify the MVA and may order the MVA to suspend the adult's driver's license. The required notification to the MVA applies to the following violations:

- disorderly intoxication, for which a petition alleging delinquency is filed;
- 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;
- use or possession of tobacco products or using false identification to obtain tobacco products;
- alcohol consumption on school premises; or
- driving while under the influence of alcohol or impaired by alcohol or drugs and alcohol.

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 individual does not hold a driver's license on the date of adjudication that results in a court order for license suspension, then the suspension must begin on the date a driver's license is issued, after the individual qualifies for a driver's license, or on the individual's twenty-first birthday, whichever occurs first. A court may order a child who commits one of the specified violations (except for the violation relating to tobacco) to be evaluated by DHMH to determine whether the child needs or would benefit from alcohol or drug treatment.

Also, a court may order a child to complete any alcohol or drug treatment recommended by DHMH.

For an adult who is at least 18, but under 21 years of age, 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, or until the person becomes 21 years old, whichever is longer. If such an adult does not hold a driver's license on the date of disposition, the suspension must begin on the date the license was issued, after the individual qualifies for a driver's license, or on the individual's twenty-first birthday, whichever occurs first.

A court may order an adult under 21 who is found guilty of one of the specified violations (except for the tobacco products violation) to be evaluated by DHMH to determine whether the person needs or would benefit from alcohol or drug treatment. The court may also order the person to complete any alcohol or drug treatment program recommended by DHMH.

The Chief Judge of the Court of Appeals, along with the Chief Judge of the District Court and the MVA must establish uniform procedures for reporting the violations under this bill.

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.

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, and employment purposes.

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 addition, the juvenile court may also counsel the child, parent, or both to participate in an alcohol education or rehabilitation program. The court may also order the child to participate in an alcohol education or rehabilitation program that is in the best interest of

the child. This authority does not apply to a child who has committed a tobacco violation, as specified in statute.

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 a code 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, after the individual qualifies for a driver's license, or on the individual's twenty-first birthday, whichever occurs first. The suspension periods are subject to modification by the MVA for education, alcohol treatment, and employment purposes.

If the District Court finds that an adult has committed a code violation, the court must require the person to pay a maximum fine of \$500 for a first offense and a maximum fine of \$1,000 for a subsequent offense, except if the violation is furnishing or providing for underage consumption of alcohol. In that case, the maximum fine for a first offense is \$1,000 and the maximum fine for a subsequent offense is \$1,500. In addition, the defendant is liable to pay the Criminal Injuries Compensation Fund for the cost of District Court proceedings. The Chief Judge of the District Court and the MVA must establish uniform procedures for reporting the specified code violations.

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 under the age of 21 and children who commit the specified alcohol-related or delinquency 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 under the age of 21 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.

Department of Health and Mental Hygiene: The Alcohol and Drug Abuse Administration advises that the provisions of this bill could be handled with existing resources, as any additional evaluations would be done at local treatment centers designated by DHMH. Also, persons who are referred for alcohol- and/or drug-related driving violations generally pay for the cost of evaluation and treatment.

The Alcohol and Drug Abuse Administration oversees a system of 24 local programs operated by local health departments. The number of people receiving treatment is dependent on the number of people presenting for treatment and the number of available slots. The Governor's fiscal 2007 allowance for evaluation and treatment of alcohol and/or drug abuse is about \$108 million. If appropriated, that amount would be distributed as grants to local health departments for alcohol and drug abuse evaluation and treatment.

Additional Information

Prior Introductions: None.

Cross File: HB 825 (Delegate Bronrott, *et al.*) – Judiciary.

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

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