

Department of Legislative Services
 Maryland General Assembly
 2006 Session

FISCAL AND POLICY NOTE

House Bill 1315

(Delegate Taylor, *et al.*)

Judiciary

Drunk and Drugged Driving - Repeat Offenders - Special Registration Plates

This bill requires the Motor Vehicle Administration (MVA) to issue special registration plates to individuals who have been convicted two or more times of alcohol- and/or drug-related driving offenses.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) revenues increase by \$560,200 in FY 2007 from issuance of special plates to all drivers with multiple charges as of the bill's effective date, assuming a \$30 cost recovery fee. Future years assume a constant caseload of 7,000 offenders annually. TTF expenditures could increase by \$638,580 in FY 2007 for additional personnel, computer programming modifications for FY 2007 only, and license plate supplies. Out-years include annualization, inflation, and a constant ongoing caseload of 7,000 drivers annually.

(in dollars)	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
SF Revenue	\$560,200	\$210,000	\$210,000	\$210,000	\$210,000
SF Expenditure	638,600	168,200	177,000	186,400	196,600
Net Effect	(\$78,400)	\$41,800	\$33,000	\$23,600	\$13,400

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The MVA is required to issue special registration plates that identify the owner of the vehicle as having been convicted two or more times of alcohol- and/or drug-related driving offenses under the provisions of this bill. The special plates must be of a distinctive design as determined by the MVA and the plates must bear the letters “DUI” and a three digit number.

If the owner of a registered vehicle is convicted a second or subsequent time of an alcohol and/or drug-related driving offense, the MVA must recall all regular registration plates that have been issued to the owner for all of the owner’s vehicles. The MVA must notify the owner that the recalled registration plates must be returned to the MVA within 30 days from the date of the notice. Once the plates are returned, the MVA must then issue special registration plates and validation tabs to the vehicle owner or any co-owner who is otherwise qualified to operate the vehicle.

The vehicle owner who has received the special registration plates must pay a fee for the plates. The fee that is charged by the MVA may not exceed the amount required to recover the costs for implementing the special plate program. The fee must be retained by the MVA and may not be credited to the Gasoline and Motor Vehicle Revenue Account.

The vehicle owner who receives the special plates must display them on the vehicle for two full years from the date of issuance. If the vehicle’s registration expires during the period that the owner must display the plates, the owner must renew the registration and pay the required fees. At the end of the two-year period, the MVA must either return the recalled regular registration plates to the owner or issue new registration plates. The MVA must also issue validation tabs which are valid for the remainder of the vehicle’s current registration period.

Current Law: State law does not authorize or mandate the issuance of distinctive vehicle registration plates to vehicle owners who have been convicted of crimes. The MVA is required to issue special vehicle registration plates to specified disabled populations. State law authorizes the MVA to issue other special registration plates such as so-called “vanity” plates, and plates that commemorate industries, institutions, or certain groups.

A person may not drive or attempt to drive any vehicle while:

- under the influence of alcohol or under the influence of alcohol per se;
- impaired by alcohol;

- impaired by drugs, or drugs and alcohol; or
- impaired by a controlled dangerous substance.

With a conviction for an alcohol- and/or drug-related driving offense, a violator is subject to a range of penalties involving fines and imprisonment, as well as suspension or revocation of the driver's license by the MVA. A person convicted of driving under the influence or under the influence per se is subject to fines ranging from \$1,000 to \$3,000 and/or a maximum imprisonment term of one to three years. A repeat conviction within 5 years requires a mandatory minimum penalty of imprisonment from 5 to 10 days or community service from 30 to 60 days, as well as a mandatory alcohol abuse assessment. A conviction for lesser included offenses subjects the violator to a fine of \$500 and/or imprisonment not exceeding two months. However, for repeat offenders maximum prison terms increase to a year. If an offender is transporting a minor at the time of the alcohol- and/or drug-related driving offense, fines and sanctions increase beyond those already specified for lesser included offenses.

Background: According to the National Conference of State Legislatures, the state of Ohio mandates the use of special plates on vehicles that have been impounded for drunk driving. The plates are different from regular plates and are in red and yellow colors. The states of Minnesota and Georgia authorize the issuance of special plates to vehicle owners who have committed drunk driving offenses.

State Revenues: The bill provides for the MVA to charge only the fee required to recover its program implementation costs. The MVA advises it would charge a fee of \$30 for the program. If the MVA charges a fee of \$30, then TTF revenues could increase by an estimated \$560,220 in fiscal 2007 as alcohol and/or drugged driving offenders with two or more offenses are required to display the special license plates required by the bill. The revenue estimate is based on the following assumptions:

- Currently, there are 18,674 drivers with at least one vehicle who have two or more convictions of the offenses addressed in the bill. The MVA advises that all these drivers' plates could be recalled and new plates issued during the nine months of fiscal 2007 remaining after the bill's effective date. The estimate assumes that as of the bill's effective date, one set of plates from each of these 18,674 drivers would be recalled and the special plates issued.
- MVA advises that there were 8,630 convictions in fiscal 2005 for alcohol and/or drugged driving offenses. Data is not available to indicate which dispositions involved a second or subsequent offense; however, this estimate assumes a constant caseload of 7,000 offenders annually who would need special plates under this bill's requirements.

- The charge for a new set of plates would be \$30.

State Expenditures: TTF expenditures could increase by an estimated \$638,580 in fiscal 2007, accounting for the bill's October 1, 2006 effective date. The estimate applies start-up costs to personnel, but not to equipment, postage, or supplies as the MVA advises that all drivers with two or more offenses would have their plates recalled and new plates would be issued during the remainder of fiscal 2007. This estimate reflects the cost of hiring one consumer investigator and two customer service agents. The investigator would retrieve tags from those drivers who do not comply with the plate recall requirement. The customer service agents would issue new plates and provide customer service. The estimate includes salaries, fringe benefits, one-time start-up costs, computer programming expenses of \$450,000 for fiscal 2007 only, and ongoing operating expenses.

Salaries and Fringe Benefits	\$98,740
Computer Modifications	450,000
Other Operating Expenses	<u>89,840</u>
Total FY 2007 State Expenditures	\$638,580

Future year expenditures reflect: (1) full salaries with 4.6% annual increases and 3% employee turnover; (2) 1% annual increases in ongoing operating expenses; and (3) an ongoing constant caseload of 7,000 drivers annually.

Additional Comments: The Department of Legislative Services notes that the proposed MVA fee of \$30 would not cover all projected costs for this program in fiscal 2007. The MVA could have a \$78,400 shortfall in fiscal 2007. However, the fee would enable the MVA to recover more than program costs in the out-years.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, National Conference of State Legislatures, National Highway Traffic Safety Administration, Department of Legislative Services

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