

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE

House Bill 217

(Delegate Smigiel, *et al.*)

Judiciary

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Vehicle Laws - Drunk Driving Penalties - License Suspension Modification or  
License Restriction - Additional Qualifying Circumstances

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This bill expands the circumstances under which the Motor Vehicle Administration (MVA) is authorized to modify a license suspension imposed for refusal to take a test of blood or breath or for a test of blood or breath that indicates a blood alcohol concentration of .08 or higher. The MVA may modify the license suspension and issue a restrictive license if the MVA finds that the driver must:

- transport a child to or from school or day care;
- attend a doctor's appointment or to transport a member of the driver's family to a doctor's appointment; or
- get a prescription at the pharmacy for either the driver or a member of the driver's family.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in Transportation Trust Fund (TTF) revenues from adding restrictions to driver's licenses.

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

**Current Law:** For a driver whose license is suspended due to refusal to submit to a test of blood or breath, the MVA is generally prohibited from staying the suspension during appeal. However, if the driver files an appeal and requests a stay of suspension in writing, the Director of the Administrative Adjudication in the MVA may stay the suspension.

Otherwise, the MVA may modify a suspension or issue a restrictive license if:

- the driver did not refuse to take a test of blood or breath;
- the driver has not had a license suspended for refusal to submit to a test of blood or breath during the past five years;
- the driver has not been convicted of an alcohol and/or drugged driving violation during the past five years; and
- the license is required to drive for employment;
- the license is required for attending an alcohol prevention or treatment program; or
- the MVA finds that the driver has no alternative means of transportation to from employment and the driver's ability to earn a living would be severely impaired without a license.

**State Fiscal Effect:** TTF revenues could potentially increase minimally under this bill's provisions. The bill would authorize additional people to qualify for a restricted license who do not currently qualify for a restricted license. There is no way to reliably estimate the number of drivers that would qualify for a restricted license under the bill's provisions. The fee to impose a restriction on a license is \$30. *By way of illustration*, for every 1,000 additional restricted licenses issued under this bill, TTF revenues could increase \$30,000.

The MVA advises that computer programming modifications could be required that would result in a one-time expenditure of \$67,000 in fiscal 2007 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. 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.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Transportation, Department of Legislative Services

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ncsl/jr

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