

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 757

(Senator Garagiola, *et al.*)

Judicial Proceedings

Judiciary

Driver's License Suspension and Revocation - Alcoholic Beverages Violations

This bill authorizes the Motor Vehicle Administration (MVA) to revoke or suspend the driver's license of an individual convicted of knowingly and willfully furnishing alcohol to an individual younger than 21 or knowingly and willfully allowing the possession or consumption of an alcoholic beverage by an individual younger than 21 at the person's residence.

Fiscal Summary

State Effect: General fund expenditures would increase by \$3,330 in FY 2007 for computer reprogramming costs for the District Court. Potential additional increase in Transportation Trust Fund (TTF) expenditures in FY 2007 only for computer reprogramming costs. Enforcement could be handled with existing resources. TTF revenues could increase minimally due to fees associated with restoring revoked or suspended licenses.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill authorizes the MVA to revoke the driver's license of an individual who, within a three-year period, is convicted three or more times of knowingly and willfully furnishing alcohol to an individual younger than 21.

The MVA is also authorized to suspend the license, for up to 120 days, of an individual who has been convicted twice for knowingly and willfully furnishing alcohol to an individual younger than 21. Similarly, the MVA may suspend the license, for up to 60 days, of an individual who has been convicted once.

The MVA may not suspend the license of an individual if the individual either held a license to sell liquor or was an employee of a licensee and is subject to specified penalties.

Current Law: A person may not furnish an alcoholic beverage to an individual if the person furnishing the beverage knows that the individual is younger than 21 and intends to consume the beverage, nor can a person knowingly and willfully allow an individual younger than 21 to possess or consume a beverage at a residence that a person owns or leases and resides at.

This does not apply if the person furnishing the beverage and the individual consuming it are: (1) members of the same immediate family and the beverage is consumed at a private home; or (2) participating in a religious ceremony. A person convicted of this offense is required to pay a fine of no more than \$1,000, or \$1,500 if it is a subsequent offense. The District Court may not establish a prepayment schedule for this offense.

The MVA may revoke the license of any person who is convicted of driving or attempting to drive any vehicle while under the influence of alcohol or influence of alcohol per se or while impaired by a controlled dangerous substance. The MVA may also revoke the license of anyone who, within a three-year period, is convicted of driving while impaired by alcohol, or while impaired by drugs or drugs and alcohol, and who was previously convicted of two or more alcohol- or drug-related driving offenses.

The MVA may suspend, for up to 60 days, the license of anyone who is convicted of driving or attempting to drive a motor vehicle while impaired by alcohol or 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 up to 120 days, the license of any person who is convicted of driving or attempting to drive while impaired by alcohol or impaired by drugs or drugs and alcohol. This suspension period applies to a person who was previously convicted of another alcohol-related and/or drug-related driving offense.

An individual whose driving license or privilege has been suspended or revoked may apply for reinstatement within the time frames 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 or 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 must require the applicant for reinstatement to submit to appropriate examinations before issuing a new license.

Background: National data have recently shown that motor vehicle crashes are the number one killer of teenagers nationwide. In 2004, 7,898 drivers aged 15 to 20 were involved in fatal crashes nationwide, according to the National Highway Traffic Safety Administration. Of those, 1,773 had been drinking.

Teenagers often obtain alcohol from adults, including from their own parents. According to an American Medical Association poll, about one out of four U.S. parents with children aged 12 to 20 (26%) agree that teens should be able to drink at home with their parents present. Other findings of the poll include:

- one-third of surveyed teens aged 13 to 18 responded that it is easy to obtain alcohol from their own parents knowingly, which increases to 40% when it is from a friend's parent;
- one in four teens has attended a party where minors were drinking in front of parents;
- one out of four parents of children aged 12 to 20 (25%) say they have allowed their teens to drink with their supervision in the past six months;
- approximately 1 in 12 (8%) indicated they have allowed their teen's friends to also drink under their supervision in the past six months; and
- 21% of teens attended a party where the alcohol was provided by someone else's parents.

State Fiscal Effect: The District Court could not provide an estimate as to how many individuals were convicted of this offense in fiscal 2005; however, the number is assumed to be minimal.

General fund expenditures would increase by \$3,330 for computer reprogramming costs for District Court. It is assumed that any change in enforcement expenditures could be handled with existing resources.

The MVA advises that computer programming changes would cost \$112,500. Legislative Services advises that, if other legislation is passed that affects the licensing system, economies of scale could be realized. This would reduce the costs associated with this bill and other legislation affecting the MVA system.

The MVA advises that additional expenditures would be necessary for administrative hearings for suspensions and revocations. The MVA advises that the cost of an administrative hearing is approximately \$100 per hearing. Other expenditures could be handled with existing resources. Assuming the number of cases is minimal, hearing expenditures could also be handled with existing resources.

TTF revenues could increase minimally under the bill. The MVA advises that each driver with a revoked driver's license is charged \$75 to reinstate the license. Drivers with suspended or revoked licenses are charged \$20 for the issuance of a new license.

Additional Information

Prior Introductions: Substantially similar bills, HB 1401 and SB 905, were introduced in the 2005 session. HB 1401 received an unfavorable report from the House Judiciary Committee; a hearing was held by the Senate Judicial Proceedings Committee on SB 905, but no action was taken.

Cross File: None.

Information Source(s): American Medical Association, National Highway Safety Administration, Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Legislative Services

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