

**Department of Legislative Services**  
 Maryland General Assembly  
 2007 Session

**FISCAL AND POLICY NOTE**

House Bill 280 (Delegate Dumais)  
 Judiciary

**Vehicle Laws - Administrative Hearings - Rights of a Victim's Representative**

This bill authorizes a victim's representative to make or submit statements at administrative hearings resulting from a moving violation where the victim was killed.

**Fiscal Summary**

**State Effect:** Transportation Trust Fund (TTF) expenditures would increase by \$63,700 in FY 2008 for one additional position at the Motor Vehicle Administration (MVA). Future year estimates reflect annualization and inflation. Potential increase in TTF expenditures in FY 2008 only for computer reprogramming costs. Revenues would not be affected.

(in dollars)	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	63,700	80,300	84,400	88,600	93,100
Net Effect	(\$63,700)	(\$80,300)	(\$84,400)	(\$88,600)	(\$93,100)

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

**Local Effect:** None.

**Small Business Effect:** None.

**Analysis**

**Bill Summary:** A victim is a person who dies as the result of a moving violation committed by another person. A victim's representative is a member of the victim's family, a personal representative of the victim, or the guardian of the victim.

During the investigation of a moving violation that resulted in a death, a law enforcement official must inform the victim's representative of the right to file a request with the MVA to be notified of any administrative hearings related to the moving violation. The MVA must provide notice containing specified information of any such hearings at least 10 days before the hearing. The victim's representative must be allowed to make a statement at the administrative hearing if he/she has informed the MVA of his/her intent to make a statement at least five days prior to the hearing. Written statements must be filed with the MVA at least five days prior to the hearing.

**Current Law:** The MVA may delegate to the Office of Administrative Hearings (OAH) the power and authority to conduct hearings under the Transportation Article and render proposed findings of fact and proposed conclusions of laws. The MVA may delegate to OAH the authority to render final decisions in the majority of administrative appeals, including hearings regarding license suspensions and revocations, misuse of disability tags and placards, improper use of emergency lights, and driving on a revoked or suspended license.

The MVA has the authority to subpoena any person or documents and take testimony in any matter subject to its jurisdiction. If the Maryland Vehicle Law or an MVA rule or regulation provides that a license or privilege may be suspended or revoked only after a hearing, the MVA must give the licensee written notice of any charge made and an opportunity to be heard in person. After a hearing, the MVA may refuse, suspend, or revoke the license or privilege of an applicant or licensee; rescind, continue, or modify any previous action; or take any other action permitted by the Maryland Vehicle Law.

On first contact with a victim or victim's representative, a law enforcement officer, District Court commissioner, or juvenile intake officer must give that individual a pamphlet notifying victims of the rights, services, and procedures relevant to their situation.

**Background:** All 50 states allow some kind of victim impact statement at the sentencing of an individual convicted of a crime. Most states allow victim impact statements at parole hearings, and some even allow victim impact statements at bail hearings. A search by the Department of Legislative Services (DLS) and the National Council of State Legislatures was unable to turn up any state that allows an individual to make a victim impact statement at an administrative hearing.

The State Police advises that 614 fatalities resulted from motor vehicle accidents in 2005. The MVA advises that it had 329 cases in 2005 in which the person deemed to be at fault

was not the fatality, and any case could result in zero to approximately five actions where the victim would need to be notified and speak at a hearing. The MVA conducts approximately 30,000 hearings annually.

**State Expenditures:** The MVA estimated that this bill could generate an additional 95 appeals cases for its Attorney General's office. The MVA currently handles 263 cases with four staff attorneys. The MVA advises that it could handle the notification of victim's representatives of hearings and processing of responses to notification with existing resources.

Based on this additional case load of appeals, TTF expenditures would increase by an estimated \$63,749 in fiscal 2008, which accounts for the bill's October 1, 2007 effective date. This estimate reflects the cost of hiring one assistant Attorney General to manage the additional appeals cases. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Salary and Fringe Benefits	\$57,156
Start-up Costs	4,635
Operating Expenses	<u>1,958</u>
<b>Total FY 2008 State Expenditures</b>	<b>\$63,749</b>

Future year expenditures reflect: (1) a full salary with 4.5% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

The MVA estimates that computer reprogramming costs associated with this bill would total \$180,000. DLS advises that, if other legislation is passed requiring computer reprogramming changes, economies of scale could be realized. This would reduce the costs associated with this bill and other legislation affecting the MVA system.

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### **Additional Information**

**Prior Introductions:** Similar bills have been introduced the past two sessions. SB 213 of 2006 passed the Senate with amendments. It received a favorable report from the House Judiciary Committee and passed second reading, but did not pass third reading. SB 431 of 2005 as amended, passed the Senate and was heard by the House Judiciary Committee, but no further action was taken.

**Cross File:** None.

**Information Source(s):** National Conference of State Legislatures, Office of Administrative Hearings, Department of State Police, Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - February 9, 2007  
bfl/ljm

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