

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

Senate Bill 383 (Senator Haines)
Judicial Proceedings

Motor Vehicle Administration - Driver's License Provisions - Safe Driving Credit System

This bill requires the Motor Vehicle Administration (MVA) to create a system that provides safe driving credits.

Fiscal Summary

State Effect: Potential increase in Transportation Trust Fund (TTF) expenditures in FY 2008 only for computer reprogramming costs. Otherwise, the MVA could implement the system with existing resources. No effect on revenues.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill directs the MVA to maintain a safe driving credit system under which a safe driving credit is awarded each calendar year to each individual whose driving record does not contain a suspension, revocation, conviction, or probation before judgment for vehicular homicide, manslaughter, or violations of alcohol- or drug-related motor vehicle laws or of any State or local vehicle laws or regulations. Conviction of, or a probation before judgment for, any of those violations will invalidate any credit awarded during the period in which the violation occurred.

The credits may only be used to offset an equivalent number of points assessed against the individual after each conviction for a moving violation for which no more than two points can be assessed. The MVA must apply the safe driving credits to the chronologically earliest conviction for which points are assessed. Each licensee can accumulate up to five credits.

Current Law: Maryland does not have a safe driving credit system.

Examples of moving violations for which two points can be assessed include: (1) tailgating; (2) driving with an improper license class; (3) following a vehicle closer than reasonable and prudent; (4) speeding in excess of the posted speed limit by 10 miles per hour or more; (5) failing to stop for a red light; and (6) throwing substances on a highway that are likely to injure a person, animal, or vehicle.

Under the Criminal Law Article, homicide by motor vehicle while under the influence of alcohol or while impaired by drugs or alcohol is a felony, subject to varying terms of imprisonment and fines. The maximum punishment is up to five years imprisonment or a fine of up to \$5,000, or both. Manslaughter caused by a person's driving, operating, or controlling a vehicle or vessel in a grossly negligent manner is a felony – the maximum punishment is imprisonment for up to 10 years or a fine of up to \$5,000, or both.

A person who causes life-threatening injuries by motor vehicle while under the influence of alcohol or impaired by drugs or alcohol is guilty of a misdemeanor and, upon conviction, is subject to imprisonment for up to three years or a fine of up to \$5,000, or both.

An individual may not drive while under the influence of or impaired by alcohol or a controlled dangerous substance. A violator is guilty of a misdemeanor and is subject to varying levels of fines and/or terms of imprisonment, depending on the circumstances of the violation and whether there have been prior offenses.

Background: Massachusetts has enacted a similar program referred to as the "Safe Driver Insurance Plan" that allows drivers to accumulate points for good driving that can then be used to offset insurance costs. Maine and Virginia issue safe driving points to licensees who complete a driver improvement clinic that teaches defensive driving. However, in Virginia, drivers who enroll in the clinic to reduce insurance premiums are not eligible to receive safe driving points.

State Expenditures: The MVA advises that the computer programming costs associated with this bill are approximately \$180,000. The Department of Legislative Services concurs with this assessment but also advises that, if other legislation that requires

programming changes is passed, economies of scale could be realized and reduce the programming costs associated with this bill and other legislation affecting the MVA system.

Additional Information

Prior Introductions: Two identical bills, SB 168 of 2004 and SB 745 of 2005, passed the Senate but received an unfavorable report from the House Environmental Matters Committee. Environmental Matters also gave an unfavorable report to HB 1102 of 2005, the cross file of SB 745. Another identical bill, SB 54 of 2002, passed the Senate and was referred to the House Commerce and Government Matters Committee, where it received an unfavorable report. A substantially similar bill was introduced in 2001 as SB 255 and passed the Senate. It was given an unfavorable report by Commerce and Government Matters.

Cross File: None.

Information Source(s): Massachusetts Office of Consumer Affairs, Virginia Department of Motor Vehicles, Maine Bureau of Human Resources, Office of Administrative Hearings, Maryland Department of Transportation, Department of Legislative Services.

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