

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 884

(Delegate F. Turner, *et al.*)

Environmental Matters

Vehicle Laws - Misdemeanors - Penalty

This bill increases the maximum fine for a misdemeanor violation of the Maryland Vehicle Law from \$500 to \$750.

Fiscal Summary

State Effect: Potential significant increase in general funds to the extent the maximum allowable fine is imposed. No effect on expenditures.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Unless otherwise provided, any person convicted of a misdemeanor under the Maryland Vehicle Law is subject to a maximum fine of \$500. A violation of the Maryland Vehicle Law is considered to be a misdemeanor unless it is a felony under State law or is punishable by a civil penalty.

In addition to this judicial penalty, the Motor Vehicle Administration must assess one point against the driving record of anyone convicted of a moving violation that does not contribute to an accident and three points against the driving record of anyone convicted of a moving violation that contributes to an accident.

Background: For many misdemeanor offenses under the Maryland Vehicle Law, the accused person is given an opportunity to admit guilt and prepay the penalty without having to appear for a court hearing. The District Court has discretion in setting the

prepayment penalties up to the maximum fine for a misdemeanor (\$500). The prepayment penalties are shown in a “Schedule of Pre-Set Fines and/or Penalty Deposits” distributed to all law enforcement officers authorized to issue citations for Maryland Vehicle Law violations. Generally, the prepayment penalties are significantly lower than the maximum allowed under law and include court costs. For incarcerable offenses, prepayment is not an option. The accused person must appear in court.

While the bill would increase the maximum fine for a misdemeanor violation of the Maryland Vehicle Law, the District Court would retain discretion to set the prepayment penalties for the nonincarcerable offenses.

State Revenues: Potential significant increase in general funds to the extent the maximum misdemeanor penalty is imposed or the District Court increases prepaid fines on those found guilty of misdemeanor violations of the Maryland Vehicle Law. According to data available from the District Court, 1,364,384 motor vehicle cases were filed in calendar 2006. Of these cases, 1,277,434 cases were either prepaid or found guilty. Guilty dispositions totaled 121,860 during this period. *By way of illustration*, if all guilty dispositions received the maximum penalty proposed under the bill, general fund revenues could increase by \$30,465,000 (121,860 * \$250). Even with guilty dispositions, however, the District Court has discretion to determine the appropriate fine to impose. While general fund revenues may not attain the amount shown here *for illustrative purposes*, the fines imposed by the District Court for misdemeanor violations of the Maryland Vehicle Law could increase and at least some offenders would be charged the maximum amount allowed under the bill.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2007
bfl/ljm

Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510