

Department of Legislative Services
 Maryland General Assembly
 2007 Session

FISCAL AND POLICY NOTE

Senate Bill 465 (Senator Pugh, *et al.*)
 Judicial Proceedings

Vehicle Laws - Motorized Wheelchairs and Scooters - Guidelines

This bill requires the Motor Vehicle Administration (MVA), in consultation with one or more community groups for individuals with disabilities, to develop and distribute guidelines for the appropriate use on the streets of devices designed to provide mobility assistance for individuals with disabilities, including motor-driven wheelchairs and scooters. The MVA must develop these guidelines by December 1, 2007, update the guidelines annually, and provide for the distribution of the guidelines.

The bill takes effect October 1, 2007.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures could increase by \$380,000 in FY 2008 to create guidelines and distribute them to individuals older than 16 who have a disability that impairs their ability to leave the house. Future year expenditures reflect the elimination of start-up costs, annual updates and mailings of the guidelines, and inflation. 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	380,000	360,700	361,600	362,600	363,600
Net Effect	(\$380,000)	(\$360,700)	(\$361,600)	(\$362,600)	(\$363,600)

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

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A wheelchair is defined as a mobility aid belonging to any class of three- or four-wheeled devices that is: (1) usable indoors; (2) does not exceed 30 inches in width and 48 inches in length; (3) measures 2 inches above the ground; and (4) is designed for and used by a mobility impaired individual, whether operated manually or powered.

A wheelchair user has the same rights that are applicable to pedestrians and is subject to the same restrictions. Unless prohibited by local ordinance, an individual with a disability may use a special vehicle other than a wheelchair on sidewalks or sidewalk areas.

However, a person using a wheelchair is subject to all traffic control signals. At any other place, a person using a wheelchair is subject to the rights and restrictions applicable to pedestrians.

Except as otherwise provided, a person is prohibited from driving any vehicle on a sidewalk or sidewalk area unless it is a permanent or authorized temporary driveway. Where permitted by local ordinance, a person may ride a bicycle, play vehicle, or unicycle on a sidewalk or sidewalk area.

State law defines a vehicle as any device in, on, or by which an individual or property is or might be transported or towed on a highway. With certain exceptions, the owner of a vehicle must obtain a certificate of title. If a vehicle is also defined as a motor vehicle, which means it is self-propelled or propelled by electric power obtained from overhead electrical wires and does not operate on rails, it must be registered, with certain exceptions.

Motor vehicles must be inspected and tested every other year under the Vehicle Emissions Inspection Program. Electric vehicles are exempt from this requirement.

Vehicles and motor vehicles are also subject to the requirements of the Maryland Vehicle Law. In general, persons convicted of a misdemeanor for violating any provision of the Maryland Vehicle Law are subject to a fine of up to \$500.

State Expenditures: According to the Department of Disabilities, 313,000 State residents older than 16 have a disability that makes it difficult for them to go outside. Assuming that the MVA sent a copy of the guidelines to each of them, TTF expenditures could increase by an estimated \$380,030 in fiscal 2008, which accounts for the bill's October 1, 2007 effective date.

The MVA has determined that one regular full-time position would be needed to implement this bill. However, Legislative Services advises that, unless there are significant changes to motorized wheelchair and scooter technology, updating the guidelines annually could be performed by a contractual employee.

This estimate reflects the cost of hiring a consultant to help create the guidelines in the first year – due to the necessity of preparing guidelines by December 1, 2007, a part-time contractual employee (grade 15) to assist the consultant and update the guidelines annually. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Brochure Printing and Mailing	\$337,995
Salaries and Fringe Benefits	15,521
One-time Consultant Services	20,000
Operating Expenses/Start-up costs	<u>6,514</u>
Total FY 2008 State Expenditures	\$380,030

Future year expenditures reflect: (1) the part-time salary with 4.5% annual increases and 6.8% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

It is assumed that, because the population that the MVA is trying to reach is a population that has decreased mobility outside of the home, the MVA would mail a copy of the guidelines to these individuals to ensure that everyone would receive a copy as opposed to simply distributing them through community organizations.

In addition, because the bill requires the guidelines to be updated annually, it is assumed that the brochure would be updated annually as well, requiring additional mailings. However, if the guidelines are not altered from one year to the next, sending out an updated brochure to everyone would not be necessary; rather, the brochure would only need to be distributed to individuals who had not been included in previous mailings. As such, out-year costs could be significantly lower. This would depend on whether substantive changes were made to the guidelines each year.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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mam/ljm

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