

Department of Legislative Services  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**

House Bill 89  
Judiciary

(Delegate Shewell, *et al.*)

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**Alcoholic Beverage Violations – Driver’s License Suspensions**

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This bill authorizes the Motor Vehicle Administration (MVA) to 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.

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**Fiscal Summary**

**State Effect:** Transportation Trust Fund (TTF) revenues could increase minimally due to the fees associated with supplying new licenses. Potential additional increase in TTF expenditures in FY 2008 only for computer reprogramming costs. It is anticipated that the Judiciary could meet the requirements of this bill with existing resources. Enforcement could be handled with existing resources.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** If a person is found guilty of knowingly and willfully furnishing alcohol to, or allowing the possession or consumption of alcohol at the person’s residence by an individual under 21, the court must notify the MVA of the violation. The Court of Appeals and the Motor Vehicle Administrator must establish uniform procedures for reporting the violations. For these violations, the MVA is authorized to suspend an

individual's driver's license for up to six months for a first offense and up to one year for a second or subsequent offense.

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. A person whose license has been suspended under these provisions may request a hearing on the suspension and the MVA may issue a restrictive license or modify the suspension.

**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 an adult person knowingly and willfully allow an individual younger than 21 to possess or consume a beverage at the residence in which the person resides or at a residence owned or leased by the person.

This prohibition 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 for a first offense, or \$1,500 if it is a subsequent offense. The District Court may not establish a prepayment schedule for these offenses, so a person charged with these offenses must appear in court.

**Background:** National data have recently shown that motor vehicle crashes are the number one killer of teenagers nationwide. In 2005, 7,293 drivers aged 16 to 20 were involved in fatal crashes nationwide, according to the National Highway Traffic Safety Administration. Of those, 1,198 (16%) had been drinking with a blood alcohol content of .08 or higher.

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 2006; however, the number is assumed to be minimal. It is expected that the District Court and the Administrative Office of the Courts could meet the requirements of this bill 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 could 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. Drivers with suspended licenses are charged \$20 for the issuance of a corrected license.

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### **Additional Information**

**Prior Introductions:** A similar bill, SB 757 of 2006 as amended, passed the Senate and was heard by the House Judiciary Committee, which took no action.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - January 30, 2007  
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