

**Department of Legislative Services**  
 Maryland General Assembly  
 2008 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 610

(Senator Frosh, *et al.*)

Judicial Proceedings

Judiciary

**Vehicle Laws - Violations by Drivers Under the Age of 18 Years - Driver's License Suspensions**

This bill expands the offenses committed by drivers younger than age 18 for which the Motor Vehicle Administration must either initiate an action for or impose a mandatory suspension. It also limits the authority of MVA to issue restrictive licenses, requires that certain suspensions be separate from and consecutive to specified other suspensions or revocations, and extends the time for which the prohibition against driving with passengers younger than age 18 applies.

**Fiscal Summary**

**State Effect:** Transportation Trust Fund revenues would decrease to the extent that restricted licenses cannot be purchased by suspended drivers. Any such decrease is assumed to be minimal. TTF expenditures increase by \$166,800 in FY 2009 for additional personnel to process suspensions and additional hearings. Out-years reflect annualization and a stable caseload. The District Court, Office of Administrative Hearings, and the Department of Juvenile Services should be able to handle the bill's requirements with existing resources.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
SF Revenue	(-)	(-)	(-)	(-)	(-)
SF Expenditure	166,800	217,900	223,900	230,100	236,500
Net Effect	(\$166,800)	(\$217,900)	(\$223,900)	(\$230,100)	(\$236,500)

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

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

### Bill Summary:

*Child Adjudicated or Found Delinquent:* In addition to the offense of misrepresenting age to unlawfully obtain alcoholic beverages, the bill includes the offenses of unlawfully having an alcoholic beverage and possessing a card or other false document to unlawfully obtain alcohol for which MVA must initiate an action to suspend the driver's license of a child adjudicated as delinquent or found to have committed these acts (without an adjudication of the child as delinquent). For a first offense, the license must be suspended for six months and for a second or subsequent offense, the suspension must be at least one year, but not beyond the child's twenty-first birthday. MVA may not modify the suspension by issuing a restricted license for the suspension period.

The bill requires the clerk of the court to report to MVA a child adjudicated delinquent or found to have committed a delinquent act (without an adjudication) for the offenses of (1) failing to remain at the scene of an accident involving bodily injury, death, or property damage; and (2) fleeing and eluding a police officer. Upon notification, MVA must suspend the license of the child for six months for a first adjudication or finding that the child committed the offenses and for one year for a second or subsequent adjudication or finding. The suspension must be consecutive to any other suspension or revocation imposed that arose out of the circumstances of the adjudication or finding that the child committed those offenses. The provision that authorizes credit for any other suspension period that arises out of the circumstances of the offense is repealed. MVA may not issue a restricted license for the suspension period. If the child has violated the aforementioned offenses due to a finding, rather than an adjudication, MVA must retain the report in the same manner as if the child had received a probation before judgment.

*Provisional License Holders Under Age 18:* If a provisional license holder younger than age 18 accumulates five or more points on the driver's license within a 12-month period, MVA must suspend the license for 6 months for a first offense and 1 year for a second or subsequent offense. A restricted license may not be issued for the suspension period. An individual may request an administrative hearing to contest the suspension.

If the provisional license holder is guilty of high-risk driving and MVA receives satisfactory evidence that the individual committed a high-risk driving offense, then MVA must suspend the license for six months for a first offense and one year for a

second or subsequent offense. “High-risk driving” means the offenses of reckless and negligent driving; aggressive driving; or engaging in a racing or a speed contest.

The license suspension must be separate from any other penalty imposed for the act that establishes the violation, and the suspension period must be consecutive to any other suspension imposed for the act that establishes the violation.

### **Current Law:**

*License Suspensions for Children Adjudicated or Found Delinquent:* Generally, if a court finds that a child has committed the violation specified in a citation issued to the child, the court may also order MVA to initiate an action to suspend the child’s driver’s license for at least 30 days but not more than 90 days. Exceptions exist for more serious offenses involving possessing or attempting to possess alcohol or alcohol and/or drugged driving violations wherein, upon notification from a court, MVA must initiate an action to suspend the child’s driver’s license. Mandatory suspension periods for these offenses can range from 30 days to two years or may continue until the child reaches the age of 21, depending on the offense cited and whether it is a first or subsequent offense. If the child is adjudicated delinquent for an alcohol and/or drugged driving violation, the clerk of the court must report the offense to MVA, which must suspend the child’s license to drive. If there is a finding (without adjudication) that the child has committed an alcohol and/or drugged driving violation, then MVA must retain the report in the same manner as if the child had received probation before judgment.

Generally, a suspension of a child’s driver’s license as part of a court adjudication and disposition may not affect the child’s driving record or result in points assessment. However, if the child was found to have committed the unlawful taking or unauthorized use of a motor vehicle, under specified provisions, then MVA is required to assess points as if the child had been convicted of those offenses.

If a child does not hold a driver’s license, then the suspension period begins on the date of the court’s disposition if the child is at least 16 or when the child reaches 16 if the child is younger than 16 years old. A suspension must be concurrent with any other suspension or revocation imposed by MVA that arises out of the circumstances of the adjudication or finding of delinquency for specified offenses. The suspension must also be credited with any other suspension already imposed that arises out of the circumstances of a violation of alcohol and/or drugged driving provisions. A person may request consolidated hearings to contest multiple suspensions arising out of a conviction under alcohol and/or drugged driving provisions under specified circumstances.

*Actions Upon Points Accumulation:* MVA is required to take specified actions for the accumulation of points within any two-year period. An individual who accumulates three points must receive a warning letter. An individual who accumulates five points must attend a driver conference. MVA must issue a notice that a driver is subject to license suspension for an accumulation of eight points, or a notice of license revocation for an accumulation of 12 points. Unless a hearing is requested, the notice of suspension or revocation takes effect at the end of the 10-day period after the notice is sent. A resulting suspension period can range from 2 to 90 days, unless the points accumulation related to an alcohol and/or drugged driving offense, for which the suspensions may range from a maximum of 6 months for a first offense to a maximum of 24 months for subsequent convictions. MVA is authorized to issue a restrictive license or modify a suspension and may issue a restrictive license for the suspension period to a driver who participates in the Ignition Interlock System Program.

*Minors Prohibited From Driving Minors:* Except under specified conditions, a provisional license holder younger than 18 is prohibited from driving a motor vehicle with a passenger younger than 18 until the one hundred fifty-first day (five months) after the provisional driver's license was issued. The prohibition does not apply to a passenger who is legally related to the licensee (spouse, child, stepchild, sibling, or stepsibling) or a relative residing at the same address. The prohibition also does not apply if the provisional license holder is accompanied by and under the supervision of a driver who:

- is at least 21 years old;
- has possessed a driver's license for at least three years; and
- is sitting in the front passenger's seat.

A police officer may only enforce this provision as a secondary violation (*i.e.*, it cannot be the primary cause for stopping a motorist). A violation of the restriction is a moving violation for which an individual may be fined up to \$500 and assessed one point upon conviction.

If MVA receives satisfactory evidence that an individual has violated this prohibition, MVA may suspend or revoke the individual's driver's license. An individual may request a hearing for a suspension or revocation.

**Background:** This bill is similar to legislation enacted in Georgia that strengthens penalties against teenage drivers who engage in dangerous behavior. The Georgia law suspended the licenses of teenagers who were caught speeding, racing, driving recklessly, and using fake ID cards to buy alcohol. The law was enacted about five years ago and was considered one of the most restrictive teen licensing laws at the time. In the five years since the law was enacted, the highway death toll in Georgia for 16-year-old drivers

dropped by almost 40%. Highway safety officials cite the certainty of license suspension, along with the humiliation teenagers experience when they are unable to drive, among the factors contributing to safer driving and the dramatic reduction in teenage highway fatalities.

National data have recently shown that motor vehicle crashes are the number one killer of teenagers nationwide. In 2006, 6,984 drivers aged 16 to 20 were involved in fatal crashes nationwide, according to data from the National Highway Traffic Safety Administration. These drivers were involved in 461,000 crashes where injuries were sustained.

In Maryland, although people younger than 21 account for only 1.6% of the population, they account for 5.3% of the motor vehicle accidents. One in five teenagers is involved in a crash during the first year of driving. An analysis of the teen driving problem, completed by the University of Maryland, Baltimore County in January 2006, showed that in 2003, of 9,089 Maryland traffic accidents due to alcohol and/or drug impairment, 1,070 or 11.8% involved teens. Of 179 fatalities from alcohol- and/or drug-related traffic accidents, 34 fatalities or 19%, involved teens. Out of 5,187 traffic accidents due to alcohol and/or drug impairment where injuries were sustained, 719 or 13.9% involved teen drivers. According to the State Police, in 2005, 57 teen drivers between the ages of 15 and 19 were at fault for fatal crashes, and 13 teen passengers were killed in crashes involving a teen driver.

**State Revenues:** TTF revenues could potentially be minimally reduced as the bill limits the circumstances under which a restricted license can be issued. Any such reduction cannot be reliably estimated at this time, but is expected to be minimal. For each restricted license, MVA charges \$20.

**State Expenditures:** *The Maryland Department of Transportation did not supply information on the number of provisional driver's license holders younger than age 18 who accumulated five or more points for driving infractions. Nevertheless, MVA has indicated that applying the suspension sanction to this group of provisional drivers license holders could reduce administrative hearing costs by \$30,000 to \$40,000. Using the \$35,000 midpoint as a basis for this fiscal estimate, the Department of Legislative Services advises that about 700 such license holders could be subject to the provisions of this bill.*

*MDOT also did not respond to requests to provide the number of provisional driver's license holders younger than 18 who received four or more points from a single moving violation. Nevertheless, MDOT has indicated that eliminating those drivers from the provisions of the bill pertaining to "high risk" drivers could reduce hearing costs by about 25%. Using that estimate as a basis, DLS advises that another 677 license holders, instead of 903 drivers, could be subject to the provisions of this bill. During the same*

period, 1,329 drivers were charged with leaving the scene of an accident. There are insufficient data to estimate the number of drivers cited for the misrepresentation and possession of alcoholic beverages violations included in the bill. Accordingly, the workload for suspensions could increase by at least 2,706 cases. MVA advises that one customer service agent can process about 2,100 cases annually.

Notifications that must be issued by the bill require regular and certified postage. For at least 2,706 cases, postage costs could increase \$6,881 annually.

The bill may also generate additional administrative hearings. For each case requested, MVA must pay \$125 to the Office of Administrative Hearings. Historical data indicate that 46% of suspension cases result in an appeal to OAH. The annual cost associated with the additional hearings is \$155,768 annually.

TTF expenditures could increase by an estimated \$166,832 in fiscal 2009, which accounts for the bill's October 1, 2008 effective date. This estimate reflects the cost of hiring one customer service agent to handle the additional suspension cases that could be generated by the bill. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	1
Salary and Fringe Benefits	\$37,853
Additional Hearings	116,826
Other Operating Expenses	<u>12,153</u>
<b>Total FY 2009 State Expenditures</b>	<b>\$166,832</b>

Future year expenditures reflect • a full salary with 4.4% annual increases and 3% employee turnover; and • 2% annual increases in ongoing operating expenses.

MVA advises that computer programming modifications to the mainframe and other workstations would be needed to meet the bill's requirements. These changes could result in a one-time expenditure of \$72,000 in special funds. However, Legislative Services advises that, if other legislation is passed requiring computer programming changes, economies of scale could be realized. This would reduce computer programming costs associated with this bill and other legislation affecting the MVA system. Further, DLS advises that the increased computer expenditure is simply an estimate and that MVA may be able to handle the changes within existing resources.

## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Juvenile Services, Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, University of Maryland Baltimore County, National Highway Traffic Safety Administration, *The Washington Post*, Department of Legislative Services

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