

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1157

(Delegate Stein, *et al.*)

Environmental Matters

Vehicle Laws - "Road Rage" Offenses

This bill creates six new misdemeanors within the Maryland Vehicle Law based on the commission of certain existing offenses with malice. Violation of any one of these prohibitions is punishable by a civil penalty of up to \$2,000.

Fiscal Summary

State Effect: General fund revenues would increase annually by an indeterminate amount due to the bill's increased penalties. Any additional expenditure could be handled with existing budgeted resources.

Local Effect: Enforcement could be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: There are six existing provisions within the Maryland Vehicle Law upon which this bill is based. These six provisions govern rules of the road that are commonly known as: • overtaking and passing vehicles (§ 21-303(c) and (e)); • driving in single lane required (§ 21-309(b)); • following too closely (§ 21-310); • stopping or decreasing speed suddenly (§ 21-604(e)); • slow speed impeding traffic prohibited (§ 21-804(a)); and • limitations on backing a vehicle (§ 21-1102).

It is a misdemeanor to violate any of these provisions unless otherwise declared a felony by any law of the State, or unless punishable by a civil penalty under the Maryland

Vehicle Law. The current civil penalty for a misdemeanor under the Maryland Vehicle Law is a fine of up to \$500. However, the prepayment penalty for these violations is much lower. All but two of them carry a prepayment penalty of \$90, and \$130 if the violation contributes to an accident. Willfully driving a vehicle at a slow speed to impede normal and reasonable traffic movement has a prepayment penalty of \$80, and \$120 if contributing to an accident. One of the four “following to closely” violations carries a prepayment penalty of \$110, and \$150 if contributing to an accident. All of these violations require at least one point to be assessed.

Background: According to the National Conference of State Legislatures, as of 2006, 12 states had enacted aggressive driving laws. The National Highway Traffic Safety Administration defines “aggressive driving” as “an individual committing a combination of moving traffic offenses so as to endanger other persons or property.” However, aggressive driving differs from “road rage.”

The term road rage, as defined by NHTSA, is “an assault with a motor vehicle or other dangerous weapon by the operator or passenger(s) of one motor vehicle on the operator or passenger(s) of another motor vehicle or is caused by an incident that occurred on a roadway.” California is one state that has enacted a law creating additional penalties for an act of road rage. These additional penalties include suspension of the offender’s driver’s license for six months on a first offense and one year for any subsequent violation, or anger-management counseling, at the discretion of the court.

State Fiscal Effect: General fund revenues would increase, potentially by a significant amount due to the bill’s increased penalties. The Judiciary advises that a reliable estimate of the additional revenues cannot be made due to the uncertainty involved in projecting how the new offenses created by the bill would be enforced or adjudicated, or the average fine levied under the bill. However, **Exhibit 1** shows the number of charges and trials for the selected offenses under the bill for 2006 and 2007. Legislative Services advises that any additional expenditure necessary to process the additional charges and trials could be handled with existing budgeted resources.

Exhibit 1
Charges and Trials for Selected Offenses

	<u>2007</u>	<u>2006</u>		
	<u>Trials</u>	<u>Total Cases</u>	<u>Trials</u>	<u>Total Cases</u>
§ 21-303(c)(e)	39	52	54	80
§ 21-309(b)	4,791	8,314	4,658	8,366
§ 21-310	2	3	2	2
§ 21-604(e)	8	17	7	10
§ 21-804(a)	147	220	140	217
§ 21-1102		Statistics not available for this offense		
Totals	4,987	8,606	4,861	8,675

Source: Maryland District Court

Additional Information

Prior Introductions: None.

Cross File: None.

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

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