

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1179 (Delegate Donoghue)
Environmental Matters

Vehicle Laws - Fleeing or Eluding Police - Liability of Vehicle Owners

This bill creates a civil infraction penalty for the owner of a vehicle that is involved in the offense of fleeing and eluding police. The maximum civil penalty is \$100.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's penalty provisions. Minimal general fund increase in expenditures due to computer programming changes required in the District Court to establish the civil infraction. Minimal Transportation Trust Fund revenue increase due to flag fees for unpaid violations.

Local Effect: The provisions of the bill could be enforced with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: This bill requires the District Court to prescribe a uniform citation which indicates the civil penalty that can be prepaid without appearing in District Court. The law enforcement agency that employs the police officer who witnesses the violation must mail a citation with specified information to the vehicle owner, no later than two weeks after the alleged violation. An individual who receives a citation may elect to stand trial or pay the civil penalty. If the person receiving the citation wants the police officer witness to be present at trial, the District Court must be notified in writing at least 20 days

before trial. Adjudication is based on a preponderance of evidence standard. Defenses to the citation are specified in the bill.

If the citation is not paid and not contested, the Motor Vehicle Administration may refuse to register or reregister or may suspend the vehicle registration. A violation is not a moving violation and may not be recorded on the driver's record, points may not be assessed, and the violation may not be considered for purposes of vehicle insurance coverage. The violation may be treated as a parking violation.

The Chief Judge has to adopt procedures for the issuance of citations, the trial of violations, and the collection of civil penalties.

Current Law: A “visual or audible signal” includes a signal by hand, voice, emergency light, or siren. If a police officer gives a visual or audible signal to stop and the police officer is in uniform, prominently displaying a badge or other insignia, the vehicle driver may not attempt to elude the police officer by willfully failing to stop the vehicle, fleeing on foot, or any other means. If a police officer gives a visual or audible signal to stop and the officer is in an appropriately marked official police vehicle, whether or not the officer is in uniform, the vehicle driver may not attempt to elude the officer by willfully failing to stop the vehicle, fleeing on foot, or any other means. A person who is convicted of fleeing or eluding police is guilty of a misdemeanor and is subject to maximum penalties of imprisonment for one year and/or a fine of \$1,000. For any subsequent offense, a person is subject to maximum penalties of imprisonment for two years and/or a fine of \$1,000.

A vehicle driver is prohibited from attempting to elude a police officer by willfully failing to stop the vehicle such that it results in the bodily injury to or death of another person. A person who causes bodily injury in this manner is subject to imprisonment for up to three years and/or a maximum fine of \$5,000. A person who causes the death of another person after fleeing or eluding police is guilty of a misdemeanor and is subject to maximum penalties of imprisonment for 10 years and/or a fine of \$5,000.

A driver is also prohibited from willfully failing to stop a motor vehicle after a visual or audible signal to do so is given by a police officer and then attempting to elude the officer who signaled the driver to stop so as to apprehend the driver for the commission of a “crime of violence” for which the driver is subsequently convicted. A violator is subject to maximum penalties of imprisonment for three years and/or a fine of \$5,000.

All the above-mentioned offenses require a court appearance, and the Motor Vehicle Administration is required to assess 12 points against the driver's license, which subjects the driver to license revocation.

A “crime of violence” means abduction, arson, kidnapping, manslaughter (except involuntary manslaughter), mayhem, maiming, murder, rape, robbery, carjacking, armed carjacking, sexual offense in the first and second degrees, the use of a handgun in a felony or violent crime, child abuse in the first degree, the attempt to commit any of the aforementioned offenses, and specified assault offenses.

State Effect: TTF revenues could minimally increase due to additional fees assessed for removal of flags at \$30 per vehicle for nonpayment of violations. The number of people that could be subject to flag fees under this bill cannot be reliably estimated but is expected to be minimal.

MVA advises that computer programming modifications would be needed to add a unique code for the flagging process to meet the bill’s requirements. The changes could result in a one-time TTF expenditure of \$22,500 in fiscal 2009 only. However, the Department of Legislative Services advises that, since the violation would be treated as any other parking violation by MVA, economies of scale could be realized if other legislation is passed requiring computer programming changes. 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 an estimate and that MVA may be able to handle the changes within existing resources.

General fund revenues could increase minimally as a result of the bill’s monetary penalty from cases heard in the District Court.

General fund expenditures in the District Court could increase minimally to alter computer programming to identify the civil infraction and comply with the notification requirements established by the bill. The District Court advises no specific codes exist in the District Court system for civil citations and these would need to be created to comply with 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

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mam/ljm

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