

Department of Legislative Services  
Maryland General Assembly  
2009 Session

FISCAL AND POLICY NOTE

House Bill 702  
Judiciary

(Delegate Impallaria, *et al.*)

---

**Controlled Dangerous Substances - Manufacturing, Distributing, or Dispensing -  
Revocation of License to Drive**

---

The Motor Vehicle Administration (MVA) is required to revoke the driver's license of a person convicted of manufacturing, distributing, dispensing, or possessing in sufficient quantity to indicate intent to manufacture, distribute, or dispense (1) cocaine or any mixture containing a detectable amount of cocaine, including a drug commonly known as "crack;" (2) heroin; (3) methamphetamine; or (4) MDMA – ecstasy. On conviction, a court has to notify the offender that his or her license to drive will be revoked and notify MVA to revoke the license. A licensee may request a hearing on a revocation. Notwithstanding other provisions of law, MVA may not reinstate a driver's license revoked pursuant to the bill.

---

**Fiscal Summary**

**State Effect:** General fund expenditures increase significantly in FY 2010 due to the one-time cost of reprogramming Judicial Information Systems (JIS) criminal law databases. Transportation Trust Fund (TTF) expenditures increase, mostly in future years, due to the cost of providing post-revocation hearings. TTF revenues decrease slightly in future years due to fewer license renewal fees being paid by those with revoked licenses.

**Local Effect:** None.

**Small Business Effect:** None.

---

## Analysis

**Current Law:** A person may not manufacture, distribute, or dispense a controlled dangerous substance, or possess a quantity of a controlled dangerous substance sufficient to indicate intent to manufacture, distribute, or dispense a controlled dangerous substance. A first violation in connection with a Schedule I (heroin, MDMA) or Schedule II (cocaine, crack, methamphetamine) controlled dangerous substance carries a penalty of up to 20 years imprisonment, or up to a \$25,000 fine, or both. A subsequent offender under these prohibitions must be sentenced to imprisonment for two years, which term is nonsuspendable and nonparolable.

MVA may revoke the license of any person who is convicted of driving or attempting to drive (1) under the influence of alcohol; (2) impaired by a controlled dangerous substance; or (3) while impaired by alcohol or any drug within three years of two prior convictions for driving while impaired or under the influence of any drug, alcohol, or controlled dangerous substance.

MVA is required to revoke the license of any person who has been convicted of homicide by a motor vehicle while impaired by, or under the influence of alcohol, or impaired by any drug or controlled dangerous substance.

MVA may suspend, revoke, or refuse to issue or renew the license of any resident, or the privilege to drive of any nonresident, on a showing by its records or other sufficient evidence that the applicant or licensee:

- has been convicted of moving violations so often as to indicate an intent to disregard the traffic laws and the safety of other persons on the highways;
- is an unfit, unsafe, or habitually reckless or negligent driver of a motor vehicle;
- has permitted an unlawful or fraudulent use of a license, identification card, or a facsimile of a license or identification card;
- has used a license, identification card, or a facsimile of a license or identification card in an unlawful or fraudulent manner;
- has committed an offense in another state that, if committed in this State, would be grounds for suspension or revocation; or
- has knowingly made a false certification of required security in any application for a certificate of title or for the registration of a vehicle.

**State Revenues:** TTF revenues decrease annually to the extent that fewer licensing renewals occur for those with driver's licenses permanently revoked under the bill.

**State Expenditures:** General fund expenditures increase substantially in fiscal 2010 due to the cost of reprogramming or restructuring the JIS databases. This extensive reprogramming is necessary because JIS does not currently track violations of subsections of the criminal law. In order to implement the bill's requirement to track violations pertaining to specific controlled dangerous substances, databases need to be modified. The Administrative Office of the Courts has not been able to quantify the cost. Legislative Services advises that, although the fiscal 2010 budget includes \$11,493,300 to support several major information technology projects, the modification required by the bill has not previously been contemplated.

TTF expenditures increase significantly in future years due to the cost of providing for post-revocation hearings. MVA advises that it pays the Office of Administrative Hearings \$176 for each administrative hearing it conducts. For *illustrative purposes only*, TTF expenditures for additional post-revocation hearings increase by approximately \$150,000 annually beginning sometime between fiscal 2012 and 2014. This illustrative estimate is based on the following information and assumptions:

- approximately 50% of convictions for manufacturing, distributing, or dispensing of controlled dangerous substances involve one of the five substances enumerated in the bill;
- the number of violations in 2007 (2,266) remains constant in future years;
- approximately 75% of license revocations under the bill result in a hearing; and
- hearings do not take place until after the sentences for the underlying convictions are served.

MVA advises that an annual increase of fewer than 2,500 additional revocation transactions can be handled with existing staff. However, due to the nature of the new transaction under the bill, a modification of the MVA Digital Imaging Workflow System needs to be undertaken by an outside vendor at an estimated cost of about \$45,000.

---

### **Additional Information**

**Prior Introductions:** A nearly identical bill was introduced in the 2008 session as HB 1130 and received an unfavorable report from the House Judiciary Committee.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 17, 2009  
mlm/ljm

---

Analysis by: Evan M. Isaacson

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510