

Department of Legislative Services
 Maryland General Assembly
 2009 Session

FISCAL AND POLICY NOTE

House Bill 853 (Delegate Holmes)
 Judiciary

Drunk and Drugged Driving - Repeat Offenders - Special Registration Plates

This bill requires the Motor Vehicle Administration (MVA) to issue special registration plates to individuals who have been convicted three or more times of alcohol- and/or drug-related driving offenses.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) revenues increase by at least \$1.7 million in FY 2010 from issuance of special plates to all drivers with multiple charges as of the bill’s effective date, assuming a \$500 plate issuance fee. TTF revenues increase in future years as well, but the amount of the increase cannot be reliably estimated. TTF expenditures increase by \$604,000 in FY 2010 for additional personnel, computer programming modifications and license plate supplies. Out-year expenditures reflect annualization, inflation, and elimination of one-time-only costs.

(in dollars)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
SF Revenue	\$1,779,900	-	-	-	-
SF Expenditure	\$604,000	\$127,200	\$132,700	\$138,500	\$144,500
Net Effect	\$1,175,900	(\$127,200)	(\$132,700)	(\$138,500)	(\$144,500)

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

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: MVA is required to issue special registration plates that identify the owner of the vehicle as having been convicted three or more times of alcohol- and/or drug-related driving offenses. The special plates must be of a distinctive design as determined by MVA, and the plates must bear the letters “DUI” and a three-digit number.

If the owner of a registered vehicle is convicted a third or subsequent time of an alcohol- and/or drug-related driving offense, MVA must recall all regular registration plates that have been issued to the owner for all of the owner’s vehicles. MVA has to notify the owner that the recalled registration plates must be returned to MVA within 30 days from the date of the notice. Once the plates are returned, MVA must then issue special registration plates and validation tabs to the vehicle owner or any co-owner who is otherwise qualified to operate the vehicle.

The vehicle owner who has received the special registration plates must pay a \$500 fee for the plates. The fee must be retained by MVA for the purpose of recovering costs and may not be credited to the Gasoline and Motor Vehicle Revenue Account.

The vehicle owner who receives the special plates must display them on the vehicle for five full years from the date of issuance. If the vehicle’s registration expires during the period that the owner must display the plates, the owner must renew the registration and pay the required fees. At the end of the five-year period, MVA must either return the recalled regular registration plates to the owner or issue new registration plates. MVA must also issue validation tabs which are valid for the remainder of the vehicle’s current registration period.

Current Law: State law does not authorize or mandate the issuance of distinctive vehicle registration plates to vehicle owners who have been convicted of crimes. MVA is required to issue special vehicle registration plates to specified disabled populations. State law authorizes MVA to issue other special registration plates such as so-called “vanity” plates and plates that commemorate industries, institutions, or certain groups.

A person may not drive or attempt to drive any vehicle while:

- under the influence of alcohol or under the influence of alcohol *per se*;
- impaired by alcohol;
- impaired by drugs, or drugs and alcohol; or
- impaired by a controlled dangerous substance.

With a conviction for an alcohol- and/or drug-related driving offense, a violator is subject to a range of penalties involving fines and imprisonment, as well as suspension or revocation of the driver's license by MVA. A person convicted of driving under the influence or under the influence *per se* is subject to fines ranging from \$1,000 to \$3,000 and/or a maximum imprisonment term of one to three years. A repeat conviction within five years requires a mandatory minimum penalty of imprisonment from 5 to 10 days or community service from 30 to 60 days, as well as a mandatory alcohol abuse assessment. A conviction for lesser included offenses subjects the violator to a fine of \$500 and/or imprisonment for up to two months. However, for repeat offenders maximum prison terms increase to a year. If an offender is transporting a minor at the time of the alcohol- and/or drug-related driving offense, fines and sanctions increase beyond those already specified for lesser included offenses.

Background: According to the Governors Highway Safety Association, the states of Minnesota, North Dakota, and Ohio issue special plates for the vehicles of owners that have been convicted of drunk driving offenses. Other states that have issued special plates to the vehicles of drunk driving offenders in previous years (for example, Georgia, Iowa, and Oregon) have discontinued the sanction.

State Revenues: The bill requires MVA to charge a \$500 fee to cover its program implementation costs. As a result, TTF revenues increase by at least \$1,779,855 in fiscal 2010 as alcohol and/or drugged driving offenders with three or more offenses are required to display the special license plates required by the bill. The revenue estimate is based on the following assumptions:

- MVA advises that as of February 12, 2009, 4,623 drivers with at least one vehicle have three or more convictions of the offenses addressed in the bill. MVA advises that all these drivers' plates must be recalled and new plates issued during the nine months of fiscal 2010 remaining after the bill's effective date.
- Data are not available to indicate which convicted drivers have registered more than one vehicle. The estimate assumes that, only one set of plates from each of the known 4,623 drivers is recalled, with issuance of the special plates.
- The charge for a new set of plates is \$500 and a collection rate of 77% is assumed.
- In future years, the number of drivers meeting the bill's threshold of three or more convictions cannot be reliably estimated. Nevertheless, revenues increase each year, potentially by a significant amount.

State Expenditures: TTF expenditures increase by an estimated \$604,003 in fiscal 2010, accounting for the bill's October 1, 2009 effective date. The estimate applies start-up costs to personnel but not to equipment, postage, or supplies as MVA advises that all drivers with three or more offenses must have their plates recalled and new plates

issued during the remainder of fiscal 2010. The estimate reflects the cost of hiring one consumer investigator and one customer service agent. The investigator retrieves tags from those drivers who do not comply with the plate recall requirement. The customer service agent issues new plates and provides customer service. The estimate includes salaries, fringe benefits, one-time start-up costs, computer programming expenses of \$500,000 for fiscal 2010 only, and ongoing operating expenses.

Positions	2
Salaries and Fringe Benefits	\$74,514
Computer Modifications	500,000
Other Operating Expenses	<u>29,489</u>
Total FY 2009 State Expenditures	\$604,003

Future year expenditures reflect full salaries with 4.4% annual increases and 3% employee turnover and 1% annual increases in ongoing operating expenses.

Additional Comments: The bill requires each special registration plate to bear “DUI” and a three-digit number, essentially limiting the number of such plates to 999; however, at least 4,623 such registration plates must be issued.

Additional Information

Prior Introductions: HB 504 of 2008 and HB 1315 of 2006 both received unfavorable reports from the House Judiciary Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Department of Public Safety and Correctional Services, Maryland Department of Transportation, Governors Highway Safety Association, Department of Legislative Services

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