

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 323

(Senator Colburn)

Judicial Proceedings

**Criminal Law - Misrepresentation or False Statement as to Age - Driver's
License Suspension**

This bill expands the authority of a court to order the Motor Vehicle Administration (MVA) to suspend the license of an individual younger than age 21 for misrepresentation of age to purchase or otherwise obtain alcoholic beverages and also expands the maximum license suspension period for a first offense from six months to one year. The bill also alters the maximum license suspension period for subsequent offenses to one year.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) revenues increase minimally from fees for corrected licenses. Any additional suspensions generated by the bill can be handled within the existing resources of MVA and the District Court. Enforcement can be handled with existing resources.

Local Effect: Enforcement can be handled with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: If a court finds that, for the purpose of unlawfully obtaining, procuring or having unlawfully furnished an alcoholic beverage to an individual, a child knowingly and willfully misrepresented his or her age or the age of another individual to a person licensed or engaged to sell alcoholic beverages, then the court may order MVA to initiate an action to suspend the individual's driver's license for up to one year. If a court finds

that an adult younger than age 21 committed the same offense, then the court must notify MVA of the violation. Upon receipt of such a notice, MVA must suspend the adult's driver's license for up to one year. The bill repeals the requirement that the penalty apply only to misrepresentation of age involving the use of a driver's license or a document purporting to be a driver's license. Accordingly, an individual younger than age 21 is subject to suspension of the driver's license for the unlawful misrepresentation of age under any circumstances to a person licensed or engaged to sell alcoholic beverages.

Current Law: An individual is prohibited, for the purpose of unlawfully obtaining, procuring or having unlawfully furnished an alcoholic beverage, from knowingly and willfully making a misrepresentation or false statement about his or her age or another's age to any person licensed or engaged to sell alcoholic beverages.

If a court finds that a child has unlawfully misrepresented his or her age involving the use of a driver's license or purported driver's license, the court may order MVA to initiate an action to suspend the driver's license of the child for six months for a first offense. For a subsequent offense, the license may be suspended until the child is age 21. If a child is found to have committed the offense of drinking intoxicating beverages on school property, the court is required to order MVA to suspend the child's driver's license for at least 30 days and up to 90 days. If the child does not hold a driver's license on the date of the court order, the suspension must begin on the date of the disposition, if the child is age 16. If the child is younger than age 16, then the suspension must begin on the date the child reaches age 16.

If a court finds that an adult younger than age 21 has committed the offense of misrepresentation of age with a driver's license or purported driver's license, the court must notify MVA of the violation. Upon receipt of such a notice, MVA must suspend the driver's license of the individual for six months for a first offense. For a subsequent offense, MVA must suspend the license for one year or until the adult reaches age 21, whichever is longer. If the adult does not hold a license on the date of the finding, the suspension begins on the date that a driver's license is issued or after the adult applies and qualifies to receive a driver's license, or on the date the adult reaches age 21, whichever occurs first.

MVA may modify a suspension imposed pursuant to the misrepresentation of age offense or issue a restricted license if a license is needed for alcohol education, prevention or treatment, or due to adverse impacts on education or employment, as specified. Except as otherwise provided, MVA may suspend or revoke a driver's license only after a hearing, as specified.

State Revenues: To the extent that additional license suspensions occur due to the bill, TTF revenues increase, assuming that all drivers with suspended licenses pay the \$30 fee

required for a corrected license after the expiration of the suspension period. Any such increase is expected to be minimal.

Additional Information

Prior Introductions: None.

Cross File: HB 251 (Delegate Haddaway, *et al.*) - Judiciary.

Information Source(s): Department of Legislative Services

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