

Department of Legislative Services
 Maryland General Assembly
 2009 Session

FISCAL AND POLICY NOTE

House Bill 1167 (Delegate Simmons)
 Judiciary

Vehicle Laws - Violations by Drivers Under the Age of 18 Years - Driver's License Suspensions

This bill expands the offenses committed by drivers younger than age 18 for which the Motor Vehicle Administration (MVA) must either initiate an action for or impose a mandatory suspension. It also limits the authority of MVA to issue restrictive licenses, requires that certain suspensions be separate from and consecutive to specified other suspensions or revocations, and extends the time for which the prohibition against driving with passengers younger than age 18 applies.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) revenues decrease to the extent that restricted licenses cannot be purchased by suspended drivers. Any such decrease is assumed to be minimal. TTF expenditures increase by \$126,100 in FY 2010 for additional administrative hearings, computer programming changes in FY 2010 only, and ongoing computer maintenance. Out-years reflect annualization and a stable caseload. The District Court, Office of Administrative Hearings, and the Department of Juvenile Services can handle the bill’s requirements with existing resources.

(in dollars)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
GF Revenue	\$21,100	\$28,100	\$28,100	\$28,100	\$28,100
SF Revenue	(-)	(-)	(-)	(-)	(-)
SF Expenditure	\$126,100	\$55,100	\$55,600	\$56,200	\$56,700
Net Effect	(\$105,000)	(\$26,900)	(\$27,500)	(\$28,000)	(\$28,600)

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

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary:

Child Adjudicated or Found Delinquent: In addition to the offense of misrepresenting age to unlawfully obtain alcoholic beverages, the bill includes the offenses of unlawfully having an alcoholic beverage and possessing a card or other false document to unlawfully obtain alcohol for which MVA must initiate an action to suspend the driver's license of a child adjudicated as delinquent or found to have committed these acts (without an adjudication of the child as delinquent). For a first offense, the license must be suspended for six months and for a second or subsequent offense, the suspension must be at least one year, but not beyond the child's twenty-first birthday. MVA may not modify the suspension by issuing a restricted license for the suspension period.

The bill requires the clerk of the court to report to MVA a child adjudicated delinquent or found to have committed a delinquent act (without an adjudication) for the offenses of (1) failing to remain at the scene of an accident involving bodily injury, death, or property damage; and (2) fleeing and eluding a police officer. Upon notification, MVA must suspend the license of the child for six months for a first adjudication or finding that the child committed the offenses and for one year for a second or subsequent adjudication or finding. The suspension must be consecutive to any other suspension or revocation imposed that arose out of the circumstances of the adjudication or finding that the child committed those offenses. The provision that authorizes credit for any other suspension period that arises out of the circumstances of the offense is repealed. MVA may not issue a restricted license for the suspension period. If the child has violated the aforementioned offenses due to a finding, rather than an adjudication, MVA must retain the report in the same manner as if the child had received a probation before judgment.

Provisional License Holders Younger Than Age 18: If a provisional license holder younger than age 18 accumulates five or more points on the driver's license within a 12-month period, MVA must suspend the license for six months for a first offense and one year for a second or subsequent offense. A restricted license may not be issued for the suspension period. An individual may request an administrative hearing to contest the suspension.

If the provisional license holder is guilty of high-risk driving and MVA receives satisfactory evidence that the individual committed a high-risk driving offense, then MVA must suspend the license for six months for a first offense and one year for a second or subsequent offense. "High-risk driving" means the offenses of reckless and negligent driving, aggressive driving, or engaging in a racing or a speed contest.

The license suspension must be separate from any other penalty imposed for the act that establishes the violation, and the suspension period must be consecutive to any other suspension imposed for the act that establishes the violation.

Current Law:

License Suspensions for Children Adjudicated or Found Delinquent: Generally, if a court finds that a child has committed the violation specified in a citation issued to the child, the court may also order MVA to initiate an action to suspend the child's driver's license for at least 30 days but not more than 90 days. Exceptions exist for more serious offenses involving possessing or attempting to possess alcohol or alcohol and/or drugged driving violations wherein, upon notification from a court, MVA must initiate an action to suspend the child's driver's license. Mandatory suspension periods for these offenses can range from 30 days to two years or may continue until the child reaches the age of 21, depending on the offense cited and whether it is a first or subsequent offense. If the child is adjudicated delinquent for an alcohol and/or drugged driving violation, the clerk of the court must report the offense to MVA, which must suspend the child's license to drive. If there is a finding (without adjudication) that the child has committed an alcohol and/or drugged driving violation, then MVA must retain the report in the same manner as if the child had received probation before judgment.

Generally, a suspension of a child's driver's license as part of a court adjudication and disposition may not affect the child's driving record or result in points assessment. However, if the child was found to have committed the unlawful taking or unauthorized use of a motor vehicle, under specified provisions, then MVA is required to assess points as if the child had been convicted of those offenses.

If a child does not hold a driver's license, then the suspension period begins on the date of the court's disposition if the child is at least age 16 or when the child reaches age 16 if the child is younger than age 16. A suspension must be concurrent with any other suspension or revocation imposed by MVA that arises out of the circumstances of the adjudication or finding of delinquency for specified offenses. The suspension must also be credited with any other suspension already imposed that arises out of the circumstances of a violation of alcohol and/or drugged driving provisions. A person may request consolidated hearings to contest multiple suspensions arising out of a conviction under alcohol and/or drugged driving provisions under specified circumstances.

Actions Upon Points Accumulation: MVA is required to take specified actions for the accumulation of points within any two-year period. An individual who accumulates three points must receive a warning letter. An individual who accumulates five points must attend a driver conference. MVA must issue a notice that a driver is subject to license suspension for an accumulation of 8 points, or a notice of license revocation for an

accumulation of 12 points. Unless a hearing is requested, the notice of suspension or revocation takes effect at the end of the 10-day period after the notice is sent. A resulting suspension period can range from 2 to 90 days, unless the points accumulation related to an alcohol and/or drugged driving offense, for which the suspensions may range from a maximum of 6 months for a first offense to a maximum of 24 months for subsequent convictions. MVA is authorized to issue a restrictive license or modify a suspension and may issue a restrictive license for the suspension period to a driver who participates in the Ignition Interlock System Program.

Minors Prohibited From Driving Minors: Except under specified conditions, a provisional license holder younger than 18 is prohibited from driving a motor vehicle with a passenger younger than 18 until the one hundred fifty-first day (five months) after the provisional driver's license was issued. The prohibition does not apply to a passenger who is legally related to the licensee (spouse, child, stepchild, sibling, or stepsibling) or a relative residing at the same address. The prohibition also does not apply if the provisional license holder is accompanied by and under the supervision of a driver who:

- is at least 21 years old;
- has possessed a driver's license for at least three years; and
- is sitting in the front passenger's seat.

A police officer may only enforce this provision as a secondary violation (*i.e.*, it cannot be the primary cause for stopping a motorist). A violation of the restriction is a moving violation for which an individual may be fined up to \$500 and assessed one point upon conviction.

If MVA receives satisfactory evidence that an individual has violated this prohibition, MVA may suspend or revoke the individual's driver's license. An individual may request a hearing for a suspension or revocation.

Background: This bill is similar to legislation enacted in Georgia that strengthens penalties against teenage drivers who engage in dangerous behavior. The Georgia law suspended the licenses of teenagers who were caught speeding, racing, driving recklessly, and using fake ID cards to buy alcohol. The law was enacted about six years ago and was considered one of the most restrictive teen licensing laws at the time. In the six years since the law was enacted, the highway death toll in Georgia for 16-year-old drivers dropped by almost 40%. Highway safety officials cite the certainty of license suspension, along with the humiliation teenagers experience when they are unable to drive, among the factors contributing to safer driving and the dramatic reduction in teenage highway fatalities.

National data has recently shown that motor vehicle crashes are the number one killer of teenagers nationwide. In 2007, 6,982 drivers aged 15 to 20 were involved in fatal crashes nationwide, and 3,174 drivers in this age group were killed, according to data from the National Highway Traffic Safety Administration (NHTSA). Of the 6,982 teen drivers involved in fatal crashes, 1,173 or 16.8% did not have valid operator's licenses at the time of the crashes. Of the teen drivers without valid operator's licenses, 364 or about 31% had previous license suspensions or revocations on their records. Drivers from age 15 to 20 represent 8.5% of the population nationally but are involved in 15.4% of single vehicle crashes, 11% of multiple vehicle crashes, and 12.7% of all fatal crashes. In this same period, NHTSA reports that in Maryland, 113 young people from age 15 to 20 were killed as a result of fatal crashes – including 45 drivers, 28 passengers, 20 occupants of other vehicles, and 20 people not occupying vehicles.

State Revenues: TTF revenues are potentially reduced as the bill limits the circumstances under which a restricted license can be issued. Any such reduction cannot be reliably estimated at this time, but is expected to be minimal. For each restricted license, MVA charges \$20.

General funds increase by \$21,105 in the Office of Administrative Hearings (OAH) due to additional hearings requested due to the bill's provisions. Each person who files a request for an administrative hearing must pay a fee of \$125. Out-years assume a stable caseload, no changes in fees, and annualization.

State Expenditures: TTF expenditures increase by \$126,139 in fiscal 2010, accounting for the bill's October 1 effective date. MVA advises that as of February 2009, 157 drivers acquired five or more points in a 12-month period and are likely to be subject to the suspension sanctions in the bill. In 2008, at least 179 additional drivers committed other violations that are subject to the suspension sanctions. As a result, at least 336 individuals are likely to be subject to the bill, not including those who commit code violations for alcoholic beverages possession and consumption and are also subject to the bill, as there is no available data on those individuals.

Of the projected \$126,139 in TTF expenditures for fiscal 2010, MVA advises that for fiscal 2010 only, \$95,000 is needed for computer programming changes required by the bill. Computer programming maintenance costs of about \$13,000 annually are also required by the bill in future years. The bill is likely to generate additional administrative hearings. For each case requested, MVA must pay \$176 to OAH. Historical data indicate that 67% of suspension cases result in an appeal to OAH. Of the projected \$126,139 TTF expenditure increase in fiscal 2010, \$29,716 is allocated to additional hearings and \$1,423 is allocated for postage for the requisite notifications.

Additional Information

Prior Introductions: SB 610 of 2008 passed the Senate, as amended, and was heard in the House Judiciary Committee but received no further action.

Cross File: SB 219 (Senator Frosh, *et al.*) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Juvenile Services, Maryland Department of Transportation, Insurance Insitute for Highway Safety, National Highway Traffic Safety Administration, National Conference of State Legislatures, *The Washington Post*, Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2009
ncs/ljm

Analysis by: Karen D. Morgan

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