

Department of Legislative Services
2010 Session

FISCAL AND POLICY NOTE

House Bill 164 (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 \$0.8 million in FY 2011 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 \$54,900 in FY 2011 for additional personnel and license plate supplies. Out-year expenditures reflect annualization, inflation, and elimination of one-time-only costs.

| (in dollars) | FY 2011 | FY 2012 | FY 2013 | FY 2014 | FY 2015 |
|----------------|-----------|------------|------------|------------|------------|
| SF Revenue | \$781,200 | - | - | - | - |
| SF Expenditure | \$54,900 | \$65,600 | \$68,500 | \$71,600 | \$74,800 |
| Net Effect | \$726,300 | (\$65,600) | (\$68,500) | (\$71,600) | (\$74,800) |

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 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 and Ohio issue special plates for the vehicles of owners that have been convicted of drunk driving offenses. According to the National Conference of State Legislatures, Georgia may issue special license plates for the vehicle registered to a person convicted of a drunk driving offense, but only to accommodate the family member of that person so the family member can operate the vehicle. Other states that have issued special plates for the vehicles of drunk driving offenders in previous years (for example, 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 \$781,165 in fiscal 2011 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 January 25, 2010, 2,029 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 2011 remaining after the bill's effective date. Revenue estimates for prior-year legislation were based on an estimate of the number of impacted drivers. This estimate is based on the actual number of drivers identified by MVA as currently subject to the bill.
- Data are not available to indicate which convicted drivers have registered more than one vehicle. Thus, the estimate assumes that only one set of plates from each of the known 2,029 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 \$54,901 in fiscal 2011, accounting for the bill's October 1, 2010 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 2011. The estimate reflects the cost of hiring one consumer investigator. The investigator retrieves tags from those drivers who do not comply with the plate recall requirement. Customer service and the issuance of new plates can be provided with existing resources. MVA advises that, in spite of constrained resources, necessary computer programming modifications can be completed with in-house staff and existing resources. The estimate includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

| | |
|---|-----------------|
| Position | 1 |
| Salary and Fringe Benefits | \$41,211 |
| Other Operating Expenses | <u>13,690</u> |
| Total FY 2011 State Expenditures | \$54,901 |

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

Additional Information

Prior Introductions: HB 853 of 2009, HB 504 of 2008, and HB 1315 of 2006 all received unfavorable reports from the House Judiciary Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Governors Highway Safety Association, National Conference of State Legislatures, Georgia Code, Department of Legislative Services

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mpc/ljm

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