

**Department of Legislative Services**  
 Maryland General Assembly  
 2010 Session

**FISCAL AND POLICY NOTE**

House Bill 1367 (Delegate Frank)  
 Judiciary

**Habitual Drunk and Drugged Driving - Revocation and Refusal of Registration,  
 License, and Driving Privilege**

This bill requires the Motor Vehicle Administration (MVA) to refuse to register or else revoke the registration for any vehicle owned by a person who is convicted three or more times of specified alcohol- and/or drug-related driving offenses. MVA is also required to refuse to issue a driver's license to or else revoke the driver's license of any person convicted three or more times of any of the offenses specified in the bill.

The bill applies prospectively to a third or subsequent conviction that occurs on or after the October 1, 2010 effective date of the bill.

**Fiscal Summary**

**State Effect:** Transportation Trust Fund (TTF) and other special fund revenues decrease by \$1.3 million in FY 2011 due to revoked vehicle registrations. Out-years include the impact of additional drivers and annualization. Potential increase in general fund revenues due to additional violations of the requirements for vehicles to be registered and drivers to be licensed. It is anticipated that MVA, the Judiciary, and the Office of Administrative Hearings can implement the bill's provisions with existing resources.

| (\$ in millions) | FY 2011 | FY 2012 | FY 2013 | FY 2014 | FY 2015 |
|------------------|---------|---------|---------|---------|---------|
| GF Revenue       | -       | -       | -       | -       | -       |
| SF Revenue       | (\$1.3) | (\$1.7) | (\$1.7) | (\$1.8) | (\$1.8) |
| Expenditure      | 0       | 0       | 0       | 0       | 0       |
| Net Effect       | (\$1.3) | (\$1.7) | (\$1.7) | (\$1.8) | (\$1.8) |

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

**Local Effect:** Local government revenues decline by \$316,100 in FY 2011 due to a decline in Gasoline Motor Vehicle Revenue Account revenue distributed to local governments as highway user revenue.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** Notwithstanding any other provision, the sanctions of refusal or revocation of vehicle registration and refusal to issue or revocation of the driver's license apply to the offenses of (1) driving while under the influence of alcohol or under the influence *per se*; (2) driving while impaired by a controlled dangerous substance; (3) committing homicide or life-threatening injury by motor vehicle or vessel while under the influence of alcohol or under the influence *per se*, or while impaired by alcohol, by drugs, and/or drugs and alcohol or while impaired by a controlled dangerous substance. For any person convicted three times or more of any of the above offenses, MVA is also required to refuse to issue a driver's license or to revoke the driver's license of the offender.

A person subject to this provision may request a hearing to contest the accuracy of the information on which the refusal or revocation is based. A prior conviction of any one of the above-mentioned offenses is considered a prior conviction for purposes of imposition of the sanctions of refusal or revocation.

**Current Law:** A person may not cause the death of another as a result of negligently driving, operating, or controlling a motor vehicle or vessel while under the influence of alcohol or alcohol *per se*. A person who commits such an offense is guilty of the felony of homicide by motor vehicle or vessel while under the influence of alcohol or alcohol *per se* and is subject to maximum penalties of five years imprisonment and/or a \$5,000 fine. A person may not cause the death of another as a result of negligently driving, operating, or controlling a motor vehicle or vessel while impaired by alcohol, drugs, and/or drugs, and alcohol or while impaired by a controlled dangerous substance. A person who commits any of these offenses is guilty of a felony and subject to maximum penalties of three years imprisonment and/or a \$5,000 fine.

A person who causes life-threatening injury by motor vehicle or vessel while under the influence of alcohol or under the influence *per se* is guilty of a misdemeanor and is subject to maximum penalties of three years imprisonment and/or a \$5,000 fine. A person may not cause life-threatening injury by motor vehicle or vessel while impaired by alcohol, impaired by drugs and/or drugs and alcohol, or impaired by a controlled dangerous substance. A person who commits any of these offenses is guilty of a

misdemeanor and subject to maximum penalties of two years imprisonment and/or a fine of \$3,000.

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*; 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.

For all of the above-mentioned offenses, MVA is required to assess 12 points against the driver's license. A person accumulating 12 points in any two-year period is subject to revocation of the driver's license.

**State and Local Revenues:** Special fund revenues for multiple agencies are reduced by \$1,303,210 as a result of the bill's provisions and accounting for the bill's October 1, 2010 effective date. TTF revenues are reduced by \$1,053,659 in fiscal 2011. Special fund revenues for the Maryland Emergency Medical System Operations Fund decline by \$203,338 in fiscal 2011. Special fund revenues distributed to the Maryland Trauma Physicians Services Fund decline by \$46,213 in fiscal 2011. MVA advises that, as of February 25, 2010, 24,647 vehicles were registered to 19,847 individuals who were convicted of three or more of the specified violations. Based on historical data, MVA also advises that the number of additional people who annually attain three or more convictions and become subject to the bill is likely to be 33 people who own 41 registered vehicles. The total revenue loss for all special fund accounts subject to this bill in the following years is estimated to be more than \$1.7 million annually.

The loss of highway user revenues in fiscal 2011 for local governments is projected to be \$316,098.

The following assumptions apply:

- 19,847 people had three or more of the specified convictions as of February 25, 2010;
- historical data indicates that 33 additional people would become subject to the bill annually;
- the 19,847 people subject to the bill own 24,647 vehicles or 1.24 vehicles per person; thus, the 33 additional people likely to become subject to the bill annually own 41 vehicles or 1.24 vehicles per person;
- of the 24,647 vehicles, all are Class A passenger, but 75% weigh less than or equal to 3,700 pounds (registration fee is \$128 every two years) and 25% weigh more than 3,700 pounds (registration fee is \$180 every two years);
- all vehicles are subject to annual surcharges, included in the registration fees;
- for all drivers subject to the bill who have vehicle registrations revoked, half already paid the registration fee and half would have paid the registration in the following year;
- although the population and number of vehicles subject to this bill is likely to vary due to those who appeal the sanctions, those who transfer ownership of vehicles to avoid the sanctions, and those who successfully have their licenses and vehicle registrations reinstated, this estimate assumes the number of people subject to this bill otherwise remains constant and the vehicle registration fee does not change;
- the number of administrative hearings and the fees associated are not likely to change as the entire population subject to the bill is already subject to license revocation and may already request a hearing on any of the administrative sanctions imposed;
- there is also revenue loss likely from those people who are not able to renew their driver's licenses after revocation because licenses are generally renewed only once every five years, the revenue loss is not quantified in this estimate; and
- of the TTF registration revenues collected, 70% is retained at the State level and 30% is distributed to local governments as highway user revenues in fiscal 2011, but in subsequent years the distributed changes so that 71.5% is retained at the State level and 28.5% is distributed to local governments.

General fund revenues may increase minimally due to additional violations of the requirements for vehicles to be registered and drivers to be licensed.

**State Expenditures:** TTF expenditures may increase for external computer programming assistance to implement the bill's provisions; however, Legislative Services advises that the impact can likely be handled with existing resources.

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### **Additional Information**

**Prior Introductions:** None.

**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 - March 3, 2010  
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