

Department of Legislative Services  
2011 Session

FISCAL AND POLICY NOTE

House Bill 657 (Delegate Holmes)  
Judiciary

**Drunk and Drugged Driving - Repeat Offenders - Special Registration Plates**

This bill requires the Motor Vehicle Administration (MVA), if notified of a court order, to issue special registration plates to individuals who have been convicted three or more times of alcohol- and/or drug-related driving offenses. The special registration plate penalty is in addition to any other penalties for alcohol- and/or drug-related driving offenses.

**Fiscal Summary**

**State Effect:** Transportation Trust Fund (TTF) revenues increase by \$290,200 in FY 2012 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 expenditures increase by \$95,000 in FY 2012 for additional personnel and license plate supplies. Out-year expenditures reflect annualization, inflation, and elimination of one-time-only costs.

(in dollars)	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
SF Revenue	\$290,200	\$386,900	\$386,900	\$386,900	\$386,900
SF Expenditure	\$95,000	\$117,600	\$123,500	\$129,700	\$136,300
Net Effect	\$195,200	\$269,400	\$263,500	\$257,200	\$250,600

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

**Local Effect:** None.

**Small Business Effect:** None.

## **Analysis**

**Bill Summary:** The bill authorizes a court to order an offender who has been convicted of three or more violations of specified alcohol- and/or drug-related driving offenses, to return the regular registration plates to MVA and obtain special registration plates for any vehicle registered to the person. If the court orders compliance with the special registration plate penalty, the court must (1) state imposition of the requirement on the record; (2) notify MVA that the person is subject to the special registration plate penalty; and (3) direct MVA to recall any regular registration plates issued to the offender and issue special “DUI” plates, if the person is otherwise qualified to be issued registration plates.

Pursuant to a court order, 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. 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 a combination of 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*, or impaired by a controlled dangerous substance 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 or drug 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 one year. If an offender is transporting a minor at the time of the alcohol- and/or drug-related driving offense, fines and sanctions increase.

**Background:** According to the National Conference of State Legislatures, the states of Georgia, Minnesota, and Ohio issue special plates for the vehicles of owners who have been convicted of drunk driving offenses. 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. In 2010, in addition to Maryland, state legislatures in Louisiana, Tennessee, and Virginia considered bills to impose a special license plate sanction. In 2011, Maryland and Washington are considering such legislation.

**State Revenues:** The bill requires MVA to charge a \$500 fee to cover its program implementation costs. As a result, TTF revenues increase by \$290,194 in fiscal 2012 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, on an annual basis, 591 drivers with at least one vehicle attain three or more convictions of the offenses addressed in the bill.

- The estimate assumes that all eligible offenders after the effective date of the bill are ordered by the court to obtain special plates. Accordingly, the estimated revenue from plate issuance may decrease to the extent a court declines to impose the plate sanction on an eligible offender. Any impact from a court's exercise of its discretion to refrain from imposing the sanction cannot be reliably estimated.
- MVA advises that all offenders in the MVA database (6,059) own 10,375 automobiles, or 1.7 automobiles per offender. Thus, the estimate assumes a total of 1,005 sets of plates from the known 591 drivers are 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, it is assumed that the number of drivers meeting the bill's threshold of three or more convictions remains constant.

**State Expenditures:** TTF expenditures increase by an estimated \$95,035 in fiscal 2012, accounting for the bill's October 1, 2011 effective date. The estimate reflects the cost of hiring one customer service agent and one investigator. The investigator retrieves tags from those drivers who do not comply with the plate recall requirement. The customer service agent would process registration and returned tag transactions. MVA advises that due to constrained resources, necessary computer programming modifications may have to be completed by an outside vendor, although for purposes of this estimate, it is assumed that the programming can be accomplished with existing resources. The estimate includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	2
Salaries and Fringe Benefits	\$78,643
License Plates and Stickers	5,397
Other Operating Expenses	<u>10,995</u>
<b>Total FY 2012 State Expenditures</b>	<b>\$95,035</b>

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

## **Additional Information**

**Prior Introductions:** Similar legislation has been considered in recent legislative sessions. HB 164 of 2010, 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), Department of State Police, Maryland Department of Transportation, National Conference of State Legislatures, Governors Highway Safety Association, Department of Legislative Services

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