

Department of Legislative Services
 Maryland General Assembly
 2012 Session

FISCAL AND POLICY NOTE

Senate Bill 338 (Senator Simonaire)
 Judicial Proceedings

Vehicle Laws - Learner's Permit Holders - Additional Sanctions for Moving Violations

This bill establishes additional sanctions that may apply for a learner’s instructional permit holder who is convicted of, or granted probation before judgment for, a moving violation. The Motor Vehicle Administration (MVA) (1) for a first offense, must require attendance at a driver improvement program; (2) for a second offense, may suspend the learner’s permit for up to 30 days; (3) for a third offense, may suspend the permit for an adult for up to 180 days, or suspend the permit of a holder younger than age 18 for up to 180 days and require attendance at a young driver improvement program; and (4) for a fourth or subsequent offense, may suspend the permit of an adult for up to 180 days, or suspend the permit of a holder younger than age 18 for up to one year.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase by about \$22,300 in FY 2013, which accounts for the bill’s effective date, and by more than \$25,300 annually for MVA to hire a part-time customer agent for the Driver Improvement Program to process the significant increase in enrollees under the bill.

(in dollars)	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	22,300	25,300	27,000	28,300	29,600
Net Effect	(\$22,300)	(\$25,300)	(\$27,000)	(\$28,300)	(\$29,600)

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

Local Effect: None.

Small Business Effect: Potential meaningful beneficial impact on small business driving schools.

Analysis

Current Law: The holder of a learner's instructional permit is prohibited from taking a driver skills or road examination for a provisional license within nine months from the date of issuance of the learner's instructional permit or from the date of conviction, or the granting of probation before judgment, for a moving violation.

For *provisional driver's license* holders, on conviction, or the grant of probation before judgment, for a moving violation, in addition to other penalties MVA is authorized or required to take other actions, as follows. For a first offense, MVA must require attendance at a driver improvement program. For a second offense, MVA may suspend the license for up to 30 days for an adult offender; if the offender is younger than 18, MVA may suspend the license for 30 days and impose an additional education and employment restriction for a subsequent 90-day period. For a third offense, MVA may suspend the license for up to 180 days for an adult, but if the offender is younger than age 18, MVA may suspend the license for up to 180 days, require attendance at a young driver improvement program, and impose an additional education and employment restriction for a subsequent 180 days. For a fourth or subsequent offense, MVA may suspend or revoke the license for up to 180 days for an adult, whereas for an offender younger than age 18, MVA may revoke the license for at least 180 days and require re-examination of the driver skills and road tests after reinstatement of the license.

Background: Chapters 184 and 185 of 2009 authorized MVA to create a young driver improvement program and enhanced the penalties for provisional driver's license holders younger than age 18 who are convicted of, or granted probation before judgment for, multiple moving violations. This bill establishes a similar system of additional sanctions for learner's permit holders. According to MVA, there were 5,861 convictions of learner's permit holders for moving violations in fiscal 2011, including 4,125 for first offenses, 1,251 for second offenses, 317 for third offenses, and 110 for fourth offenses.

State Expenditures: TTF expenditures increase by \$22,275 in fiscal 2013, which accounts for the bill's October 1, 2012 effective date. This estimate reflects the cost of hiring one part-time customer agent within MVA's Driver Improvement Program to process the increase in program enrollees under the bill.

Position	0.5
MVA Salary and Fringe Benefits	\$18,316
MVA Start-up Costs and Operating Expenses	<u>3,959</u>
Total Expenditures	\$22,275

Future year expenditures reflect a full part-time salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Office of Administrative Hearings, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 13, 2012
ncs/ljm

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