

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 801

(Delegate Tarrant, *et al.*)

Environmental Matters

Judicial Proceedings

Vehicle Laws - Unlawful Use of Off-Highway Recreational Vehicles -
Administrative Penalties

This bill requires a court to report a conviction for driving an unregistered off-highway recreational vehicle (OHRV) on a highway to the Motor Vehicle Administration (MVA); it also requires the District Court and MVA to establish uniform procedures for reporting the conviction. The bill requires MVA to suspend the license to drive of an individual driving an unregistered OHRV on a highway. MVA must also assess points and suspend the license of an individual younger than age 18 (a “child”) found, or adjudicated as delinquent for, driving an unregistered OHRV on a highway.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase by \$70,000 in FY 2014 only for private computer reprogramming charges. TTF expenditures also increase minimally beginning in FY 2014 due to the increase in suspension-related administrative hearings. TTF revenues increase minimally beginning in FY 2014 due to the increased collection of fees paid upon the issuance of a restricted license. General fund revenues increase minimally from the collection of additional filing fees in administrative hearings.

Local Effect: The bill is not anticipated to materially affect local operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: An adjudication of a child as delinquent, or a finding that the child has committed a delinquent act without an adjudication, for driving an unregistered OHRV

on a highway must be reported by a court to MVA for suspension of the child's license to drive for six months for a first adjudication or finding of delinquency and for one year for a second or subsequent adjudication or finding. In the case of a finding without adjudication, MVA must retain the report as it retains reports for license holders who receive probation before judgment. On receiving a report of delinquency following adjudication, MVA must assess points against a child's license to drive in the same manner and to the same effect as if the child had been convicted of the offense.

If a child subject to a suspension does not hold a license to operate a motor vehicle on the date of the disposition, the suspension commences when the child reaches age 16 or on the date of disposition for a child that is age 16 or older. A suspension imposed is concurrent with any other suspension or revocation that arises out of the circumstances of the adjudication or finding of delinquency for specified other violations of the Maryland Vehicle Law, and it must be credited for any suspension period imposed for specified other violations that arose out of the same circumstances.

A suspension for an individual age 18 or older must be for six months for a first offense or one year for a subsequent offense. If an individual does not hold a license to operate a motor vehicle on the date that the individual is convicted, the suspension begins on the date that the license is issued, the date the individual applies and becomes qualified to receive a license, or upon the individual reaching age 21, whichever occurs first.

MVA may modify a suspension or issue a restricted license if (1) the license is required for the purpose of attending an alcohol education, prevention, or treatment program; (2) the license is required to drive in the course of employment; or (3) on finding that education or employment would be adversely affected due to a lack of alternative means of transportation.

Current Law: An unregistered vehicle may not be driven on a highway in the State. An OHRV is not required to be registered. An OHRV is defined in the Maryland Vehicle Law to include snowmobiles, vehicles commonly known as all-terrain vehicles, and dirt bikes.

An adjudication of a child as delinquent by reason of the child's violation of the Maryland Vehicle Law, including a violation involving an unlawful taking or unauthorized use of a motor vehicle, must be reported by the clerk of the court to MVA, which must assess points against the child's license to drive in the same manner and to the same effect as if the child had been convicted of the offense. A child is defined as an individual younger than age 18.

An adjudication of a child as delinquent, or a finding that the child has committed a delinquent act without adjudication, due to specified violations of the Maryland Vehicle Law, including fleeing police or leaving the scene of an accident, must be reported by the clerk of the court to MVA for suspension of the child's license to drive for six months for a first adjudication or finding of delinquency and for one year for a subsequent adjudication or finding. In the case of a finding without adjudication, MVA must retain the report as it retains reports for license holders who receive probation before judgment.

If a child subject to a suspension does not hold a license to operate a motor vehicle on the date of the disposition, the suspension commences when the child reaches age 16, or on the date of disposition for a child that is age 16 or older. A suspension is concurrent with any other suspension or revocation that arises out of the circumstances of the adjudication or finding of delinquency for specified other violations of the Maryland Vehicle Law, and it must be credited for any suspension period imposed for specified other violations that arose out of the same circumstances. If an individual does not hold a license to operate a motor vehicle, the suspension begins on the date that the license is issued, the date the individual applies and becomes qualified to receive a license, or upon the individual reaching age 21, whichever is first.

MVA may modify a suspension or issue a restricted license if (1) the license is required for the purpose of attending an alcohol education or alcoholic prevention or treatment program; (2) the license is required to drive in the course of employment; or (3) on finding that education or employment would be adversely affected due to a lack of alternative means of transportation.

State Fiscal Effect: The bill requires a court to report a finding or adjudication to MVA, and it requires MVA to assess points and suspend the license to drive. MVA advises that computer programming of its Document Imaging Workflow System by an outside vendor is required to implement these requirements and estimates the cost of such programming at \$70,000 in fiscal 2014. The Department of Legislative Services advises that, if other legislation is passed requiring computer reprogramming changes, economies of scale could be realized in the contract with the vendor; this would reduce the costs associated with this bill and other legislation affecting MVA.

TTF expenditures also increase minimally beginning in fiscal 2014 to handle the increase in driver's license suspension-related administrative hearings before the Office of Administrative Hearings (OAH). MVA budgets about \$100 for each hearing, although the number of hearings is anticipated to be minimal. General fund revenues also increase minimally from the collection by OAH of filing fees for the additional hearings.

Finally, the bill authorizes MVA to modify a suspension or issue a restricted license. Thus, TTF revenues increase minimally beginning in fiscal 2014 due to the increased collection of \$20 fees paid upon the issuance by MVA of a restricted license.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 22, 2013
mc/ljm Revised - House Third Reader - April 5, 2013

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