

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE
Revised

House Bill 493

(Delegate McMillan, *et al.*)

Environment and Transportation

Judicial Proceedings

Motor Vehicles - Prohibition Against Unattended Motor Vehicle - Exceptions

This bill establishes exemptions from the general prohibition on leaving an unattended vehicle running, which allow a person to leave a motionless vehicle unattended for up to five minutes if the vehicle is locked and on private property not open to the public, *or* was started using a remote keyless ignition system.

Fiscal Summary

State Effect: General fund revenues decrease, likely minimally, beginning in FY 2016 from the reduced collection of penalties under the bill's additional exemptions. Changes in enforcement can be handled with existing resources.

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

Small Business Effect: Minimal.

Analysis

Current Law: A person driving or otherwise in charge of a motor vehicle generally may not leave it unattended until the engine is stopped, the ignition locked, the key removed, and the brake set. A motor vehicle engine also may not be allowed to operate for more than five consecutive minutes when the vehicle is not in motion, except (1) when a vehicle is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control; (2) when it is necessary to operate heating and cooling or auxiliary equipment installed on the vehicle; (3) to bring the vehicle to the manufacturer's recommended operating temperature; or (4) when it is necessary to accomplish the intended use of the vehicle.

A violation of these provisions is a misdemeanor under the Maryland Vehicle Law and carries a penalty of up to \$500 or a prepayable fine of \$70.

State Revenues: General fund revenues decrease minimally as a result of the bill's exemptions from the prohibition on leaving an unattended vehicle running. According to District Court data, there were 1,048 violations of this prohibition (which includes several violations that appeared to be miscoded). A reliable estimate of the decrease in general fund penalty revenues cannot be made without additional information regarding the amount of fine revenues collected or the percentage of violations that would be exempted under the bill. However, *for illustrative purposes only*, general fund revenues may decrease by about \$9,200 on an annual basis under the following information and assumptions:

- the number of violations in future years remains the same as fiscal 2014 levels;
- the number of violations is reduced by 10% under the bill's exemption;
- 2014 violations that remained open at the end of fiscal 2014 are resolved (prepaid fine versus election to stand trial) in the same ratio as closed violations;
- prepaid violations result in the payment of a \$70 fine; and
- one-half of violations that go to trial result in a conviction and result in the imposition of a penalty at one-half of the statutory maximum (\$250).

The actual decrease in general fund revenues may vary to the extent that the number of violations or the percentage of violations subject to the bill's exceptions changes in future fiscal years.

Additional Information

Prior Introductions: As amended, HB 1087 of 2014 (a similar bill) passed the House and received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Cross File: None.

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

Fiscal Note History: First Reader - February 25, 2015
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