

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 213 (Delegate C. Howard)
Environment and Transportation

Motor Vehicles - Aggressive Driving

This bill alters the offense of aggressive driving by specifying that a person who commits two, rather than three, specified offenses at the same time or during a single and continuous period of driving is guilty of aggressive driving. It also increases the penalty from a maximum fine of \$500 to a maximum fine of \$1,000.

Fiscal Summary

State Effect: General fund revenues increase from additional fines received for this offense. The magnitude of the increase cannot be reliably estimated. Transportation Trust Fund (TTF) revenues increase due to additional drivers who must participate in the Driver Improvement Program (DIP). No effect on expenditures as enforcement can be handled with existing resources.

Local Effect: Enforcement can be handled with existing resources. No effect on revenues.

Small Business Effect: None.

Analysis

Current Law: After conviction for an offense under the Maryland Vehicle Law, State or local traffic regulations, or specified vehicular manslaughter or homicide offenses, State law has established a system of points to be assessed against the driver's license. For points accumulated within a two-year period, the Motor Vehicle Administration (MVA) must impose certain sanctions. The specific offenses and the points to be assessed are set forth in statute. Drivers who accumulate five to seven points within a two-year period must

attend DIP for which MVA charges a fee of \$60. MVA is required to assess five points against the license of a person convicted of aggressive driving.

A person is guilty of aggressive driving if three or more of the following offenses are committed at the same time or during a single and continuous period of driving in violation of (1) traffic lights with steady indication; (2) overtaking and passing vehicles; (3) passing on the right; (4) driving on laned roadways; (5) following too closely; (6) failing to yield the right of way; or (7) exceeding the maximum speed limit or the posted maximum speed limit.

A driver who commits aggressive driving is guilty of a misdemeanor, which has a maximum fine of \$500. The prepayment penalty established by the District Court is \$370 and, as noted above, MVA must assess five points against the driver's license. In addition, the holder of a provisional license who is younger than age 18 is subject to license suspension for the commission of an aggressive driving offense. Such a driver is guilty of high-risk driving if a young driver commits an aggressive driving offense and MVA must suspend the driver's license for six months for a first offense. For a second or subsequent offense, MVA must suspend the provisional driver's license for one year. A person who receives a license suspension under these circumstances may request an administrative hearing.

Background: According to the District Court, during fiscal 2015, a total of 810 citations were issued for aggressive driving. Of these, 73 citations were prepaid, 464 went to trial, and 273 remained open.

The Maryland Department of Transportation advises that, in 2013, there were 5,878 aggressive driving-related crashes. Of that number, 3,453 resulted in property damage, 2,382 resulted in injury, and 43 involved a fatality.

State Revenues: The magnitude of the increase in general fund revenues cannot be reliably estimated as it depends on enforcement. As the threshold for receiving a citation for aggressive driving is significantly reduced, more citations could be issued. However, it is unclear whether the revenue generated from the aggressive driving offense under the bill would exceed the revenue generated from charges from two of the specified offenses under current law. Historical data from the District Court suggests that drivers charged with aggressive driving are generally not willing to admit guilt and prepay the fine. Only 9% of citations were disposed of by prepayment in fiscal 2015. The proportion of requested trials likely increases with the higher fine proposed under the bill.

For illustrative purposes only, if the number of citations for an aggressive driving offense under the bill increased from about 800 to 1,200 in fiscal 2017 (and the number of citations for single offenses did not decrease correspondingly) and only 9% of those drivers prepaid the penalty (which may increase to \$750, since the new maximum fine is twice as high as the current maximum fine), then general fund revenues could increase by about \$40,500 in fiscal 2017 and about \$54,000 on an annual basis.

TTF revenues increase to the extent additional drivers who violate the bill's provisions receive five points from MVA and are required to participate in DIP and pay the \$60 fee. Any such increase is expected to be minimal.

License suspensions could increase due to accumulation of points. Any revenue from the issuance of corrected licenses as a result of these suspensions is likely minimal.

Additional Information

Prior Introductions: HB 1099 of 2015 received a hearing in the House Environment and Transportation Committee, but no further action was taken. HB 566 of 2014 was heard in the House Environmental Matters Committee, but no further action was taken.

Cross File: None.

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

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mel/kdm

Analysis by: Michelle Davis

Direct Inquiries to:
(410) 946-5510
(301) 970-5510