

Department of Legislative Services
 Maryland General Assembly
 2017 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 969 (Delegate Conaway)
 Environment and Transportation

Suspension of Driving Privileges - Dispensing Motor Fuel Into Dirt Bike

This bill modifies the requirements associated with the court notifying the Motor Vehicle Administration (MVA) and then MVA taking action to suspend the driving privilege of a child on a finding by the court that the child has committed a violation regarding unlawfully dispensing motor vehicle fuel into a dirt bike from a retail pump at a service station in Baltimore City. For these purposes, the bill applies to a child who was at least 15 years, 9 months of age at the time of the violation (*i.e.*, the eligible driving age). If the child was age 15 years, 9 months or older and does *not* possess a driver’s license or learner’s instructional permit on the date of the disposition, MVA must suspend the driving privilege of the child commencing on the date of the disposition. The bill repeals the authority of MVA to suspend the driving privileges of a child younger than the eligible driving age (*i.e.*, commencing on the date of driving eligibility).

Fiscal Summary

State Effect: General fund expenditures increase by approximately \$20,000 in FY 2018 only for the District Court to make programming changes to implement the bill’s requirements. Potential minimal reduction in Transportation Trust Fund (TTF) revenues due to the issuance of fewer corrected licenses after the expiration of license suspensions.

(in dollars)	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	20,000	0	0	0	0
Net Effect	(\$20,000)	\$0	\$0	\$0	\$0

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

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: Except as otherwise specified, a person may not dispense motor fuel into a dirt bike from a retail pump at a service station in Baltimore City. Under § 27-101(dd) of the Transportation Article, a person who violates this provision is guilty of a misdemeanor and is subject to maximum penalties of 90 days imprisonment and/or a fine of \$1,000. A person charged with this offense may not prepay the fine; instead, the person must appear in court to answer the charge. Under § 21-1128(d) of the Transportation Article, the court must notify MVA of a conviction for this offense; for a first violation, MVA may suspend the driver's license for up to 30 days. For a second or subsequent violation, MVA *must* suspend the driver's license for 30 days.

Again, under § 27-101(dd) of the Transportation Article, a *minor* charged with a violation of this offense must likewise appear in court to answer the charge; the minor or the minor's parent or guardian may not prepay the fine penalty. The court may order that a fine imposed be paid by the minor, the parent or guardian of the minor, or both; however, a court may only order a parent or guardian to pay a fine if given a reasonable opportunity to be heard and to present evidence. Pursuant to § 3-8A-19 of the Courts and Judicial Proceedings Article, when the court finds that a child has committed a violation of dispensing motor fuel into a dirt bike from a retail pump at a service station in Baltimore City, the court must order MVA to initiate an action to suspend the driving privilege of the child for a period of at least 30 days but no more than 90 days. If a child subject to suspension does not possess the privilege to drive on the date of the disposition and the child is at an age that makes the child eligible to obtain driving privileges, the suspension begins on the date of disposition. If a child subject to suspension is younger than the eligible driving age, the suspension begins on the date the child becomes eligible to obtain driving privileges.

The District Court advised for a previous bill that, in fiscal 2015, only one citation was issued for unlawfully dispensing motor fuel into a dirt bike from a retail pump in Baltimore City and that one citation was disposed of at trial.

State Fiscal Effect: The Judiciary advises that programming changes are necessary to discontinue the automatic notification by the court to MVA in the circumstances specified under the bill. In total, implementing the bill would require approximately 234 hours at a cost of \$19,965. The bill is not expected to have an otherwise significant fiscal or operational impact on the District Court.

MVA advises that it expects the bill to have a minimal impact on TTF revenues, as no suspensions for the violation addressed by the bill have been issued to date.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2017
mm/ljm

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