

Department of Legislative Services

Maryland General Assembly

2018 Session

FISCAL AND POLICY NOTE

Third Reader

House Bill 881

(Delegate C. Howard, *et al.*)

Environment and Transportation

Judicial Proceedings

Motor Vehicles - Aggressive Driving

This bill alters the misdemeanor offense of aggressive driving by specifying that the commission of two or more of an alternate set of offenses at the same time or during a single and continuous period of driving is also aggressive driving. A person charged with the violation of this added offense must appear in court and may not prepay the fine. Otherwise, existing penalties are applied to the added offense.

Fiscal Summary

State Effect: General fund revenues increase minimally and Transportation Trust Fund (TTF) revenues increase minimally, as discussed below. Expenditures are not materially affected.

Local Effect: Enforcement can be handled with existing resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: Under the bill, a person is guilty of a “must-appear” aggressive driving offense if two or more of the following offenses are committed at the same time or during a single and continuous period of driving: (1) failure to obey traffic lights with steady indication; (2) driving off the roadway to pass on the right; (3) following too closely; (4) failure to yield right-of-way; or (5) exceeding the maximum speed limit or posted maximum speed limit by 20 miles an hour or more.

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 the Driver Improvement Program (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: (1) failure to obey traffic lights with steady indication; (2) overtaking and passing vehicles; (3) passing on the right; (4) driving unsafely 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 2017, a total of 638 citations were issued for aggressive driving.

The Maryland Department of Transportation advises that, in 2016, there were 4,305 aggressive driving-related crashes. Of that number, 2,615 resulted in property damage, 1,653 resulted in injury, and 37 involved a fatality.

State Revenues: General fund revenues likely increase, to a minimal extent. However, the magnitude of the increase in general fund revenues cannot be reliably estimated, as it depends on enforcement. Even so, as the threshold for receiving a citation for aggressive driving is generally reduced, more citations for aggressive driving are likely to be issued. However, it is unclear whether the revenue generated from charges for the added aggressive driving offense would exceed the revenue generated from charges from two of the specified offenses.

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

State Expenditures: The District Court can handle any additional caseload, and enforcement can be handled with existing resources.

Additional Information

Prior Introductions: HB 333 of 2017 passed the House as amended but received an unfavorable report from the Senate Judicial Proceedings Committee. A similar bill, HB 213 of 2016, received an unfavorable report from the House Environment and Transportation Committee. 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

Fiscal Note History: First Reader - February 20, 2018
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