

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 940 (Senator King)
Judicial Proceedings

Motor Vehicles - Allowing Unauthorized Use of a Motor Vehicle and Reckless, Negligent, and Aggressive Driving

This bill increases penalties for the following offenses: (1) reckless driving; (2) negligent driving; (3) aggressive driving; and (4) allowing the unauthorized use of a motor vehicle. With respect to aggressive driving, the bill adds specified new traffic violations that apply toward the three or more traffic offenses that a person must commit to be charged with aggressive driving. The bill also establishes that a person may be convicted of aggressive driving if the person commits two or more specified traffic violations at the same time or during a single and continuous period of driving in a highway work zone or a school zone.

Fiscal Summary

State Effect: General fund revenues increase minimally from fines imposed in District Court cases. Potential minimal increase in general fund expenditures due to the bill's incarceration penalties. The Judiciary can handle any increased workload as a result of the bill with existing budgeted resources.

Local Effect: Minimal increase in expenditures due to the bill's incarceration penalties. Minimal increase in revenues from fines imposed in circuit court cases.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Unless otherwise specified, a violation of the Maryland Vehicle Law (including reckless driving, negligent driving, aggressive driving, and allowing the unauthorized use of a motor vehicle) is a misdemeanor. As noted below, the

District Court has authorized prepayment penalties for some offenses. If an offense has an incarceration penalty, the defendant must appear in court and a prepayment penalty is not available.

Reckless Driving

Reckless driving is the operation of a motor vehicle (1) in wanton or willful disregard for the safety of persons or property or (2) in a manner that indicates a wanton or willful disregard for the safety of persons or property. The bill expands reckless driving to include traveling at a speed in excess of 90 miles per hour.

Under current law, a person convicted of a reckless driving offense is subject to a fine of up to \$1,000. The prepayment penalty established by the District Court is \$510, and the Motor Vehicle Administration (MVA) must assess six points against a violator's driver's license. Under the bill, reckless driving is a must-appear offense, punishable by imprisonment for up to one year and/or a maximum fine of \$5,000.

Negligent Driving

Negligent driving is the operation of a motor vehicle in a careless or imprudent manner that endangers any property or the life or person of any individual. Under current law, a person convicted of a negligent driving offense is subject to maximum fine of \$500. The prepayment penalty established by the District Court is \$240, and MVA must assess one point against a violator's license. If, however, the violation contributes to an accident, the prepayment penalty is \$280, and MVA must assess three points against the violator's license.

Under the bill, negligent driving is a must appear offense with a penalty of imprisonment for up to two months and/or a fine of up to \$3,000.

Aggressive Driving

Under current law, aggressive driving is the commission of three or more specified traffic offenses at the same time or during a single and continuous period of driving in violation of provisions pertaining to (1) failure to obey 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) failure to yield the right-of-way; or (7) exceeding a maximum speed limit or posted maximum speed limit. The bill expands the list of qualifying traffic offenses to include the following offenses under the Transportation Article:

- § 21-201 – failure to obey traffic control device or leaving roadway to avoid traffic control device;
- § 21-305 – driving left of center of roadway in overtaking and passing vehicle;
- § 21-307 – driving on left in no-passing zone;
- § 21-502(a)(2) – failure to stop for pedestrian in crosswalk;
- § 21-502(c) – overtaking and passing vehicle stopped for pedestrian in crosswalk;
- § 21-706 – overtaking and passing school vehicle stopped and operating alternately flashing red lights;
- § 21-707 – stop signs and yield signs;
- § 21-1117 – skidding, spinning wheels, and excessive noise;
- § 21-1131 – discharging diesel emissions onto another;
- § 21-1209(a) – avoiding collision and overtaking and passing bicycle, electric personal assistive mobility device, or motor scooter;
- § 21-1303(c) – motorcycle overtaking and passing in same lane as another vehicle; and
- § 21-1303(d) – motorcycle operating between lanes of traffic or vehicles.

The bill also establishes that a person is guilty of aggressive driving if the person commits two or more offenses featured in the expanded list of qualifying traffic offenses at the same time or during a single and continuous period of driving in a “highway work zone” or a “school zone.”

Current law defines a “highway work zone” as a construction or maintenance area on or alongside a highway that is marked by appropriate warning signs or other traffic control devices designating that work is in progress. “School zone” means a designated roadway segment within up to a half-mile radius of a school for any of grades kindergarten through grade 12 where school-related activity occurs, including (1) travel by students to or from school on foot or by bicycle or (2) the dropping off or picking up of students by school buses or other vehicles.

Current law specifies that the maximum statutory penalty for aggressive driving is a \$500 fine. The District Court assesses a prepayment penalty of \$370 for aggressive driving; on conviction, MVA must assess five points against a violator’s license.

Under the bill, a person charged with a first offense for aggressive driving must appear in court, may not prepay the fine, and faces a fine of up to \$1,000 if convicted. For a second offense, a person convicted of aggressive driving is subject to imprisonment for up to two months and/or a maximum fine of \$2,000; for a third or subsequent offense, a person is subject to imprisonment for up to one year and/or a maximum fine of \$3,000.

Allowing the Unauthorized Use of a Motor Vehicle

An individual may not knowingly permit a motor vehicle that is owned by the individual, or under the individual's control, to be driven on any highway by any person who (1) is not authorized to drive or (2) otherwise violates any provisions of Title 16 of the Transportation Article. Current law specifies that a person convicted of allowing the unauthorized use of a motor vehicle is subject to a maximum fine of \$500. The prepayment penalty established by the District Court is \$140, and MVA must five points against a violator's license. Under the bill, this offense is subject to a fine of up to \$1,000.

State Fiscal Effect: General fund revenues increase minimally beginning in fiscal 2025 from fines imposed in District Court cases, as discussed below. General fund incarceration expenditures for the Department of Public Safety and Correctional Services may increase minimally beginning in fiscal 2025, as discussed below.

Relevant Offense Data

Exhibit 1 contains information from the Judiciary on the number of violations (charges) and guilty dispositions for the following specified offenses under the Transportation Article: reckless driving – § 21-901.1(a); negligent driving – § 21-901.1(b); and aggressive driving – § 21-901.2.

Exhibit 1				
Violations and Guilty Dispositions				
Sections 21-901.1(a), 21-901.1(b), and 21-901.2 of the Transportation Article				
<u>Transportation Article Offenses</u>	Fiscal 2022		Fiscal 2023	
	<u>Violations</u>	<u>Guilty Dispositions</u>	<u>Violations</u>	<u>Guilty Dispositions</u>
§ 21-901.1(a) – District Court	12,252	641	11,257	508
§ 21-901.1(b) – District Court	20,277	1,630	17,455	1,099
§ 21-901.2 – District Court	528	83	507	63
§ 21-901.1(a) – Circuit Courts	1,704	67	1,732	79
§ 21-901.1(b) – Circuit Courts	2,183	70	2,255	77
§ 21-901.2 – Circuit Courts	42	1	52	2

Source: Maryland Judiciary

Judiciary

General fund revenues increase minimally beginning in fiscal 2025 from fines imposed in the District Court due to higher maximum fines and expanded application of existing fines. While anticipated to be minimal, the extent of the revenue increase will depend upon the monetary value of actual fines imposed and collected.

This analysis assumes that any increase in traffic trials due to the bill's conversion of prepayable offenses into must appear offenses will not significantly affect District Court operations. According to the Judiciary, drivers who are charged with a negligent, reckless, or aggressive driving violation are frequently charged simultaneously with must appear traffic violations.

Department of Public Safety and Correctional Services

General fund expenditures may increase minimally as a result of the bill's incarceration penalties due to more people being committed to State correctional facilities for convictions in Baltimore City. The number of additional people committed to State facilities as a result of the bill's incarceration penalties is expected to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues increase minimally beginning in fiscal 2025 from fines imposed in circuit court cases.

Local Expenditures: Expenditures increase minimally beginning in fiscal 2025 due to more individuals being incarcerated in local correctional facilities under the bill.

Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. *Per diem* operating costs of local detention facilities have ranged from approximately \$90 to \$300 per incarcerated individual in recent years.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 1160 (Delegate Wims) - Environment and Transportation.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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