

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 744

(Delegate Wims, *et al.*)

Environment and Transportation

Judicial Proceedings

Motor Vehicles - Reckless, Negligent, and Aggressive Driving (Sergeant Patrick Kepp Act)

This bill makes reckless driving an incarcerable offense and increases the maximum monetary penalties for negligent driving and aggressive driving. The bill also (1) expands the list of traffic offenses that constitute aggressive driving; (2) expands reckless driving to include driving a vehicle at a speed of at least 30 miles per hour (mph) above the posted speed limit; and (3) alters the points assessment the Motor Vehicle Administration (MVA) must make against a person's driver's license for a negligent driving conviction and a conviction for speeding at 30 mph or more above the posted speed limit.

Fiscal Summary

State Effect: General fund expenditures for the Office of the Public Defender (OPD) increase by *at least* \$534,800 in FY 2026; future years reflect annualization, inflation, and ongoing operating costs. Potential minimal increase in general fund expenditures for the Department of Public Safety and Correctional Services. Minimal increase in general fund revenues from fines imposed in the District Court.

(in dollars)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
GF Revenue	-	-	-	-	-
GF Expenditure	\$534,800	\$637,900	\$666,200	\$695,800	\$725,500
Net Effect	(\$534,800)	(\$637,900)	(\$666,200)	(\$695,800)	(\$725,500)

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

Local Effect: Potential minimal increase in local revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Unless otherwise specified, a violation of the Maryland Vehicle Law (including reckless driving, negligent driving, and aggressive driving) 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 of at least 30 mph above the posted speed limit.

Under current law, an individual 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 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 60 days and/or a maximum fine of \$1,000.

Current law specifies that MVA must assess five points against the driver's license of an individual convicted of speeding 30 mph or more above the posted speed limit. Under the bill, MVA must assess six points against an individual's driver's license for such a speeding offense (in addition to assessing six points against their license for reckless driving).

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 safety of any person. Under current law, a violator is subject to a fine of up to \$500. The prepayment penalty established by the District Court is \$240 or \$280 if the offense contributes to an accident. The bill increases the maximum fine for a negligent driving offense to \$750.

Current law specifies that, on conviction, MVA must assess one point against an individual's driver's license, or three points if the offense contributes to an accident. Under the bill, MVA must assess two points on a driver's license for a negligent driving offense, or three points if the offense contributes to an accident.

Aggressive Driving

Under current law, aggressive driving is the commission of three or more of the following specified traffic offenses 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 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 traffic offenses that constitute aggressive driving to include violations of the following provisions of 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, except as authorized;
- § 21-307 – driving on left side of the roadway 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 – failure to stop at stop signs and yield signs;
- § 21-1117 – skidding, spinning wheels, and making 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.

Under current law, 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 driver's license. The bill increases the maximum fine that may be imposed on an individual convicted of aggressive driving to \$1,000.

State Revenues: General fund revenues increase minimally beginning in fiscal 2026 from fines imposed in the District Court due to higher maximum fines and expanded application of existing fines. While anticipated to be minimal, the magnitude of the revenue increase will depend upon the monetary value of actual fines imposed and collected.

State Expenditures:

Judiciary

Although the bill does not designate reckless driving as a must-appear offense, any charge that carries a possible sentence of incarceration is a must-appear violation. Therefore, under the bill, a person charged with reckless driving must appear in court and may not prepay the fine. The Judiciary can handle any increase in traffic trials due to the bill's conversion of reckless driving into a must-appear offense with existing budgeted resources.

Exhibit 1 contains information from the Judiciary on the number of violations (charges) and guilty dispositions (convictions) 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>	<u>Fiscal 2023</u>		<u>Fiscal 2024</u>	
	<u>Violations</u>	<u>Guilty Dispositions</u>	<u>Violations</u>	<u>Guilty Dispositions</u>
District Court				
§ 21-901.1(a) – Reckless Driving	11,707	1,057	12,096	974
§ 21-901.1(b) – Negligent Driving	18,142	3,385	17,668	3,005
§ 21-901.2 – Aggressive Driving	545	163	612	131
Circuit Courts				
§ 21-901.1(a) – Reckless Driving	1,668	77	1,869	68
§ 21-901.1(b) – Negligent Driving	2,170	89	2,251	96
§ 21-901.2 – Aggressive Driving	52	3	47	1

Source: Maryland Judiciary

Motor Vehicle Administration

Revocations and suspensions of driver's licenses likely increase as a result of the bill's expanded application of reckless driving and aggressive driving offenses and its requirements pertaining to point assessments. However, any impact on Transportation

Trust Fund revenues is not expected to be material; MVA can handle any increase in its workload from the bill with existing budgeted resources.

Office of the Public Defender

General fund expenditures for OPD increase by *at least* \$534,785 in fiscal 2026, which accounts for the bill's October 1, 2025 effective date. This estimate reflects the cost of hiring five OPD attorneys and one secretary to provide representation in reckless driving cases. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	6.0
Salaries and Fringe Benefits	\$490,572
Operating Expenses	<u>44,213</u>
Minimum OPD FY 2026 State Expenditures	\$534,785

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

OPD does not provide legal representation in nonincarcerable criminal cases. However, as a result of the bill making reckless driving an incarcerable offense, OPD advises that its caseload increases significantly. OPD estimates that it receives 12,845 additional traffic cases annually due to the bill's classification of speeding at 30 mph or more above the posted speed limit as reckless driving. Accordingly, OPD advises that it must hire 12 full-time assistant public defenders and 4 secretaries, at a cost of approximately \$1.3 million in fiscal 2026 and increasing to approximately \$1.8 million by fiscal 2030, to handle the volume of new cases it receives under the bill.

The Department of Legislative Services (DLS) notes that OPD did not account for existing reckless driving violations that are incarcerable under the bill. Therefore, OPD would likely advise that it requires additional personnel to provide adequate representation to all indigent defendants in reckless driving cases.

DLS advises that it is unable to independently verify the assumptions OPD used in its calculations. Nonetheless, DLS advises that additional OPD personnel are needed to provide representation in reckless driving cases, as expanded under the bill. Based on known data for existing reckless driving violations and estimates for potential speeding cases classified as reckless driving under the bill, it is likely that OPD requires *at least* five attorneys and one secretary to implement the bill. Should actual experience under the bill indicate the need for additional OPD personnel, OPD can request those positions through the annual budget process.

Department of Public Safety and Correctional Services

General fund expenditures may increase minimally as a result of the bill's incarceration penalty for reckless driving due to more people being committed to State correctional facilities for convictions in Baltimore City. The number of people incarcerated as a result of the bill 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 may increase minimally as a result of the bill's monetary penalty provisions from cases heard in the circuit courts.

Local Expenditures: Expenditures may increase minimally as a result of the bill's incarceration penalty for reckless driving offenses. 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 \$140 to \$350 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: SB 590 (Senator King, *et al.*) - Judicial Proceedings.

Information Source(s): Baltimore, Cecil, and Frederick counties; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Office of Administrative Hearings; Department of Legislative Services

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