

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 207

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Transportation)

Judicial Proceedings

Judiciary

**Drunk and Drug-Impaired Driving and Failure to Remain at the Scene -
Revocation of Driver's License**

This departmental bill expands the list of circumstances under which the Motor Vehicle Administration (MVA) is required to revoke an individual's driver's license to include convictions for specified drunk or drugged driving offenses resulting in the death or life-threatening injury of another person and failure to remain at the scene of an accident resulting in death or serious bodily injury. If an individual's license is revoked under such circumstances, the individual must wait until five years after the revoked license is surrendered to and received by MVA to file a reinstatement application. However, if MVA finds that the five-year waiting period would cause undue hardship or extenuating circumstances exist, the individual may file a reinstatement application after two years.

Fiscal Summary

State Effect: The bill's changes can be handled by MVA with existing budgeted resources. Revenues are not materially affected.

Local Effect: None.

Small Business Effect: The Maryland Department of Transportation has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary:

License Revocation

The bill requires MVA to revoke the license of any individual who has been convicted of any of the following offenses:

- driving while under the influence of alcohol or alcohol *per se*, impaired by alcohol, impaired by any drug, impaired by any combination of drugs, impaired by a combination of one or more drugs and alcohol, or impaired by a controlled dangerous substance (CDS), if the person's driving contributed to an accident that resulted in the death or life-threatening injury of another; or
- failing to remain at the scene of an accident that resulted in the death or serious bodily injury of another.

License Reinstatement

Generally, an individual whose license is revoked due to committing one of the preceding offenses is prohibited from filing a reinstatement application until *five years* after the revoked license is surrendered and received by MVA. However, if MVA finds that not allowing an individual to file a reinstatement application would cause undue hardship or extenuating circumstances exist, the individual may file a reinstatement application *two years* after their revoked license is surrendered to and received by MVA. In the case of an individual who does not have a license issued under State law, the individual must wait five years from the effective date of revocation to file a reinstatement application, or two years from that date if MVA makes the finding described above.

If a timely application for reinstatement is filed, MVA is authorized to reinstate an individual's license, unless otherwise prohibited.

Current Law:

License Revocation and Suspension (§ 16-205 of the Transportation Article)

MVA *must* revoke the license of any individual who has been *convicted* of homicide by motor vehicle while under the influence of alcohol, impaired by alcohol, impaired by a drug, any combination of drugs, or a combination of one or more drugs and alcohol, or impaired by a CDS.

MVA *may*, but is not required to, revoke the license of an individual who is convicted of driving or attempting to drive while (1) under the influence of alcohol, under the influence of alcohol *per se*, or impaired by a CDS or (2) impaired by alcohol or impaired by a drug, any combination of drugs, or a combination of one or more drugs and alcohol and who was previously convicted of two or more specified drunk or drugged driving violations within a three-year period.

MVA may suspend for up to 60 days the license of an individual who is convicted of driving while impaired by alcohol or while impaired by any drug, combination of drugs, or combination of one or more drugs and alcohol. In addition, MVA may impose a suspension for up to one year if an individual is convicted more than once within a five-year period of any combination of drunk or drugged driving offenses. These suspensions are concurrent with any other suspension or revocation imposed by MVA arising out of circumstances of the conviction.

Assessment of Points (§§ 16-402 and 16-404 of the Transportation Article)

MVA assesses points against a driver who is convicted of any moving violation, including a drunk or drugged driving crime. A conviction for any drunk or drugged driving homicide or life-threatening injury results in the imposition of 12 points. A conviction for driving under the influence of alcohol, under the influence of alcohol *per se*, or while impaired by a CDS carries with it 12 points. A conviction for failure to stop or immediately return to and remain at the scene after an accident that results in the death of or bodily injury to another person is subject to 12 points. MVA is required to revoke the license of an individual who accumulates 12 points within a two-year period. A revocation continues indefinitely until the driver applies for and is approved by MVA for reinstatement. A conviction for driving while impaired by alcohol, while impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol, or within 12 hours after an arrest for a drunk or drugged driving offense carries with it 8 points. MVA is required to suspend the license of an individual who accumulates 8 points within a two-year period. MVA determines the duration of a suspension, which is subject to specified time limits.

MVA may modify a suspension and issue a restrictive license that limits the purposes for which the person may drive, (*e.g.*, for work or education purposes). MVA also is specifically authorized to modify a post-conviction drunk driving license suspension or revocation for purposes of a person's participation in the Maryland Ignition Interlock System Program.

License Reinstatement (§ 16-208 of the Transportation Article)

An individual whose license or privilege to drive has been revoked may apply for reinstatement according to the following schedule:

- any time after a first revocation;
- one year following a second revocation;
- 18 months following a third revocation; and
- two years following a fourth or subsequent revocation.

In general, MVA is authorized to reinstate an individual's license upon submission of a timely reinstatement application or, in the case of a first revocation, six months after the application. However, if an individual's license or privilege has been refused, revoked, suspended, or canceled under any other provision of the Maryland Vehicle Law, the license or privilege may not be reinstated. Under certain circumstances (including some of the circumstances to which the bill applies), MVA may only reinstate a license if, after conducting an investigation of an individual's habits, MVA is satisfied that it would be safe to do so.

Background: According to data from the National Highway Traffic Safety Administration, nationally, the percentage of highway fatalities associated with alcohol impairment has hovered around 30% from 1995 through 2021. In 2022, the latest year for which national data is available, there were 42,514 traffic fatalities nationally, of which 13,524 of those fatalities, or 32%, involved a driver with a blood alcohol concentration (BAC) of 0.08 or higher. For the same period in Maryland, out of a total of 564 traffic fatalities, 207, or 37%, involved a driver with a BAC of 0.08 or higher.

According to MVA, extending the length of revocation in the circumstances addressed by the bill takes into consideration the nature of and safety issues associated with vehicular offenses that result in fatalities or life-threatening injuries.

Additional Information

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

Designated Cross File: HB 70 (Chair, Judiciary Committee)(By Request - Departmental - Transportation) - Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Maryland Department of Transportation; Office of Administrative Hearings; National Highway Traffic Safety Administration; Department of Legislative Services

Fiscal Note History: First Reader - January 13, 2025
caw/aad Third Reader - March 25, 2025
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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Drunk and Drug-Impaired Driving and Failure to Remain at the Scene - Revocation of Driver's License

BILL NUMBER: SB 207

PREPARED BY: Maryland Department of Transportation

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

___ WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

This bill will have no or minimal economic impact on small businesses. The number of individuals whose ability to request to reinstate their license would be extended is small, but this bill could limit the ability of small businesses to employ these individuals because of the individual's potential transportation issues.