

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 75

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

Judicial Proceedings

Environmental Matters

Motor Vehicle Administration - Investigative Division - Issuance of Citations

This departmental bill expands the number of provisions of the Maryland Vehicle Law for which designated employees of the Motor Vehicle Administration (MVA) Office of Investigations and Internal Affairs (IIA) may issue a citation upon the finding of a violation. The bill clarifies that a designated IIA employee may issue a citation to the same extent as that of a police officer for a violation of the provisions specified in the bill if authorized by MVA.

Fiscal Summary

State Effect: General fund revenues increase, potentially significantly, beginning in FY 2014 due to the collection of penalties that may arise from the additional laws for which investigators may issue citations without the need for assistance from law enforcement personnel and due to the greater efficiency of investigators created by the bill. Expenditures are not directly affected.

Local Effect: None. The bill only affects State operations.

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.

Analysis

Bill Summary: The bill repeals current restrictions on the scope of provisions within Title 13 and Title 15 of the Transportation Article for which a designated IIA employee

may issue citations, such that a citation may be issued by an investigator for a violation of any provision within Title 13 and Title 15. Additionally, the bill adds provisions relating to odometers (within Title 22) and to the duplication or reproduction of an identification card or driver's license (within Title 16) to the list of provisions for which a citation may be issued by an IIA investigator.

Current Law: An employee designated by IIA may issue citations to the extent authorized by MVA for violations of specified provisions of:

- Title 12 relating to the issuance of an identification card;
- Title 13 relating to the vehicle excise tax, titling and registration, and special registration plates and parking permits for individuals with disabilities;
- Title 14 relating to falsified, altered, or forged documents and plates;
- Title 15 relating to unlicensed business activity and maintenance of and access to business records;
- Title 16 relating to unlawful application for a license and vehicle operation during periods of cancellation, revocation, and suspension of a driver's license;
- Title 17 relating to required security; and
- Title 21 relating to special residential parking permits issued by MVA.

State transportation regulations require MVA investigators to be trained in all provisions of the Transportation Article, with particular emphasis on Titles 11, 13, 17, and 26, as well as in citation preparation by an instructor who has been certified by the Maryland Police Training Commission.

Background: MVA estimates about 300 to 350 violations were discovered in the past year by IIA investigators for which the investigators do not have current authority to issue a citation but may do so under the bill. In these instances, the investigators currently must seek the assistance of law enforcement personnel to issue the citation, causing additional workloads for both the investigators and the law enforcement personnel. In addition, IIA will soon begin proactive inspections of car dealers.

State Revenues: General fund revenues increase, potentially significantly, due to the collection of penalties that may arise from the additional laws for which investigators may issue citations without the need for assistance from law enforcement personnel and due to the greater efficiency of investigators created by the bill. However, a reliable estimate of this increase cannot be made due to considerable uncertainty regarding, among other factors, how investigators choose to reprioritize the laws that are the subject of their investigations and the prevalence of violations of these laws, the penalty associated with a violation of each of these laws, and the extent of the enhanced

efficiency of investigators in issuing citations without the need to involve other law enforcement personnel.

Additional Comments: MVA advises that the bill does not confer general police powers upon an IIA investigator or otherwise deputize the investigator as a police officer, but rather the bill clarifies that a *citation* issued by an investigator has the *same effect* as a *citation* issued by a police officer for a violation of the Maryland Vehicle Law provisions specified in the bill.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - January 14, 2013
ncs/ljm

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Motor Vehicle Administration – Issuance of Citations

BILL NUMBER: SB 75

PREPARED BY: Maryland Department of Transportation

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

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

The proposed legislation will have no impact on small business in Maryland.