

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 31 (Delegate Conaway)
Environment and Transportation

Motor Vehicle Administration - Public Records Inspections - Young Persons

This bill prohibits the Motor Vehicle Administration (MVA) from opening records of a driver's license suspension to public inspection until the suspension commences, if the suspension applies to a child or an adult younger than age 21, as specified, and was imposed due to (1) dispensing motor vehicle fuel into a dirt bike in Baltimore City; (2) committing an alcohol- and/or drug-related driving offense, as specified; (3) driving an off-highway recreational vehicle (OHRV) on a highway; (4) failing to stop or leaving the scene of an accident that caused property damage, bodily injury, or death; (5) attempting to elude police after being signaled to stop; or (6) using a driver's license or document purporting to be a driver's license to unlawfully obtain, procure, or furnish alcohol.

Fiscal Summary

State Effect: The bill's changes can be handled with existing budgeted resources. MVA advises that it can use its existing juvenile records procedures to comply with the bill's requirements. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: MVA may make these records available before the suspension commences to the following entities: (1) the courts; (2) criminal justice agencies; (3) driver's license authorities; (4) the individual; (5) the individual's attorney; (6) third parties designated by the individual; and (7) the Child Support Enforcement Administration.

Current Law: “License” means a driver’s license and any other license or permit to drive a motor vehicle that is issued under or granted by the laws of this State, including a learner’s instructional permit or provisional license. Under the Maryland Vehicle Law, the minimum age for (1) learner’s permit eligibility is 15 years and 9 months; (2) provisional license eligibility is 16 years and 6 months; and (3) driver’s license eligibility is 18 years.

Dispensing Motor Vehicle Fuel into a Dirt Bike from a Retail Pump in Baltimore City

Except as otherwise specified, a person may not dispense motor fuel into a dirt bike from a retail pump at a service station in Baltimore City. If a court finds that a child has committed this violation, the court must order MVA to initiate an action to suspend the driving privilege of the child for a period of at least 30 days but no more than 90 days. If a child subject to a suspension does not hold a license to operate a motor vehicle on the date of the disposition, the suspension commences when the child reaches age 16, or on the date of disposition for a child that is age 16 or older.

Driving While Under the Influence or While Impaired

A person may not drive or attempt to drive any vehicle while:

- under the influence of alcohol or under the influence of alcohol *per se*;
- impaired by alcohol;
- so far impaired by any drug, combination of drugs, or combination of one or more drugs and alcohol, that the person cannot drive safely; or
- impaired by a controlled dangerous substance.

Driving under the influence of alcohol *per se* means driving with a blood alcohol concentration (BAC) of 0.08 or higher. BAC is measured, at the time of testing, as grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

Due to a child’s violation of these provisions, an adjudication of a child as delinquent or a finding that the child has committed a delinquent act (without an adjudication of the child as delinquent) must be reported by the clerk of the court to MVA for suspension of the child’s license to drive. The suspension must be for one year for a first adjudication or finding of delinquency and for two years for a subsequent adjudication or finding. In the case of a finding without adjudication, MVA must retain the report as it retains reports for license holders who receive probation before judgment. If a child subject to a suspension does not hold a license to operate a motor vehicle on the date of the disposition, the suspension commences when the child reaches age 16, or on the date of disposition for a child who is age 16 or older.

Other Maryland Vehicle Law Offenses

An unregistered vehicle may not be driven on a highway in the State. An OHRV is not required to be registered. An OHRV is defined in the Maryland Vehicle Law to include snowmobiles, vehicles commonly known as all-terrain vehicles, and dirt bikes.

The driver of each vehicle involved in an accident that causes damage to an attended vehicle or property, or that causes bodily injury or death to another person, must immediately stop the vehicle as close as possible to the scene of the accident, without obstructing traffic more than necessary, and remain at the scene until the driver has complied with specified provisions of law.

If a police officer gives a visual or audible signal to stop, and the police officer is in uniform and/or is in an appropriately marked official police vehicle, a driver of a vehicle may not attempt to elude the police officer by (1) willfully failing to stop the driver's vehicle; (2) fleeing on foot; or (3) any other means.

Due to a child's violation of any of these provisions, an adjudication of a child as delinquent or a finding that the child has committed a delinquent act (without an adjudication of the child as delinquent) must be reported by the clerk of the court to MVA for suspension of the child's license to drive. The suspension must be for six months for a first adjudication or finding of delinquency and for one year for a subsequent adjudication or finding. In the case of a finding without adjudication, MVA must retain the report as it retains reports for license holders who receive probation before judgment. If a child subject to a suspension does not hold a license to operate a motor vehicle on the date of the disposition, the suspension commences when the child reaches age 16, or on the date of disposition for a child who is age 16 or older.

For a suspension resulting from the driving of an OHRV on a highway, if an individual does not hold a license to operate a motor vehicle, the suspension begins on the date that the license is issued, the date the individual applies and becomes qualified to receive a license, or upon the individual reaching age 21, whichever is first.

Use of a Driver's License to Unlawfully Obtain, Procure, or Furnish Alcohol

Under the Criminal Law Article, a person may not knowingly and willfully make a misrepresentation or false statement as to the age of the individual or another to a person licensed to sell or engaged in the business of selling alcoholic beverages, for the purpose of unlawfully obtaining, procuring, or having unlawfully furnished an alcoholic beverage to an individual. If a minor or a person who is at least age 18 but younger than age 21 violates this provision, and the violation involves the use of a driver's license or document purporting to be a driver's license, the court must notify MVA.

Under the Transportation Article, MVA must suspend the individual's license for six months for a first offense; for a subsequent offense, MVA must suspend the individual's license until the individual becomes 21 years of age or for one year, whichever is longer. If an individual does not hold a license to operate a motor vehicle, the suspension begins on the date that the license is issued, the date the individual applies and becomes qualified to receive a license, or upon the individual reaching age 21, whichever is first.

Inspection of MVA Records

Subject to the Maryland Public Information Act and except as otherwise provided by law, all MVA records are public records and are open to public inspection. The Administrator of MVA may classify records that are more than five years old, or that relate to any occurrence that happened more than five years earlier, as confidential. Records that are part of a driver's public driving record but are more than three years old are not open to public inspection. Records of any age are open to inspection by federal, State, and local government agencies, except as otherwise provided by law.

Digital photographic images or signatures of individuals, or the actual stored data recorded by MVA, are not open to public inspection, except to (1) the courts; (2) criminal justice agencies; (3) driver's license authorities; (4) the individual; (5) the individual's attorney; (6) third parties designated by the individual; and (7) the Child Support Enforcement Administration.

Background: MVA advises that, in fiscal 2016, it did not process any notifications from the District Court regarding a minor or an individual who was at least age 18 but younger than age 21 who unlawfully used a driver's license to obtain, procure, or furnish alcohol, and that only one such notification was processed prior to fiscal 2016.

Exhibit 1 shows the total number of citations issued in fiscal 2016 for each of the remaining offenses addressed in the bill, according to the District Court. However, it is unknown how many of these citations were issued to minors.

Exhibit 1
Total Number of Citations Issued for Specified Maryland Vehicle Law Offenses
Fiscal 2016

<u>Offense</u>	<u>Total Citations Issued</u>
Dispensing motor fuel into a dirt bike from a retail pump in Baltimore City	1
Driving under the influence of alcohol	17,718
Driving under the influence of alcohol <i>per se</i>	10,827
Driving while impaired by alcohol	17,833
Driving while so far impaired by drugs, a combination of drugs, or a combination of drugs and alcohol that the person could not drive safely	3,552
Driving while impaired by a controlled dangerous substance	1,901
Driving an unregistered vehicle on a highway	9,877
Failing to stop a vehicle as close as possible to the scene of an accident resulting in bodily injury	352
Failing to remain at the scene of such an accident	445
Failing to stop a vehicle as close as possible to the scene of an accident resulting in death	3
Failing to remain at the scene of such an accident	8
Failing to stop a vehicle as close as possible to the scene of an accident resulting in only damage	1,843
Failing to remain at the scene of such an accident	2,386
Eluding a uniformed police officer, after being signaled to stop, by failing to stop a vehicle, fleeing on foot, or other means	1,750
Eluding a police officer in a properly marked police vehicle, after being signaled to stop, by failing to stop a vehicle, fleeing on foot, or other means	1,330

Note: It is unknown how many of these citations were issued to minors or adults younger than age 21.

Source: District Court of Maryland

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); State's Attorneys' Association; Department of Human Resources; Department of Juvenile Services; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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Analysis by: Sasika Subramaniam

Direct Inquiries to:
(410) 946-5510
(301) 970-5510