

Department of Legislative Services  
Maryland General Assembly  
2021 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 115

(Delegate Moon)

Environment and Transportation

Judicial Proceedings

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Vehicle Laws - Canceled, Revoked, and Suspended Driver's Licenses - Penalties

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This bill generally eliminates imprisonment as a possible penalty for a person convicted of displaying (or causing to be displayed) a canceled, revoked, or suspended license. The bill also reduces the points assessed (from 12 to 3) for these violations.

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Fiscal Summary

**State Effect:** General fund expenditures may decrease minimally from fewer people being imprisoned under the bill. Revenues are likely not materially affected.

**Local Effect:** Local government expenditures may decrease minimally beginning in FY 2022 due to fewer people being imprisoned in local detention facilities under the bill. Revenues are not affected.

**Small Business Effect:** Minimal.

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Analysis

**Bill Summary/Current Law:** Exhibit 1 shows how the bill affects points assessed, the maximum fine, and the term of imprisonment for the violations addressed by the bill.

Under current law, a person may not display (or cause or permit to be displayed) any canceled, revoked, or suspended license. A person convicted of any of those violations is subject to imprisonment for up to two months and/or a fine of up to \$500. (Consequently, for each violation, the person must appear in court and may not prepay the fine.) In addition, if convicted of any of those violations, 12 points are assessed against the individual's driver's license.

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**Exhibit 1**  
**Penalties, Fines, and Imprisonment for Convictions of**  
**Displaying any Canceled, Revoked, or Suspended License**  
**Current Law vs. the Bill**

Points Assessed Under		Maximum Fine Under		Maximum Term of Imprisonment Under	
<u>Current Law</u>	<u>The Bill</u>	<u>Current Law</u>	<u>The Bill</u>	<u>Current Law</u>	<u>The Bill</u>
12	3	\$500	\$500	2 months	None

Source: Department of Legislative Services

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Under the bill, however, a person convicted of any of those offenses is no longer subject to imprisonment and has 3, rather than 12, points assessed against the person’s license. The maximum fine remains \$500, and the person no longer needs to appear in court.

The bill also clarifies that, for certain violations related to *driving* with a suspended license, a person *charged* with a violation (rather than convicted of a violation) must appear in court and may not prepay the fine.

**State Expenditures:** General fund expenditures may decrease minimally beginning in fiscal 2022 due to people no longer being committed to State correctional facilities for convictions in Baltimore City. The number of people currently imprisoned for the violations addressed by the bill cannot be determined but is assumed 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 Expenditures:** Expenditures may decrease minimally as a result of the bill’s removal of the incarceration penalty for displaying a canceled, revoked, or suspended license. 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 \$40 to \$170 per inmate in recent years.

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## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** SB 20 (Senator Carter) - Judicial Proceedings.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:**      First Reader - January 19, 2021  
rh/ljm                              Third Reader - March 29, 2021  
   Revised - Amendment(s) - March 29, 2021  
   Revised - Clarification - March 29, 2021

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