

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 408

(Senators Kramer and Zucker)

Judicial Proceedings

**Vehicle Laws - Reckless Driving, Speed Contests, Registration Plates, and Noise
Abatement - Penalties**

This bill makes changes to penalties and provisions regarding reckless driving, negligent driving, participation in a race or speed contest, modification of exhaust systems, and obscuring a registration plate.

Fiscal Summary

State Effect: Minimal increase in general fund revenues from traffic citations. Transportation Trust Fund (TTF) revenues are minimally affected, as discussed below. Enforcement can be handled with existing resources.

Local Effect: Enforcement can be handled with existing resources. Local revenues may increase minimally in jurisdictions with automated enforcement.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: **Exhibit 1** contains a summary of the bill's changes to penalties for the various offenses.

Exhibit 1
Current Penalties and Proposed Penalties under the Bill

<u>Violation</u>	<u>Fine</u>		<u>Points Assessed</u>		<u>Current Prepayment Fine*</u>
	<u>Current Law</u>	<u>The Bill</u>	<u>Current Law</u>	<u>The Bill</u>	
Reckless driving	Up to \$1,000	Up to \$1,000	6 points	12 points	\$510**
Negligent driving	Up to \$500	Up to \$500	1 point (general) 3 points (accident)	1 point (general) 3 points (accident)	\$240** (general) \$280** (accident)
Participating in a race or speed contest (general)	Up to \$500	Up to \$1,000	5 points	5 points	\$290**
Participating in a race or speed contest (if serious bodily injury occurs)	Up to \$1,000	Up to \$1,000	5 points	12 points	n/a
Modifying exhaust system or noise abatement device	Up to \$500	\$200	n/a	n/a	\$70***
Obscuring a registration plate to evade an automated enforcement system****	Up to \$500	\$500	n/a	n/a	\$70***

*The prepayment penalties shown are the amounts set by the District Court as of October 2020; the prepayment penalty allows a defendant to satisfy a traffic citation by admitting guilt and paying a fine without having to appear in court.

**The bill eliminates the prepayment penalty by requiring an individual charged with this offense to appear in court.

***The bill alters the current prepayment penalty by establishing a flat fine for the offense.

****General offense and penalties apply to this activity under current law, since the current prohibition applies regardless of intent.

Source: Department of Legislative Services

Reckless and Negligent Driving

Under current law, a person is guilty of reckless driving if a motor vehicle is driven in wanton or willful disregard for the safety of persons or property or in a manner that indicates a wanton or willful disregard for the safety of persons or property. A violation is a misdemeanor, subject to a maximum fine of \$1,000. The Motor Vehicle Administration (MVA) is also required to assess six points against the driver's license upon conviction for this offense. The District Court prepayment penalty is \$510 for this offense.

Currently, a person is guilty of negligent driving if the motor vehicle is driven in a careless or imprudent manner that endangers any property or the life or safety of any individual. This violation is a misdemeanor, subject to a maximum fine of \$500. Upon conviction, MVA must assess one point against the driver's license, or three points if the offense contributes to an accident. The District Court assesses a prepayment penalty of \$240 for this offense, or \$280 if the offense contributes to an accident.

The bill (1) increases the points assessed for reckless driving to 12 points; (2) requires a person charged with reckless driving or negligent driving to appear in court; and (3) prohibits a person charged with reckless driving or negligent driving from prepaying the fine.

Racing and Speeding Contests

Under current law, on any highway or private property used by the general public, a person may not drive a vehicle in a race or speed contest (or participate as a timekeeper or flagman in those events). A violation is a misdemeanor, subject to a maximum fine of \$500. Upon conviction, MVA must assess five points against the driver's license. The District Court assesses a prepayment penalty of \$290 for these offenses. In addition, if the violation for driving a vehicle in a race results in serious bodily injury to another person, the person must appear in court and is subject to imprisonment for up to one year, a fine of up to \$1,000, or both.

The bill (1) requires a person charged with participating in a race or speed contest (as a driver or a timekeeper or flagman) to appear in court; (2) prohibits such a person from prepaying the fine; (3) increases the maximum fine for participation in a race or speed contest that does not result in serious bodily injury from \$500 to \$1,000; and (4) requires MVA to assess 12 points against the driver's license of a participant in a race or speed contest that resulted in serious bodily injury.

Modification of Exhaust Systems

Under current law, a person is prohibited from modifying the exhaust system (or any other noise abatement device) of a motor vehicle driven (or to be driven) on any highway in the State in such a way that the noise emitted by the vehicle exceeds that emitted by the vehicle as originally manufactured. In addition, a person may not drive on any highway in this State a motor vehicle with an exhaust system or noise abatement device modified in a way prohibited by State law. This violation is a misdemeanor, subject to a maximum fine of \$500. The District Court assesses a prepayment penalty of \$70 for this offense.

The bill establishes that a person convicted of this offense is subject to a \$200 fine.

Registration Plates

Under current law, on a vehicle for which two registration plates are required, one plate must be attached on the front and the other on the rear of the vehicle. At all times, each registration plate must be:

- maintained free from foreign materials (including registration plate covers) and in a condition to be clearly legible; and
- securely fastened to the vehicle for which it is issued (1) in a horizontal position; (2) in a manner that prevents the plate from swinging; and (3) in a place and position to be clearly visible.

A violation of either of these provisions is a misdemeanor, subject to a maximum fine of \$500. The prepayment penalty established by the District Court is \$70. However, a police officer may not issue a citation to a driver for a violation involving placement of an object framing or bordering the edges of a registration plate unless the police officer has first detained the driver for another suspected violation of State law.

The bill specifically prohibits a person from knowingly obscuring a registration plate for the purpose of avoiding automated enforcement of State vehicle laws. A violation is a misdemeanor, punishable by a \$500 fine.

State Revenues: General fund revenues increase minimally from fines and penalties associated with citations issued under the bill's provisions, as discussed below. TTF revenues are affected minimally from fees for license reinstatements and additional automated enforcement citations.

General Fund – Alteration of Offenses and Fines/Penalties under the Bill

The bill makes participation in a race or speed contest a must-appear offense, thereby eliminating the existing \$290 prepayment penalty. The bill also increases the maximum fine for participation in a race or speed contest that does not result in serious bodily injury from \$500 to \$1,000. Data is not readily available on the number of citations issued for racing violations. However, assuming that (1) this is not a frequently cited offense and (2) individuals who currently opt to appear in court receive a fine that is at least equivalent to the prepayment penalty, the bill's changes to provisions and penalties for this offense may result in a minimal increase in general fund revenues.

The existing prohibition on obscuring a registration plate applies regardless of intent; the bill establishes a specific prohibition and a specific penalty for knowingly obscuring a registration plate to avoid automated enforcement of vehicle laws. Thus, citations for the offense established by the bill represent a subset of citations currently being issued. Assuming that most individuals charged under the current offense opt to pay the \$70 prepayment penalty, the bill's elimination of the prepayment penalty in favor of a flat \$500 fine for this new offense is likely to result in a minimal increase in general fund revenues as well as an increase in the number of individuals opting to appear in court for this activity. The Maryland Department of Transportation advises that it can already enforce violations related to obstruction of plates in relation to toll collection.

The bill establishes that a person convicted of an exhaust/noise abatement offense is subject to a \$200 fine, thereby eliminating the \$70 prepayment penalty. Assuming that individuals currently charged with this offense opt to prepay fines rather than appear in court and possibly be fined as much as \$500, general fund revenues increase minimally under the bill, and the bill is likely to increase the number of individuals who opt to appear in court for this offense.

The bill requires a person charged with reckless driving or negligent driving to appear in court and prohibits a person charged with these offenses from prepaying the fine. The current prepayment penalty is \$510 for reckless driving and \$240 or \$280 for negligent driving. The bill retains the existing statutory maximum penalties of \$1,000 for reckless driving and \$500 for negligent driving. According to the Judiciary, during fiscal 2020, 464 individuals prepaid citations for reckless driving and 2,901 prepaid citations for negligent driving. Assuming that individuals who now must appear in court are generally found guilty and issued fines comparable to at least the current prepayment penalties, general fund revenues are not materially affected.

TTF – License Reinstatements and Automated Enforcement of Vehicle Laws

The bill requires 12 points to be assessed against the driver's license of individuals convicted of reckless driving and participating in a race resulting in serious bodily injury. Currently, the accumulation of 5 to 7 points requires enrollment in a Driver Improvement Program, 8 to 11 points results in the suspension of a license, and 12 points results in license revocation. While individuals currently being convicted of these offenses may have previously assessed points or simultaneously assessed points that would have resulted in license revocation anyway, the bill *guarantees* revocation of driver's licenses for individuals convicted of these offenses. Thus, TTF revenues are likely affected minimally, as more individuals reinstate their licenses due to revocation (rather than possible suspension) and the longer period associated with revocation.

Finally, to the extent that fewer individuals evade the State's automated enforcement systems (namely, work zone speed control cameras), TTF revenues may increase negligibly.

State Expenditures: The Judiciary advises that court operations may be affected, as more individuals are expected to appear in court as a result of the bill's requirements. Nevertheless, the District Court can likely handle any additional must-appear offenses with existing resources.

Local Revenues: Because the bill establishes a new specific violation related to obscuring registration plates for the purpose of evading automated enforcement systems, local jurisdictions that operate such systems may realize additional revenues due to fewer instances in which a vehicle cannot be identified. However, as with the State-maintained work zone speed control cameras, any impact cannot be estimated without additional information on the number of individuals who may be issued citations under the bill.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 178 (Delegate Stewart) - Environment and Transportation.

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

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Analysis by: Eric F. Pierce

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