STATEMENT TO

[Third Reprint]

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 1080

with Assembly Floor Amendments
(Proposed by Assemblyman KENNEDY)

ADOPTED: NOVEMBER 25, 2019

The Senate Committee Substitute (3R) for Senate Bill No. 1080 concerns driver's license suspensions for certain crimes and offenses. These Assembly amendments eliminate the driver's license suspension required under current law for certain criminal convictions related to the possession or sale of illegal drugs in a State court, court in another state, or federal court, as well as mandatory driver’s license suspensions for the illegal possession of a controlled dangerous substance in a motor vehicle. The amendments also remove the provisions of the bill which eliminate driver’s license suspensions related to motor vehicle surcharges and non-payment of insurance premiums.

Federal law requires a six-month suspension to be imposed for drug offenses to avoid withholding of highway funds. Current State law authorizes a suspension of six months to two years for criminal convictions related to the possession or sale of illegal drugs, and two years for illegal possession of a controlled dangerous substance in a motor vehicle. The Assembly amendments eliminate the driver’s license suspension for both of these categories of drug offenses.

In order to avoid a conflict with federal law, the Assembly amendments provide that the provisions of the bill which eliminate driver’s license suspensions for drug offenses are effective upon the adoption of Senate Concurrent Resolution No. 98 and Assembly Concurrent Resolution No. 248, and submission of the certification of the Governor to the United States Secretary of Transportation stating that: (1) the Governor is opposed to the enactment or enforcement of a law requiring driver’s license suspension for drug offenses as set forth in 23 U.S.C. s.159(a)(3)(A); and (2) both Houses of the Legislature have adopted a resolution expressing their opposition to the enactment or enforcement of this federal mandate in accordance with 23 U.S.C. s.159.

In addition, the Assembly amendments reinstate current law, which provides for a driver’s license suspension if a driver fails to pay a motor vehicle surcharge imposed for the accumulation of six or more motor vehicle points during the preceding 36-month period, a conviction for unsafe driving, or a conviction for driving while intoxicated. The suspended driver’s license would not be restored until
at least five percent of each outstanding surcharge assessment resulting in a suspension has been paid, or installment payments established by the Motor Vehicle Commission are paid.

The Assembly amendments also reinstate current law which provides that a person’s driver’s license is to be suspended upon cancellation of a motor vehicle liability insurance policy based on non-payment of the premium.