

HOUSE BILL 1156

R4

0lr2465

By: **Delegates Dwyer, Anderson, Barnes, Beidle, Boteler, Bronrott, Carter, Conaway, Costa, Dumais, Eckardt, Frank, Heller, Hubbard, Jennings, Kach, Kelly, Kipke, Kramer, Krebs, Levi, McComas, McConkey, Olszewski, Pena-Melnyk, Riley, Robinson, Rosenberg, Schuh, Shank, Shewell, Simmons, Smigiel, Sophocleus, Sossi, Valderrama, Vallario, Waldstreicher, and Wood**

Introduced and read first time: February 17, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Victims' Rights – Fatal Vehicular Accident – Suspension of License**

3 FOR the purpose of authorizing a victim's representative to be present at a certain
4 administrative hearing concerning a fatal vehicular accident; authorizing a
5 victim's representative to make an oral statement or submit a written
6 statement for consideration at a certain administrative hearing concerning a
7 fatal vehicular accident; requiring a law enforcement officer, during the
8 investigation of a fatal vehicular accident, to inform a victim's representative of
9 the right to file a certain request with the Motor Vehicle Administration;
10 requiring certain notice to a victim's representative under certain
11 circumstances; authorizing the Administration to suspend a license of a person
12 who is convicted of a moving violation that contributed to an accident resulting
13 in the death of an individual; providing for certain procedures; defining certain
14 terms; and generally relating to victims' rights and license suspensions
15 concerning certain fatal vehicular accidents.

16 BY adding to

17 Article – Transportation
18 Section 12–206.1 and 16–206(a)(5) and (f)
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2009 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **12-206.1.**

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
3 MEANINGS INDICATED.

4 (2) "VICTIM" MEANS A PERSON WHO DIES AS THE RESULT OF THE
5 COMMISSION OF A MOVING VIOLATION BY ANOTHER PERSON.

6 (3) "VICTIM'S REPRESENTATIVE" MEANS A MEMBER OF THE
7 FAMILY OF A VICTIM OR A GUARDIAN OR PERSONAL REPRESENTATIVE OF A
8 VICTIM.

9 (B) (1) DURING THE INVESTIGATION OF A MOVING VIOLATION, A LAW
10 ENFORCEMENT OFFICER SHALL INFORM A VICTIM'S REPRESENTATIVE OF THE
11 RIGHT TO FILE A VICTIM'S REPRESENTATION NOTIFICATION FORM WITH THE
12 ADMINISTRATION TO REQUEST TO BE NOTIFIED OF A HEARING UNDER §
13 16-206(F) OF THIS ARTICLE.

14 (2) A VICTIM'S REPRESENTATION NOTIFICATION FORM UNDER
15 THIS SUBSECTION MAY ONLY BE FILED WITHIN 20 DAYS AFTER THE CONVICTION
16 OF THE MOVING VIOLATION.

17 (C) (1) IF A VICTIM'S REPRESENTATIVE FILES A VICTIM'S
18 REPRESENTATION NOTIFICATION FORM UNDER SUBSECTION (B) OF THIS
19 SECTION, THE ADMINISTRATION SHALL GIVE THE VICTIM'S REPRESENTATIVE
20 NOTICE IN ACCORDANCE WITH § 12-114 OF THIS TITLE AT LEAST 21 DAYS
21 BEFORE A HEARING UNDER § 16-206(F) OF THIS ARTICLE.

22 (2) NOTICE PROVIDED UNDER THIS SUBSECTION SHALL STATE:

23 (I) THE DATE, TIME, PLACE, AND NATURE OF THE
24 HEARING;

25 (II) THE LEGAL AUTHORITY AND JURISDICTION OF THE
26 ADMINISTRATION TO HEAR THE MATTER;

27 (III) THE NATURE OF THE PROPOSED ACTION THAT THE
28 ADMINISTRATION IS TO CONSIDER;

29 (IV) THAT A COPY OF THE HEARING PROCEDURES IS
30 AVAILABLE ON REQUEST AND THE COST TO OBTAIN A COPY;

1 **(V) THE RIGHT OF THE VICTIM’S REPRESENTATIVE TO BE**
2 **PRESENT AT THE HEARING;**

3 **(VI) THE RIGHT OF THE VICTIM’S REPRESENTATIVE TO**
4 **SUBMIT A WRITTEN STATEMENT FOR CONSIDERATION BY THE ADMINISTRATION**
5 **AT THE HEARING; AND**

6 **(VII) THE RIGHT OF THE VICTIM’S REPRESENTATIVE TO**
7 **MAKE AN ORAL STATEMENT FOR CONSIDERATION BY THE ADMINISTRATION AT**
8 **THE HEARING.**

9 **(3) (I) IF A VICTIM’S REPRESENTATIVE INTENDS TO MAKE AN**
10 **ORAL STATEMENT, THE VICTIM’S REPRESENTATIVE SHALL NOTIFY THE**
11 **ADMINISTRATION AT LEAST 10 DAYS BEFORE THE HEARING.**

12 **(II) IF A VICTIM’S REPRESENTATIVE INTENDS TO SUBMIT A**
13 **WRITTEN STATEMENT, THE STATEMENT SHALL BE SUBMITTED TO THE**
14 **ADMINISTRATION AT LEAST 10 DAYS BEFORE THE HEARING.**

15 **(D) (1) IF A VICTIM’S REPRESENTATIVE PROVIDES NOTICE IN**
16 **ACCORDANCE WITH SUBSECTION (C)(3)(I) OF THIS SECTION, THE**
17 **ADMINISTRATION SHALL ALLOW THE VICTIM’S REPRESENTATIVE TO MAKE AN**
18 **ORAL STATEMENT FOR CONSIDERATION BY THE ADMINISTRATION AT THE**
19 **HEARING.**

20 **(2) IF A VICTIM’S REPRESENTATIVE SUBMITS A WRITTEN**
21 **STATEMENT IN ACCORDANCE WITH SUBSECTION (C)(3)(II) OF THIS SECTION,**
22 **THE ADMINISTRATION SHALL:**

23 **(I) PROVIDE A COPY OF THE WRITTEN STATEMENT TO THE**
24 **LICENSEE BEFORE THE HEARING BEGINS; AND**

25 **(II) CONSIDER THE WRITTEN STATEMENT AT THE HEARING.**

26 16–206.

27 **(a) (5) (I) THE ADMINISTRATION MAY SUSPEND THE LICENSE OF**
28 **A PERSON WHO IS CONVICTED OF A MOVING VIOLATION THAT CONTRIBUTED TO**
29 **AN ACCIDENT RESULTING IN THE DEATH OF ANOTHER PERSON.**

30 **(II) A SUSPENSION UNDER THIS PARAGRAPH MAY NOT**
31 **EXCEED 6 MONTHS.**

1 **(III) THIS PARAGRAPH DOES NOT LIMIT THE AUTHORITY OF**
2 **THE ADMINISTRATION TO SUSPEND, REVOKE, OR REFUSE TO ISSUE OR RENEW A**
3 **LICENSE UNDER ANY OTHER PROVISION OF LAW.**

4 **(F) IN ACCORDANCE WITH TITLE 12, SUBTITLE 2 OF THIS ARTICLE, THE**
5 **ADMINISTRATION SHALL PROVIDE NOTICE OF A SUSPENSION UNDER**
6 **SUBSECTION (A)(5) OF THIS SECTION AND THE LICENSEE MAY REQUEST A**
7 **HEARING.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2010.