

# HOUSE BILL 1156

R4

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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

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Committee Report: Favorable

House action: Adopted

Read second time: March 21, 2010

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## CHAPTER \_\_\_\_\_

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

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2009 Replacement Volume and 2009 Supplement)

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

**Article – Transportation**

**12-206.1.**

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

(2) “VICTIM” MEANS A PERSON WHO DIES AS THE RESULT OF THE COMMISSION OF A MOVING VIOLATION BY ANOTHER PERSON.

(3) “VICTIM’S REPRESENTATIVE” MEANS A MEMBER OF THE FAMILY OF A VICTIM OR A GUARDIAN OR PERSONAL REPRESENTATIVE OF A VICTIM.

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

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

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

(2) NOTICE PROVIDED UNDER THIS SUBSECTION SHALL STATE:

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

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

1                   (III) THE NATURE OF THE PROPOSED ACTION THAT THE  
2 ADMINISTRATION IS TO CONSIDER;

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

5                   (V) THE RIGHT OF THE VICTIM'S REPRESENTATIVE TO BE  
6 PRESENT AT THE HEARING;

7                   (VI) THE RIGHT OF THE VICTIM'S REPRESENTATIVE TO  
8 SUBMIT A WRITTEN STATEMENT FOR CONSIDERATION BY THE ADMINISTRATION  
9 AT THE HEARING; AND

10                  (VII) THE RIGHT OF THE VICTIM'S REPRESENTATIVE TO  
11 MAKE AN ORAL STATEMENT FOR CONSIDERATION BY THE ADMINISTRATION AT  
12 THE HEARING.

13                  (3) (I) IF A VICTIM'S REPRESENTATIVE INTENDS TO MAKE AN  
14 ORAL STATEMENT, THE VICTIM'S REPRESENTATIVE SHALL NOTIFY THE  
15 ADMINISTRATION AT LEAST 10 DAYS BEFORE THE HEARING.

16                  (II) IF A VICTIM'S REPRESENTATIVE INTENDS TO SUBMIT A  
17 WRITTEN STATEMENT, THE STATEMENT SHALL BE SUBMITTED TO THE  
18 ADMINISTRATION AT LEAST 10 DAYS BEFORE THE HEARING.

19                  (D) (1) IF A VICTIM'S REPRESENTATIVE PROVIDES NOTICE IN  
20 ACCORDANCE WITH SUBSECTION (C)(3)(I) OF THIS SECTION, THE  
21 ADMINISTRATION SHALL ALLOW THE VICTIM'S REPRESENTATIVE TO MAKE AN  
22 ORAL STATEMENT FOR CONSIDERATION BY THE ADMINISTRATION AT THE  
23 HEARING.

24                  (2) IF A VICTIM'S REPRESENTATIVE SUBMITS A WRITTEN  
25 STATEMENT IN ACCORDANCE WITH SUBSECTION (C)(3)(II) OF THIS SECTION,  
26 THE ADMINISTRATION SHALL:

27                   (I) PROVIDE A COPY OF THE WRITTEN STATEMENT TO THE  
28 LICENSEE BEFORE THE HEARING BEGINS; AND

29                   (II) CONSIDER THE WRITTEN STATEMENT AT THE HEARING.

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

4 (II) A SUSPENSION UNDER THIS PARAGRAPH MAY NOT  
5 EXCEED 6 MONTHS.

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

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.