

SENATE BILL 287

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2000 Regular Session
(01r1819)

ENROLLED BILL

-- *Judicial Proceedings/Environmental Matters* --

Introduced by **Senators Hollinger, Blount, Conway, Dyson, Ferguson,
Forehand, Green, Kelley, Lawlah, McFadden, Roesser, Ruben, and
Teitelbaum**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER 512

1 AN ACT concerning

2 **State Board of Spinal Cord Injury Research**

3 FOR the purpose of establishing a State Board of Spinal Cord Injury Research in the
4 Department of Health and Mental Hygiene; specifying the composition of the
5 Board and the terms of its members; providing for the appointment of the
6 chairman, a quorum, and meetings of the Board and certain reimbursement of
7 its members; specifying certain duties of the Board, including the
8 administration of a certain grant program and fund; providing that certain
9 members of the Board may not vote on certain matters; establishing a Spinal
10 Cord Injury Research Trust Fund; providing for the administration, purpose,
11 funding, and status of the Fund; providing for the distribution of certain
12 insurance premium tax revenue to the Fund; specifying certain powers and
13 duties of the Secretary of Health and Mental Hygiene; providing that certain
14 individuals convicted of certain speeding violations are subject to a certain
15 surcharge to be collected by the District Court; requiring the District Court to

1 notify a certain individual about a certain surcharge and, on receipt of a certain
 2 surcharge, to pay the surcharge into the Fund; requiring the District Court to
 3 order the Motor Vehicle Administration to initiate an action to suspend the
 4 driving privileges of a certain individual under certain circumstances; defining
 5 certain terms; and generally relating to certain spinal cord injury research.

6 ~~BY repealing and reenacting, with amendments,~~
 7 ~~Article - Courts and Judicial Proceedings~~
 8 ~~Section 7-302~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(1998 Replacement Volume and 1999 Supplement)~~

11 BY repealing and reenacting, without amendments,
 12 Article - Health - General
 13 Section 1-101(a), (c), and (i)
 14 Annotated Code of Maryland
 15 (1994 Replacement Volume and 1999 Supplement)

16 BY adding to
 17 Article - Health - General
 18 Section 13-1001 through 13-1007, inclusive, to be under the new subtitle
 19 "Subtitle 10. State Board of Spinal Cord Injury Research"
 20 Annotated Code of Maryland
 21 (1994 Replacement Volume and 1999 Supplement)

22 BY adding to
 23 Article - Insurance
 24 Section 6-103.1
 25 Annotated Code of Maryland
 26 (1997 Volume and 1999 Supplement)

27 Preamble

28 WHEREAS, Each year some 10,000 Americans sustain spinal cord injuries
 29 which typically result in some degree of paralysis; and

30 ~~WHEREAS, The major cause of spinal cord injuries is motor vehicle crashes and~~
 31 ~~58 percent of the victims of these injuries are young people between 16 and 30 years~~
 32 ~~of age; and~~

33 WHEREAS, It has long been generally assumed that most persons who sustain
 34 a spinal cord injury can be rehabilitated to some extent, but that damage to neural
 35 tissue is irreversible; and

36 WHEREAS, The conventional wisdom concerning the successful treatment of
 37 spinal cord injuries has changed dramatically in light of research in Great Britain,

1 Sweden, and the United States which demonstrates that there are no fundamental
 2 biological barriers to repairing damaged spinal cord neural tissue and that the
 3 possibility of effective regenerative therapies for human neural cell injury is no longer
 4 speculation but a realistic goal; and

5 WHEREAS, There is more hope today than ever before that persons whose lives
 6 have been devastated by spinal cord injury can see their injuries reversed to some
 7 extent; and

8 WHEREAS, Most funding concerning spinal cord injury traditionally has been
 9 for rehabilitation research rather than research for basic neurological tissue
 10 regeneration with the objective of finding a cure for spinal cord injury; and

11 WHEREAS, Research concerning neurological tissue regeneration for spinal
 12 cord injury can be facilitated and enhanced by establishing an administrative unit at
 13 the State level with sufficient expertise, commitment, and funding to promote this
 14 type of research with a focus on finding a cure for spinal cord injury; and

15 ~~WHEREAS, Because driving at an excessive speed is a common contributor to~~
 16 ~~motor vehicle accidents, which in turn are the major cause of spinal cord injuries, it is~~
 17 ~~appropriate that individuals who are convicted of speeding violations bear some of the~~
 18 ~~cost of funding spinal cord injury cure research; now, therefore,~~

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

21 **~~Article – Courts and Judicial Proceedings~~**

22 ~~7-302.~~

23 (a) ~~Except as provided in subsections (b) through [(e)] (F) of this section, the~~
 24 ~~clerks of the District Court shall:~~

25 (1) ~~Collect costs, fines, forfeitures, or penalties imposed by the court; and~~

26 (2) ~~Remit them to the State under a system agreed upon by the Chief~~
 27 ~~Judge of the District Court and the Comptroller.~~

28 (b) ~~If a parking or impounding fine, penalty, or forfeiture, or a fine, penalty, or~~
 29 ~~forfeiture relating to violation of housing, building, fire, health, or sanitation codes, or~~
 30 ~~a Mass Transit Fare Payment Statute, or a fine or penalty relating to failure to pay~~
 31 ~~the prescribed toll at a highway or vehicular crossing is collected by the District Court~~
 32 ~~pursuant to a local ordinance, law, or regulation of a political subdivision or~~
 33 ~~municipality, or pursuant to a regulation of an agency of State government authorized~~
 34 ~~to regulate parking of motor vehicles, or pursuant to a statute pertaining to the~~
 35 ~~payment of mass transit fares, or pursuant to a statute pertaining to the failure to~~
 36 ~~pay tolls, it shall be remitted to the respective local government, or to the State~~
 37 ~~agency.~~

1 (e) Every agency of State government, political subdivision or municipality
2 which has enacted or which shall enact an ordinance, law, or regulation controlling
3 the parking of motor vehicles, or providing for the impounding of motor vehicles, or
4 pertaining to the failure to pay tolls shall provide that fines, penalties or forfeitures
5 for the violation of said ordinances, laws, or regulations shall be paid directly to the
6 State agency, political subdivision or municipality, and not to the District Court, in
7 uncontested cases.

8 (d) Every ordinance, law, or regulation controlling the parking of motor
9 vehicles or providing for impounding such vehicles or pertaining to the failure to pay
10 tolls shall provide that the person receiving a citation may elect to stand trial for said
11 offense by notifying the State agency, political subdivision or municipality of his
12 intention of standing trial, which notice shall be given at least five (5) days prior to
13 the date of payment as set forth in the citation. Upon receipt of the notice of such
14 intention to stand trial, the political subdivision or municipality shall forward to the
15 District Court in said political subdivision or municipality, and the State agency shall
16 forward to the District Court having venue, a copy of the citation and a copy of the
17 notice from the person who received the citation indicating his intention to stand
18 trial. Upon receipt thereof, the District Court shall schedule the case for trial and
19 notify the defendant of the trial date under procedures to be adopted by the Chief
20 Judge of the District Court. All parking or impounding fines, penalties or forfeitures
21 or failure to pay toll penalties collected through the District Court pursuant to a
22 parking or impounding or toll collection ordinance, law, or regulation enacted by a
23 State agency, political subdivision or municipality shall be remitted to the respective
24 local government or State agency.

25 (e) (1) A citation issued pursuant to § 21-202.1 of the Transportation Article
26 shall provide that the person receiving the citation may elect to stand trial by
27 notifying the issuing agency of the person's intention to stand trial at least 5 days
28 prior to the date of payment as set forth in the citation. On receipt of the notice to
29 stand trial, the agency shall forward to the District Court having venue a copy of the
30 citation and a copy of the notice from the person who received the citation indicating
31 the person's intention to stand trial. On receipt thereof, the District Court shall
32 schedule the case for trial and notify the defendant of the trial date under procedures
33 adopted by the Chief Judge of the District Court.

34 (2) A citation issued as the result of a traffic control signal monitoring
35 system controlled by a political subdivision shall provide that, in an uncontested case,
36 the penalty shall be paid directly to that political subdivision. A citation issued as the
37 result of a traffic control signal monitoring system controlled by a State agency shall
38 provide that the penalty shall be paid directly to the District Court.

39 (3) Civil penalties resulting from citations issued using traffic control
40 signal monitoring systems that are collected by the District Court shall be collected in
41 accordance with subsection (a) of this section and distributed in accordance with §
42 12-118 of the Transportation Article.

43 (F) (1) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, AN
44 INDIVIDUAL CONVICTED OF A VIOLATION UNDER TITLE 21, SUBTITLE 8 OF THE

~~1 TRANSPORTATION ARTICLE (SPEED RESTRICTIONS) IS SUBJECT TO A \$15 SURCHARGE
2 TO BE COLLECTED BY THE DISTRICT COURT IN ACCORDANCE WITH THE PROVISIONS
3 OF THIS SUBSECTION.~~

~~4 (2) THE DISTRICT COURT SHALL, AT THE TIME OF THE INDIVIDUAL'S
5 CONVICTION, NOTIFY THE INDIVIDUAL THAT:~~

~~6 (I) THE INDIVIDUAL MUST PAY AN ADDITIONAL \$15 SURCHARGE
7 TO THE DISTRICT COURT;~~

~~8 (II) THE SURCHARGE REPRESENTS A PAYMENT BY THE
9 INDIVIDUAL INTO THE SPINAL CORD INJURY RESEARCH TRUST FUND; AND~~

~~10 (III) THE FAILURE OF THE INDIVIDUAL TO PAY THE ADDITIONAL
11 SURCHARGE BY THE END OF THE 15TH DAY AFTER THE DATE OF THE INDIVIDUAL'S
12 CONVICTION WILL RESULT IN ACTION BY THE MOTOR VEHICLE ADMINISTRATION TO
13 SUSPEND THE DRIVING PRIVILEGES OF THE INDIVIDUAL UNTIL THE SURCHARGE IS
14 PAID.~~

~~15 (3) ON RECEIPT OF A SURCHARGE UNDER PARAGRAPH (1) OF THIS
16 SUBSECTION, THE DISTRICT COURT SHALL TRANSFER THE SURCHARGE INTO THE
17 SPINAL CORD INJURY RESEARCH TRUST FUND ESTABLISHED UNDER § 13-1006 OF
18 THE HEALTH - GENERAL ARTICLE.~~

~~19 (4) IF AN INDIVIDUAL FAILS TO PAY THE SURCHARGE WITHIN 15 DAYS
20 OF THE INDIVIDUAL'S CONVICTION, THE DISTRICT COURT SHALL ORDER THE MOTOR
21 VEHICLE ADMINISTRATION TO INITIATE AN ACTION, UNDER THE MOTOR VEHICLE
22 LAWS, TO SUSPEND THE DRIVING PRIVILEGES OF THE INDIVIDUAL UNTIL THE
23 INDIVIDUAL PAYS THE SURCHARGE.~~

24 **Article - Health - General**

25 1-101.

26 (a) In this article the following words have the meanings indicated.

27 (c) "Department" means the Department of Health and Mental Hygiene.

28 (i) "Secretary" means the Secretary of Health and Mental Hygiene.

29 **SUBTITLE 10. STATE BOARD OF SPINAL CORD INJURY RESEARCH.**

30 13-1001.

31 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
32 INDICATED.

33 (B) "BOARD" MEANS THE STATE BOARD OF SPINAL CORD INJURY RESEARCH.

34 (C) "FUND" MEANS THE SPINAL CORD INJURY RESEARCH TRUST FUND.

1 13-1002.

2 THERE IS A STATE BOARD OF SPINAL CORD INJURY RESEARCH IN THE
3 DEPARTMENT.

4 13-1003.

5 (A) (1) THE BOARD CONSISTS OF 11 MEMBERS.

6 (2) OF THE 11 MEMBERS OF THE BOARD:

7 (I) ONE SHALL BE A MEMBER OF THE MARYLAND HOUSE OF
8 DELEGATES APPOINTED BY THE SPEAKER OF THE HOUSE;

9 (II) ONE SHALL BE A MEMBER OF THE SENATE OF MARYLAND
10 APPOINTED BY THE PRESIDENT OF THE SENATE;

11 (III) FOUR SHALL BE INDIVIDUALS WITH KNOWLEDGE AND
12 EXPERTISE CONCERNING SPINAL CORD INJURIES APPOINTED BY THE GOVERNOR
13 FROM SEPARATE LISTS SUBMITTED TO THE GOVERNOR BY THE UNIVERSITY OF
14 MARYLAND SCHOOL OF MEDICINE AND THE JOHNS HOPKINS SCHOOL OF MEDICINE,
15 WITH:

16 1. TWO INDIVIDUALS FROM THE UNIVERSITY OF MARYLAND
17 SCHOOL OF MEDICINE; AND

18 2. TWO INDIVIDUALS FROM THE JOHNS HOPKINS SCHOOL
19 OF MEDICINE;

20 (IV) TWO SHALL BE NURSES WITH KNOWLEDGE AND EXPERTISE
21 CONCERNING SPINAL CORD INJURIES APPOINTED BY THE GOVERNOR FROM
22 SEPARATE LISTS SUBMITTED TO THE GOVERNOR BY THE UNIVERSITY OF MARYLAND
23 SCHOOL OF NURSING AND THE JOHNS HOPKINS SCHOOL OF NURSING, WITH:

24 1. ONE NURSE FROM THE UNIVERSITY OF MARYLAND
25 SCHOOL OF NURSING; AND

26 2. ONE NURSE FROM THE JOHNS HOPKINS SCHOOL OF
27 NURSING;

28 (V) TWO MEMBERS, APPOINTED BY THE GOVERNOR FROM A LIST
29 SUBMITTED BY THE OFFICE FOR INDIVIDUALS WITH DISABILITIES, SHALL BE
30 INDIVIDUALS WHO HAVE A SPINAL CORD INJURY OR WHO HAVE A FAMILY MEMBER
31 WITH A SPINAL CORD INJURY; AND

32 (VI) ONE MEMBER, APPOINTED BY THE GOVERNOR, SHALL BE AN
33 INDIVIDUAL FROM THE GENERAL PUBLIC WITH KNOWLEDGE AND EXPERTISE
34 CONCERNING SPINAL CORD INJURIES.

35 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE TERM OF A
36 MEMBER IS 4 YEARS.

1 (2) THE GOVERNOR SHALL STAGGER THE TERMS OF THE INITIAL
2 MEMBERS.

3 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
4 SUCCESSOR IS APPOINTED AND QUALIFIES.

5 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
6 ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED
7 AND QUALIFIES.

8 (5) A MEMBER WHO SERVES 2 CONSECUTIVE 4-YEAR TERMS MAY NOT
9 BE REAPPOINTED UNTIL 4 YEARS AFTER COMPLETION OF THOSE TERMS.

10 (6) (I) IF A VACANCY OCCURS, THE GOVERNOR PROMPTLY SHALL
11 APPOINT A SUCCESSOR WHO WILL SERVE UNTIL THE TERM EXPIRES.

12 (II) THE SUCCESSOR MAY BE REAPPOINTED FOR A FULL TERM.

13 13-1004.

14 (A) THE GOVERNOR SHALL APPOINT THE CHAIRMAN OF THE BOARD.

15 (B) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE BOARD IS A
16 QUORUM.

17 (C) AT THE TIMES AND PLACES THAT IT DETERMINES, THE BOARD:

18 (1) SHALL MEET AT LEAST TWICE A YEAR; AND

19 (2) SUBJECT TO THE CALL BY THE CHAIRMAN OR BY REQUEST OF A
20 MAJORITY OF THE MEMBERS OF THE BOARD, MAY MEET MORE FREQUENTLY AS
21 DEEMED NECESSARY.

22 (D) A MEMBER OF THE BOARD:

23 (1) MAY NOT RECEIVE COMPENSATION; BUT

24 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
25 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

26 13-1005.

27 (A) THE BOARD SHALL:

28 (1) DEVELOP CRITERIA, SUBJECT TO THE APPROVAL OF THE
29 SECRETARY, FOR THE AWARD OF GRANTS FOR THE PURPOSE SPECIFIED IN §
30 13-1006(C) OF THIS SUBTITLE;

31 (2) SUBJECT TO § 13-1007 OF THIS SUBTITLE, ADMINISTER:

1 (I) A GRANTS PROGRAM FOR THE PURPOSE SPECIFIED IN §
2 13-1006(C)(1) OF THIS SUBTITLE; AND

3 (II) THE FUND;

4 (3) MAKE RECOMMENDATIONS TO THE SECRETARY FOR APPROVAL OF
5 APPLICATIONS FOR GRANTS FROM THE FUND; AND

6 (4) ON OR BEFORE JANUARY 1 OF EACH YEAR BEGINNING IN 2002,
7 SUBMIT A REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE
8 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY CONCERNING:

9 (I) THE ACTIVITIES OF THE BOARD IN ADMINISTERING THE GRANT
10 PROGRAM SPECIFIED IN THIS SUBTITLE, INCLUDING THE STATUS OF MONEYS IN
11 THE FUND;

12 (II) THE STATUS OF SPINAL CORD INJURY NEUROLOGICAL
13 RESEARCH PROJECTS THAT ARE FUNDED BY GRANTS ISSUED BY THE BOARD; AND

14 (III) ANY OTHER MATTER DETERMINED BY THE BOARD.

15 (B) A MEMBER OF THE BOARD WHO IS A MEMBER OF THE GENERAL
16 ASSEMBLY MAY NOT VOTE ON MATTERS BEFORE THE BOARD RELATING TO THE
17 EXERCISE OF THE SOVEREIGN POWERS OF THE STATE.

18 13-1006.

19 (A) THERE IS A SPINAL CORD INJURY RESEARCH TRUST FUND.

20 (B) THE FUND SHALL CONSIST OF MONEYS TRANSFERRED TO THE FUND
21 ~~UNDER § 7-302(F) OF THE COURTS ARTICLE § 6-103.1 OF THE INSURANCE ARTICLE~~ OR
22 RECEIVED FROM ANY OTHER LAWFUL SOURCE.

23 (C) (1) MONEYS IN THE FUND SHALL BE USED TO MAKE GRANTS FOR
24 SPINAL CORD INJURY RESEARCH THAT IS FOCUSED ON BASIC, PRECLINICAL, AND
25 CLINICAL RESEARCH FOR DEVELOPING NEW THERAPIES TO RESTORE
26 NEUROLOGICAL FUNCTION IN INDIVIDUALS WITH SPINAL CORD INJURIES.

27 (2) FOR THE PURPOSE SPECIFIED IN PARAGRAPH (1) OF THIS
28 SUBSECTION, A GRANT MAY INCLUDE AN AWARD TO OR FOR:

29 (I) A PUBLIC OR PRIVATE ENTITY;

30 (II) A UNIVERSITY RESEARCHER;

31 (III) A RESEARCH INSTITUTION;

32 (IV) PRIVATE INDUSTRY;

33 (V) A CLINICAL TRIAL;

1 (VI) A SUPPLEMENT TO AN EXISTING CHARITABLE OR PRIVATE
2 INDUSTRY GRANT;

3 (VII) A MATCHING FUND;

4 (VIII) A FELLOWSHIP IN SPINAL CORD INJURY RESEARCH;

5 (IX) A RESEARCH MEETING CONCERNING SPINAL CORD INJURY
6 RESEARCH; OR

7 (X) ANY OTHER RECIPIENT OR PURPOSE WHICH THE BOARD
8 DETERMINES IS CONSISTENT WITH THE PURPOSE SPECIFIED IN PARAGRAPH (1) OF
9 THIS SUBSECTION.

10 (D) (1) THE FUND IS A CONTINUING, NONLAPSING FUND, NOT SUBJECT TO §
11 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

12 (2) (I) THE FUND SHALL BE USED EXCLUSIVELY TO OFFSET THE
13 ACTUAL DOCUMENTED DIRECT COSTS OF FULFILLING THE STATUTORY AND
14 REGULATORY DUTIES OF THE BOARD UNDER THIS SUBTITLE.

15 (II) THE DEPARTMENT SHALL PAY THE INDIRECT COSTS THE
16 BOARD INCURS IN FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE
17 BOARD UNDER THIS SUBTITLE.

18 (3) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE TRANSFERRED
19 OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE FUND
20 TO BE USED FOR THE PURPOSE SPECIFIED IN SUBSECTION (C) OF THIS SECTION.

21 (E) THE CHAIRMAN OF THE BOARD OR THE DESIGNEE OF THE CHAIRMAN
22 SHALL ADMINISTER THE FUND.

23 (F) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND
24 TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT
25 ARTICLE.

26 13-1007.

27 THE SECRETARY:

28 (1) MAY:

29 (I) APPROVE AN APPLICATION FOR A GRANT FOR THE PURPOSE
30 SPECIFIED IN § 13-1006(C) OF THIS SUBTITLE, IF THE BOARD HAS RECOMMENDED
31 APPROVAL OF THAT APPLICATION; AND

32 (II) ON RECOMMENDATION BY THE BOARD, ADOPT ANY
33 REGULATION NECESSARY TO CARRY OUT THIS SUBTITLE; AND

34 (2) SHALL:

1 (I) ENSURE THAT RECIPIENTS OF GRANT FUNDS UNDER THIS
2 SUBTITLE USE THE FUNDS FOR THE PURPOSES AUTHORIZED BY THIS SUBTITLE; AND

3 (II) DESIGNATE THE STAFF NECESSARY TO ASSIST THE BOARD IN
4 CARRYING OUT ITS FUNCTIONS UNDER THIS SUBTITLE.

5 **Article - Insurance**

6 6-103.1.

7 NOTWITHSTANDING § 2-114 OF THIS ARTICLE, BEGINNING JANUARY 15, 2002,
8 FROM THE TAX IMPOSED ON THE HEALTH INSURERS UNDER THIS SUBTITLE,
9 \$1,000,000 SHALL BE DISTRIBUTED ANNUALLY TO THE SPINAL CORD INJURY
10 RESEARCH TRUST FUND CREATED UNDER § 13-1006 OF THE HEALTH - GENERAL
11 ARTICLE.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2000.