

**SB0189/852816/1**

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 189  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike lines 2 and 3 in their entirety and substitute:

“Victims’ Rights – Fatal Vehicular Accident – Suspension of License”;

strike beginning with “establishing” in line 4 down through “injury” in line 11 and substitute “authorizing a victim’s representative to be present at a certain administrative hearing concerning a fatal vehicular accident; authorizing a victim’s representative to make an oral statement or submit a written statement for consideration at a certain administrative hearing concerning a fatal vehicular accident; requiring a law enforcement officer, during the investigation of a fatal vehicular accident, to inform a victim’s representative of the right to file a certain request with the Motor Vehicle Administration; requiring certain notice to a victim’s representative under certain circumstances; authorizing the Administration to suspend a license of a person who is convicted of a moving violation that contributed to an accident resulting in the death of an individual; providing for certain procedures; defining certain terms; and generally relating to victims’ rights and license suspensions concerning certain fatal vehicular accidents”;

and strike in their entirety lines 12 through 21, inclusive, and substitute:

“BY adding to

Article – Transportation

Section 12–206.1 and 16–206(a)(5) and (f)

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)”.

(Over)

AMENDMENT NO. 2

On page 2, strike in their entirety lines 4 through 22, inclusive, and substitute:

“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;**

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

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

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

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

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

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

(Over)

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

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

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

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

(II) CONSIDER THE WRITTEN STATEMENT AT THE HEARING.

16-206.

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

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

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

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