

HOUSE BILL 1071

R7, E2

7lr2775

By: **Delegates Valentino–Smith, Holmes, Kramer, McComas, McCray, and Sanchez**
Introduced and read first time: February 8, 2017
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Victim’s Representative Notification – License Suspension**
3 **Hearing**

4 FOR the purpose of requiring the Maryland Police Training and Standards Commission to
5 develop and, as necessary, update a certain form; requiring a law enforcement officer
6 to provide certain information to a victim’s representative in certain situations and
7 within a certain period of time after a certain event; requiring a law enforcement
8 officer to certify certain facts to the Motor Vehicle Administration under certain
9 circumstances; requiring the Administration to contact a certain State’s Attorney in
10 certain situations in order to obtain certain information; requiring the
11 Administration to provide certain materials to a certain individual without cost;
12 providing that a certain individual must only provide certain notice to the
13 Administration when it is practicable to do so; requiring the Administration to make
14 certain materials available on the Administration’s Web site; requiring the
15 Administration to track certain statistics; and generally relating to a victim’s
16 representative notification.

17 BY adding to
18 Article – Public Safety
19 Section 3–207(h)
20 Annotated Code of Maryland
21 (2011 Replacement Volume and 2016 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Transportation
24 Section 12–206.1
25 Annotated Code of Maryland
26 (2012 Replacement Volume and 2016 Supplement)

27 BY repealing and reenacting, without amendments,
28 Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 Section 16–206(a)(5)(i) and (f)
2 Annotated Code of Maryland
3 (2012 Replacement Volume and 2016 Supplement)

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

6 **Article – Public Safety**

7 3–207.

8 **(H) THE COMMISSION, IN CONSULTATION WITH THE OFFICE OF**
9 **ADMINISTRATIVE HEARINGS, THE GOVERNOR’S OFFICE OF CRIME CONTROL AND**
10 **PREVENTION, AND THE MOTOR VEHICLE ADMINISTRATION, SHALL DEVELOP AND,**
11 **AS NECESSARY, UPDATE A UNIFORM VICTIM’S REPRESENTATION NOTIFICATION**
12 **FORM THAT MAY BE FILED BY A VICTIM’S REPRESENTATIVE UNDER § 12–206.1 OF**
13 **THE TRANSPORTATION ARTICLE.**

14 **Article – Transportation**

15 12–206.1.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) “Victim” means a person who dies as the result of the commission of a
18 moving violation by another person.

19 (3) “Victim’s representative” means a member of the family of a victim or a
20 guardian or personal representative of a victim.

21 (b) (1) [During the investigation of a moving violation] **WITHIN 5 DAYS**
22 **AFTER A CONVICTION OF A MOVING VIOLATION**, a law enforcement officer shall inform
23 a victim’s representative of the right to file a victim’s representation notification form with
24 the Administration to request to be notified of a hearing under § 16–206(f) of this article.

25 (2) A victim’s representation notification form under this subsection may
26 only be filed within 20 days after the conviction of the moving violation.

27 **(3) (I) A LAW ENFORCEMENT OFFICER WHO COMPLIES WITH OR**
28 **ATTEMPTS TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPH (1) OF THIS**
29 **SUBSECTION SHALL CERTIFY TO THE ADMINISTRATION THAT THE OFFICER:**

30 **1. INFORMED A VICTIM’S REPRESENTATIVE OF THE**
31 **RIGHT TO FILE A VICTIM’S REPRESENTATION NOTIFICATION FORM UNDER THIS**
32 **SUBSECTION; OR**

1 **2. WAS UNABLE TO IDENTIFY A VICTIM'S**
2 **REPRESENTATIVE.**

3 **(II) IF THE ADMINISTRATION DOES NOT RECEIVE A**
4 **CERTIFICATION FROM A LAW ENFORCEMENT OFFICER UNDER THIS PARAGRAPH,**
5 **THE ADMINISTRATION SHALL CONTACT THE STATE'S ATTORNEY THAT SERVES THE**
6 **COUNTY IN WHICH THE VICTIM DIED TO IDENTIFY A VICTIM'S REPRESENTATIVE.**

7 (c) (1) If a victim's representative files a victim's representation notification
8 form under subsection (b) of this section, the Administration shall give the victim's
9 representative notice in accordance with § 12-114 of this title at least 21 days before a
10 hearing under § 16-206(f) of this article.

11 (2) Notice provided under this subsection shall state:

12 (i) The date, time, place, and nature of the hearing;

13 (ii) The legal authority and jurisdiction of the Administration to hear
14 the matter;

15 (iii) The nature of the proposed action that the Administration is to
16 consider;

17 (iv) That a copy of the hearing procedures is available on request and
18 [the cost to obtain a copy] **WITHOUT COST TO THE VICTIM'S REPRESENTATIVE;**

19 (v) The right of the victim's representative to be present at the
20 hearing;

21 (vi) The right of the victim's representative to submit a written
22 statement for consideration by the Administration at the hearing; and

23 (vii) The right of the victim's representative to make an oral
24 statement for consideration by the Administration at the hearing.

25 (3) (i) If a victim's representative intends to make an oral statement,
26 the victim's representative shall, **IF PRACTICABLE**, notify the Administration at least 10
27 days before the hearing.

28 (ii) If a victim's representative intends to submit a written
29 statement, the statement shall, **IF PRACTICABLE**, be submitted to the Administration at
30 least 10 days before the hearing.

31 **(4) (I) THE ADMINISTRATION SHALL MAKE AN ELECTRONIC**
32 **VERSION OF THE ADMINISTRATIVE HEARING PROCEDURES AVAILABLE ON THE**
33 **ADMINISTRATION'S WEB SITE.**

1 **(II) THE ADMINISTRATION SHALL UPDATE THE ELECTRONIC**
2 **VERSION OF THE ADMINISTRATIVE HEARING PROCEDURES TO REFLECT CHANGES**
3 **IN PROCEDURES.**

4 (d) (1) If a victim's representative provides notice in accordance with
5 subsection (c)(3)(i) of this section, the Administration shall allow the victim's representative
6 to make an oral statement for consideration by the Administration at the hearing.

7 (2) If a victim's representative submits a written statement in accordance
8 with subsection (c)(3)(ii) of this section, the Administration shall:

9 (i) Provide a copy of the written statement to the licensee before the
10 hearing begins; and

11 (ii) Consider the written statement at the hearing.

12 **(E) THE ADMINISTRATION SHALL MAINTAIN A RECORD OF THE NUMBER OF:**

13 **(1) CERTIFICATIONS RECEIVED FROM LAW ENFORCEMENT OFFICERS**
14 **UNDER SUBSECTION (B) OF THIS SECTION AND WHETHER A CERTIFICATION**
15 **INDICATED THAT A LAW ENFORCEMENT OFFICER WAS ABLE TO INFORM A VICTIM'S**
16 **REPRESENTATIVE OF THE RIGHT TO FILE A VICTIM'S REPRESENTATION**
17 **NOTIFICATION FORM;**

18 **(2) ORAL STATEMENTS OFFERED BY VICTIMS' REPRESENTATIVES AT**
19 **HEARINGS HELD UNDER § 16-206(F) OF THIS ARTICLE; AND**

20 **(3) WRITTEN STATEMENTS OFFERED BY VICTIMS' REPRESENTATIVES**
21 **AT HEARINGS HELD UNDER § 16-206(F) OF THIS ARTICLE.**

22 16-206.

23 (a) (5) (i) The Administration may suspend the license of a person who is
24 convicted of a moving violation that contributed to an accident resulting in the death of
25 another person.

26 (f) In accordance with Title 12, Subtitle 2 of this article, the Administration shall
27 provide notice of a suspension under subsection (a)(5) of this section and the licensee may
28 request a hearing.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2017.