

**Department of Legislative Services**  
Maryland General Assembly  
2017 Session

**FISCAL AND POLICY NOTE**  
**Enrolled - Revised**

House Bill 1071  
Judiciary

(Delegate Valentino-Smith, *et al.*)

Judicial Proceedings

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**Vehicle Laws - Victim's Representative Notification - License Suspension  
Hearing**

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This bill requires the Governor's Office of Crime Control and Prevention (GOCCP) to develop, and update as necessary, a uniform victim's representation notification form for a victim's representative to receive notification of a license suspension hearing as a result of a moving violation that contributed to a fatality. The Maryland Police Training and Standards Commission (MPTSC) must distribute the form to each law enforcement agency in the State. An investigating agency must provide the victim's representative with a copy of the notification form in conjunction with informing the representative of the right to file the form, as specified. If a victim's representative has timely filed a notification form and the violator has requested a hearing, the Motor Vehicle Administration (MVA) must notify (1) the victim's representative of any suspension hearing as a result of the moving violation and (2) the Office of Administrative Hearings (OAH) that a victim's notification form has been filed.

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**Fiscal Summary**

**State Effect:** GOCCP can develop and MPTSC can distribute the notification form with existing budgeted resources. MVA and OAH can also handle the bill's requirements with existing budgeted resources. Revenues are not materially affected.

**Local Effect:** Provision of the notification form can be handled with existing budgeted resources. Revenues are not affected.

**Small Business Effect:** None.

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## Analysis

**Bill Summary/Current Law:** “Victim’s representative” means a member of a family of a victim or the victim’s guardian or personal representative. “Victim” means a person who dies as a result of the commission of a moving violation by another person.

*Notification Requirement for Law Enforcement Officers:* During the investigation of a moving violation, existing provisions require a law enforcement officer to inform a victim’s representative of the right to file a victim’s representation notification form with MVA for notification of an offender’s suspension hearing. Under the bill, an investigating agency must inform a victim’s representative of this right during the investigation of a moving violation and provide a copy of the notification form at that time.

*Filing a Notification Form:* The bill alters the time period within which a victim’s representative must file a notification form from within 20 days after a conviction of the moving violation associated with the fatality, to at least 30 days before the driver’s suspension hearing on the moving violation.

*Notification Requirement for the Motor Vehicle Administration:* MVA is required under State law to provide a notice to a victim’s representative that contains specified information about an upcoming driver’s license suspension hearing at least 21 days before the hearing, including a notice that a copy of the license suspension hearing is available on request and of the cost to obtain a copy. The bill requires MVA to offer the copy of the hearing procedures to the victim’s representative at no cost.

Existing provisions, which are unchanged by the bill, specify that a victim’s representative who intends to submit a written statement to MVA must do so at least 10 days before the hearing; if a victim’s representative intends to make an oral statement, the representative must notify MVA about the intent to do so at least 10 days before the hearing. The bill ensures that OAH is given notice that a victim’s representative has filed a notification form.

**Background:** Chapter 522 of 2010 established the authority of MVA to suspend, for a maximum of six months, the license of a driver convicted of a moving violation that contributed to a traffic fatality. It also established the right of the victim’s representative to be notified of a driver’s license suspension hearing held as a result of the moving violation, and the right to give an oral or written statement for consideration at the hearing.

According to the District Court, in fiscal 2016, there were 11,864 citations issued for reckless driving, of which 15 contributed to an accident and resulted in fatalities, and 26,504 citations issued for negligent driving, of which 47 contributed to an accident and resulted in fatalities.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Harford, Montgomery, and Talbot counties; Governor's Office of Crime Control and Prevention; Judiciary (Administrative Office of the Courts); State's Attorneys' Association; Department of Public Safety and Correctional Services; Maryland Department of Transportation; Office of Administrative Hearings; Department of Legislative Services

**Fiscal Note History:**      First Reader - February 21, 2017  
kb/kdm                              Third Reader - March 29, 2017  
   Revised - Amendment(s) - March 29, 2017  
   Enrolled - May 9, 2017  
   Revised - Amendment(s) - May 9, 2017  
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