

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 721

(Delegates Stein and Malone)

Environment and Transportation

Judicial Proceedings

Vehicle Laws - Injury or Death of Vulnerable Individual - Penalties

This bill prohibits an individual from causing the serious physical injury or death of a “vulnerable individual” as a result of the individual’s operation of a motor vehicle in a careless or distracted manner or in violation of any other rule of the road specified in the Maryland Vehicle Law. A violator is guilty of a misdemeanor and is subject to a maximum fine of \$2,000. An individual charged with a violation must appear in court and may not prepay the fine. The court may, in addition to imposing a fine, order a violator to participate in a motor vehicle safety course and perform up to 150 hours of community service. The Motor Vehicle Administration (MVA) must suspend the driver’s license of an individual convicted of a violation for at least seven days and up to six months.

Fiscal Summary

State Effect: General fund revenues increase, likely minimally, but implementation and enforcement can be handled with existing resources, as discussed below.

Local Effect: Enforcement can be handled with existing resources. Revenues are not affected.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: “Vulnerable individual” means:

- a pedestrian, including an individual (1) working on a highway or utility facility along a highway; (2) providing emergency services on a highway; or (3) on a sidewalk or footpath;
- an individual riding or leading an animal on a highway, shoulder, crosswalk, or sidewalk; or
- an individual who is lawfully operating or riding – on a highway, shoulder, crosswalk, or sidewalk – a bicycle, farm tractor or other farm equipment, play vehicle, motor scooter, motorcycle, animal-drawn vehicle, electronic personal assistive mobility device (EPAMD), or wheelchair.

Current Law:

Duty of a Driver to Exercise Due Care

Notwithstanding any other rule of the road, the driver of a vehicle must exercise due care to avoid colliding with any pedestrian and, if necessary, warn any pedestrian by sounding the vehicle’s horn. Additionally, the driver of a vehicle must exercise proper caution upon observation of a child or obviously confused or incapacitated individual. A violation is a misdemeanor, and a violator is subject to a maximum fine of \$500. The prepayment penalty established by the District Court is \$70, and MVA must assess one point against a violator’s license. If the violation contributes to an accident, the prepayment penalty is \$110, and MVA must assess three points against the violator’s license.

Definitions

“Serious bodily injury,” as it pertains to the duties of a driver involved in an accident, means an injury that (1) creates a substantial risk of death; (2) causes serious permanent or serious protracted disfigurement; (3) causes serious permanent or serious protracted loss of the function of a body part, organ, or mental faculty; or (4) causes serious permanent or serious protracted impairment of the function of a body part or organ.

“Bicycle” means a vehicle that (1) is designed to be operated by human power; (2) has two or three wheels, one of which is more than 14 inches in diameter; and (3) has a drive mechanism other than by pedals directly attached to a drive wheel. “Bicycle” also includes an electric bicycle, a moped, or an electric low-speed scooter.

An “EPAMD” is a pedestrian device that (1) has two nontandem wheels; (2) is self-balancing; (3) is powered by an electric propulsion system; (4) is designed to transport one person; and (5) reaches a maximum speed of up to 15 miles per hour.

A “play vehicle” is a vehicle that has at least two wheels, is propelled only by human power, and is not a bicycle or wheelchair.

Background: According to preliminary data presented in the Maryland Department of Transportation’s (MDOT) *2020 Annual Attainment Report*, 465 serious pedestrian injuries, 130 pedestrian deaths, 6 bicycle fatalities, and 59 serious bicycle injuries occurred on Maryland roads in 2018.

State Fiscal Effect: General fund revenues increase, likely minimally, due to the bill’s monetary penalty. However, the extent of the increase cannot be readily estimated as it depends on the number of convictions and actual amount of the fines imposed by the court. The District Court can handle additional must-appear offenses with existing resources.

MDOT advises that any required software program changes to implement the bill can be handled with existing resources. Also, any additional license suspensions resulting from the bill are likely to have no material impact on the Transportation Trust Fund.

Additional Information

Prior Introductions: Similar legislation has been considered. HB 112 of 2019 passed the House and received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, SB 804, was amended in the Senate and referred to the House Rules and Executive Nominations Committee, but no further action was taken. HB 1099 of 2018 was amended in the House and then received an unfavorable report from the Senate Judicial Proceedings Committee. Its cross file, SB 868, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Designated Cross File: SB 512 (Senator Waldstreicher) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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