



ABATE OF MARYLAND, INC.

Dedicated to Freedom of the Road & Responsible Motorcycle Legislation

To: The Honorable William C. Smith, Chairman Judicial Proceedings Committee

From: Ken Eaton, Executive Director, ABATE of Maryland, Inc.

Date: February 14, 2023

Re: **SB252** Reckless and Negligent Driving – Death of Another – Must–Appear Violation
(Sherry’s and Christian’s Law)

Position: **FAVORABLE - SUPPORT**

As a motorcyclist, and the Executive Director of ABATE of Maryland, Inc., I am urging you to support SB252. ABATE represents ALL motorcyclists as the largest motorcycle rights organization in the state and have been doing so since 1974.

The HB 360 bill indicates “*providing that a person charged with reckless or negligent driving that contributes to an accident that results in the death of another person must appear in court and may not prepay the fine*”. This is a bill that is near and dear to our Mid-Shore Chapter as well and the entire membership of ABATE of Maryland, Inc. On August 30, 2006, our then State Executive Director, Marty Schultz, was killed in a motorcycle accident that involved a car running a stop sign. Many other motorcyclists and motorists have experienced similar tragedies. Quite often, the officer on the scene issues a violation for running a stop sign, failure to stay right of center or some other minor violation. We feel it should be a “Mandatory Appearance” in court if a person involved in an accident, causes the death of another individual.

ABATE requested and assisted with “right-of-way” bills in 2006 and 2007 with no success. In 2008, we were able to get SB 712 passed. However, it did not include a provision for “Must Appear.” We strongly feel that no one should be able to receive a minor traffic violation, or no violation at all, when an accident that they caused results in severe injury or death. They should **not** be able to pay a ticket to avoid going to court. They should be required to appear in court. We are not requesting a mandatory penalty, just that they would be required to appear in court. This is not just a motorcycle bill; this legislation would apply to all persons on a roadway that cause the death of another through reckless and negligent driving. Interestingly enough, motorcyclists are already covered under a “Vulnerable Individuals” provision that passed several years ago. ABATE is supporting this bill because we feel the same provisions in the Vulnerable Individuals portion of MD Traffic Code 21-901.3(b), should apply to all persons on or near the roadway.

I have attached a portion of the document that is provided to all “Peace Officers” in Maryland, as prepared by the District Court of Maryland. It is a schedule of fines for violations related to Motor Vehicle Laws. The very last page is what I have attached & it is a summary of common traffic citations, the associated fine(s). If “MA” is listed in the fine’s column, that is a “Must Appear” violation. In addition, I have also added a brief summary of others that I was able to find throughout this document. There are 130 pages in this document. If you would like a copy, please let me know & I can provide you with a PDF. Interestingly enough if a person fails to stop for a pedestrian in a crosswalk and receives a ticket for it, that is a MUST APPEAR violation.

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We feel that SB252 could give the family and friends of a victim of a reckless or negligent driver a bit of closure to know that the person that caused the accident would at least have to appear in court. The court could request the person that was issued the violation to provide their account of what may have happened. In some cases, it could truly have been an accident resulting from a animal in the roadway, a tire blow-out, etc. In other cases, it may have been distracted driving, or just plain poor judgement.

On behalf of all motorists in Maryland, I am hereby urging **support for SB252** - Reckless and Negligent Driving Death of Another - Must-Appear Violation and **urge the committee to vote FAVORABLY.**

Sincerely,

ABATE of Maryland, Inc.



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List of some traffic violations that require a **“Must Appear.”**

- **Drivers' licenses:**
 - Driving without a license
 - Driving on alcohol restriction
 - Fraudulent / fictitious license
 - Suspended, revoked, or refused license.
 - Improper license
- **Accidents and Accident Reporting**
 - Failure to stop.
 - Failure to remain on scene.
 - Failure to render reasonable assistance.
 - Failure to report accident.
 - False report
- **Traffic Signals**
 - Willfully altering
- **Pedestrians**
 - Failure to stop for a pedestrian in a crosswalk.
 - Passing a vehicle stopped for pedestrian in a crosswalk.
- **Reckless, Negligent, etc.**
 - Causing death or physical injury to a *VULNERABLE INDIVIDUAL*
 - DUI
 - DWI
 - Driving without a required ignition interlock
 - Fleeing & eluding a police officer
 - Bodily injury / death or another - if fleeing and eluding a police officer
- **Miscellaneous**
 - Participating in a race / speed contest and in an accident that causes serious injury / death of another.
 - Use of a handheld telephone/text messaging device while driving, causing an accident that directly results in death, serious bodily injury.
 - Pumping gas into a dirt bike from a retail pump in Baltimore City.
 - Exhibition driving in a special event zone in Worcester County MD.

| | | | <u>Fine/Cont/ to Accident</u> |
|-----|--------------|---|-------------------------------|
| 01) | 21-801.1 | Exceed Max Speed.....MPH in.....Zone..... | |
| 02) | 13-401(b)(1) | Operating Unregistered Motor Veh..... | \$290.00 |
| 03) | 13-401(h) | Driving With Suspended Registration | \$150.00 |
| 04) | 13-409(b) | Fail to Display Reg. Card on Demand..... | \$ 50.00 |
| 05) | 13-411(a) | Fail to Attach Plates at Front & Rear | \$ 70.00 |
| 06) | 13-411(d) | Driving w/o Current Tags | \$ 70.00 |
| 07) | 13-411(f) | Display Expired Reg. Plates | \$ 70.00 |
| 08) | 13-411(g) | Display Reg. Plates Issued to Another | \$ 70.00 |
| 09) | 13-703(g) | Unauthorized Disp. & Use of Reg. Plate..... | \$290.00 |
| 10) | 16-101(a)(1) | Driving Without License..... | MA |
| 11) | 16-112(c) | Fail to Display License on Demand | \$ 50.00 |
| 12) | 16-113(h) | Violating Restricted Lic. Restriction..... | \$ 70.00 |
| 13) | 16-115(g) | Driving With an Expired License | \$ 70.00 |
| 14) | 16-116(a) | Failure Notify Adm. Address Change | \$ 50.00 |
| 15) | 16-303(c) | Driving on Suspended Lic. & Priv | MA |
| 16) | 16-303(d) | Driving on Revoked Lic. & Priv | MA |
| 17) | 16-303(f) | Driving on Suspended Out of State Lic | MA |
| 18) | 16-303(h) | Driving While Lic. Suspended Under (16-203,16-206 a2 Fail to Attend DIP, 17-106, 26-204, 26-206, 27-103)..... | MA |
| 19) | 17-107(a)(1) | Driving Uninsured Vehicle..... | MA |
| 20) | 21-201(a)(1) | Failure to Obey Traffic Device..... | \$90.00 / \$130.00 |
| 21) | 21-202(h)(1) | Failure to Stop at Steady Circular Red Signal | \$140.00 / \$180.00 |
| 22) | 21-202(i)(1) | Fail to stop at Red Signal Before Right Turn. | \$90.00 / \$130.00 |

| | | | <u>Fine/Cont/ to Accident</u> |
|-----|--------------------|---|-------------------------------|
| 23) | 21-301(a) | Failure to Drive Right of Center | \$90.00 / \$130.00 |
| 24) | 21-304(c) | Driving off Road While Passing Vehicle..... | \$110.00 / \$150.00 |
| 25) | 21-308(a) | Driving Wrong Direction on One Way Road..... | \$90.00 / \$130.00 |
| 26) | 21-309(b) | Unsafe Lane Changing | \$90.00 / \$130.00 |
| 27) | 21-310(a) | Following Veh. Too Closely..... | \$110.00 / \$150.00 |
| 28) | 21-402(a) | Fail to Yield to Oncoming Traffic on Left Turn.... | \$110.00 / \$150.00 |
| 29) | 21-707(a) | Fail to Stop at Stop Sign..... | \$90.00 / \$130.00 |
| 30) | 21-801(a) | Speed Greater Than Reasonable | \$90.00 / \$130.00 |
| 31) | 21-801(b) | Failure to Control Speed to Avoid Collision..... | \$130.00 |
| 32) | 21-901.1(a) | Reckless Driving..... | \$510.00 |
| 33) | 21-901.1(b) | Negligent Driving..... | \$240.00 / \$280.00 |
| 34) | 21-902(a)(1)(i) | Driving Veh. While Under Influence of Alcohol .. | MA |
| 35) | 21-902(a)(1)(i)(i) | Driving Under Influence of Alcohol Per Se | MA |
| 36) | 21-902(b)(1)(i) | Driving While Impaired by Alcohol..... | MA |
| 37) | 21-902(c)(1)(i) | Driving While So Far Impaired by Drug(s) or Drug(s) and Alcohol Cannot Drive Safely..... | MA |
| 38) | 21-902(d)(1)(i) | Driving While Impaired by Controlled Dangerous Substance..... | MA |
| 39) | 21-1117(c) | Driver Spinning Wheels | \$70.00 / \$110.00 |
| 40) | 22-412.2(d)(1) | Failing to Secure Child Under Age 8 in Child Safety Seat When Transporting in Motor Vehicle. | \$83.00 |
| 41) | 22-412.3(b) | (Operator, Occupant Under 16) Not Restrained by (Seat Belt, Child Safety Seat) | \$83.00 |
| 42) | 22-412.3(c)(2) | Front Passenger 16 or More w/o Seat Belt..... | \$83.00 |