

Unofficial Copy
R5

1997 Regular Session
7lr1921

By: Senators Kelley, Boozer, Kasemeyer, Collins, Della, Forehand, Stone, Hughes, Colburn, Craig, Hollinger, Amoss, and Sfikas

Introduced and read first time: January 27, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles - Penalties - Multiple Violations - Life Threatening Injury or Death**

3 FOR the purpose of increasing the penalties that may be imposed on a person who
4 commits at least a certain number of violations of certain provisions of the Motor
5 Vehicle Law in connection with a single traffic incident that results in the death of
6 or life threatening injury to another person; specifying certain types of offenses to
7 which the new penalties apply; prohibiting the State's Attorney from seeking
8 increased penalties under the Act unless the State's Attorney provides certain
9 notice; defining a certain term; and generally relating to the penalties for motor
10 vehicle offenses.

11 BY repealing and reenacting, with amendments,
12 Article - Transportation
13 Section 27-101(c)(21) and (22)
14 Annotated Code of Maryland
15 (1992 Replacement Volume and 1996 Supplement)

16 BY adding to
17 Article - Transportation
18 Section 27-101(r)
19 Annotated Code of Maryland
20 (1992 Replacement Volume and 1996 Supplement)

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

23 **Article - Transportation**

24 27-101.

25 (c) [Any] EXCEPT AS PROVIDED IN SUBSECTION (R) OF THIS SECTION, ANY
26 person who is convicted of a violation of any of the provisions of the following sections of
27 this article is subject to a fine of not more than \$500 or imprisonment for not more than
28 2 months or both:

2

1 (21) As to a pedestrian in a marked crosswalk, § 21-502(a) ("Pedestrians'
2 right-of-way in crosswalks: In general");

3 (22) As to another vehicle stopped at a marked crosswalk, § 21-502(c)
4 ("Passing of vehicle stopped for pedestrian prohibited");

5 (R) (1) IN THIS SUBSECTION, "SINGLE TRAFFIC INCIDENT" MEANS AN
6 ACCIDENT THAT OCCURS WITHIN THE SAME COURSE OF CONDUCT AND DURING
7 THE CONTINUOUS OPERATION OF A MOTOR VEHICLE WITHOUT INTERRUPTION."

8 (2) ANY PERSON WHO IS CONVICTED OF TWO OR MORE OF THE
9 VIOLATIONS THAT ARE SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION ARISING
10 OUT OF A SINGLE TRAFFIC INCIDENT IS SUBJECT TO:

11 (I) FOR A SINGLE TRAFFIC INCIDENT THAT RESULTS IN LIFE
12 THREATENING INJURY TO ANOTHER PERSON, FOR EACH OFFENSE, A FINE OF NOT
13 MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH; AND

14 (II) FOR A SINGLE TRAFFIC INCIDENT THAT RESULTS IN THE
15 DEATH OF ANOTHER PERSON, FOR EACH OFFENSE, A FINE OF NOT MORE THAN
16 \$3,000 OR IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR BOTH.

17 (3) THIS SUBSECTION APPLIES TO A VIOLATION OF THE FOLLOWING
18 PROVISIONS OF THIS ARTICLE:

19 (I) § 21-201 (OBEDIENCE TO TRAFFIC CONTROL DEVICES);

20 (II) § 21-202 (TRAFFIC LIGHTS WITH STEADY INDICATION);

21 (III) § 21-301 (DRIVING ON THE RIGHT SIDE OF ROADWAY);

22 (IV) § 21-303 (OVERTAKING AND PASSING VEHICLES);

23 (V) § 21-308 (ONE WAY TRAFFIC AND ROTARY TRAFFIC ISLANDS);

24 (VI) § 21-309 (DRIVING ON LANED ROADWAYS);

25 (VII) § 21-310 (FOLLOWING TOO CLOSELY);

26 (VIII) § 21-402 (TURNING LEFT OR MAKING U-TURN);

27 (IX) § 21-502 (PEDESTRIAN'S RIGHT-OF-WAY IN CROSSWALK);

28 (X) § 21-504 (DRIVER'S DUTY TO EXERCISE DUE CARE);

29 (XI) § 21-602 (U-TURN ON CURVE OR CREST OF GRADE);

30 (XII) § 21-706 (OVERTAKING AND PASSING SCHOOL VEHICLE);

31 (XIII) § 21-707 (STOP SIGNS AND YIELD SIGNS);

32 (XIV) § 21-801 (SPEED RESTRICTIONS);

33 (XV) § 21-801.1 (MAXIMUM SPEED LIMITS);

34 (XVI) § 21-901.1 (RECKLESS AND NEGLIGENT DRIVING);

3

1 (XVII) § 21-1102 (LIMITATIONS ON BACKING);

2 (XVIII) § 21-1116 (RACE OR SPEED CONTEST);

3 (XIX) § 21-1121 (CHILDREN IN REAR OF PICKUP TRUCK); AND

4 (XX) § 21-1209 (THROWING OBJECTS AND OPENING DOORS).

5 (4) (I) SUBJECT TO SUBPARAGRAPH (III) ON THIS PARAGRAPH, THE
6 STATE'S ATTORNEY MAY NOT SEEK ADDITIONAL PENALTIES UNDER THIS SECTION
7 UNLESS THE STATE'S ATTORNEY SERVES WRITTEN NOTICE OF INTENT TO SEEK
8 ADDITIONAL PENALTIES UPON THE DEFENDANT OR THE DEFENDANT'S COUNSEL
9 AT LEAST 15 DAYS BEFORE TRIAL IN A CIRCUIT COURT OR 5 DAYS BEFORE TRIAL IN
10 DISTRICT COURT.

11 (II) A NOTICE OF INTENT TO SEEK ADDITIONAL PENALTIES SHALL
12 IDENTIFY EACH ALLEGED OFFENSE AND THE PENALTY SOUGHT FOR EACH
13 OFFENSE.

14 (III) IF THE STATE'S ATTORNEY FAILS TO GIVE TIMELY OR PROPER
15 NOTICE UNDER SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH, THE COURT
16 SHALL, UPON RECEIVING A WRITTEN REQUEST FROM THE STATE'S ATTORNEY,
17 POSTPONE THE TRIAL AT LEAST 15 DAYS UNLESS THE DEFENDANT WAIVES THE
18 NOTICE REQUIREMENT.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 1997.