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**By: Senators Kelley, Boozer, Kasemeyer, Collins, Della, Forehand, Stone, Hughes, Colburn, Craig, Hollinger, Amoss, and Sfikas Sfikas, Jimeno, and the President (Administration)**

Introduced and read first time: January 27, 1997

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 13, 1997

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Motor Vehicles - Penalties - Multiple Violations - ~~Life-Threatening~~ Serious Physical**  
3 **Injury or Death**

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

12 BY repealing and reenacting, with amendments,  
13 Article - Transportation  
14 Section 27-101(c)(21) and (22)  
15 Annotated Code of Maryland  
16 (1992 Replacement Volume and 1996 Supplement)

17 BY adding to  
18 Article - Transportation  
19 Section 27-101(r)  
20 Annotated Code of Maryland  
21 (1992 Replacement Volume and 1996 Supplement)

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

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1 **Article - Transportation**

2 27-101.

3 (c) [Any] EXCEPT AS PROVIDED IN SUBSECTION (R) OF THIS SECTION, ANY  
4 person who is convicted of a violation of any of the provisions of the following sections of  
5 this article is subject to a fine of not more than \$500 or imprisonment for not more than  
6 2 months or both:

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

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

11 (R) (1) (I) IN THIS SUBSECTION; THE FOLLOWING TERMS HAVE THE  
12 MEANINGS INDICATED.

13 (II) "SERIOUS PHYSICAL INJURY" MEANS PHYSICAL INJURY  
14 WHICH:

15 1. CREATES A SUBSTANTIAL RISK OF DEATH;

16 2. CAUSES SERIOUS PERMANENT OR SERIOUS PROTRACTED  
17 DISFIGUREMENT;

18 3. CAUSES SERIOUS PERMANENT OR SERIOUS PROTRACTED  
19 LOSS OF THE FUNCTION OF ANY BODILY MEMBER OR ORGAN; OR

20 4. CAUSES SERIOUS PERMANENT OR SERIOUS PROTRACTED  
21 IMPAIRMENT OF THE FUNCTION OF ANY BODILY MEMBER OR ORGAN.

22 (III) "SINGLE TRAFFIC INCIDENT" MEANS AN ACCIDENT THAT  
23 OCCURS WITHIN THE SAME COURSE OF CONDUCT AND DURING THE CONTINUOUS  
24 OPERATION OF A MOTOR VEHICLE WITHOUT INTERRUPTION."

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

28 (I) FOR A SINGLE TRAFFIC INCIDENT THAT RESULTS IN ~~LIFE~~  
29 THREATENING SERIOUS PHYSICAL INJURY TO ANOTHER PERSON, FOR EACH  
30 OFFENSE, A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE  
31 THAN 1 YEAR OR BOTH; AND

32 (II) FOR A SINGLE TRAFFIC INCIDENT THAT RESULTS IN THE  
33 DEATH OF ANOTHER PERSON, FOR EACH OFFENSE, A FINE OF NOT MORE THAN  
34 \$3,000 OR IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR BOTH.

35 (3) THIS SUBSECTION APPLIES TO A VIOLATION OF THE FOLLOWING  
36 PROVISIONS OF THIS ARTICLE:

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

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

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- 1                   ~~(III)~~ (II) § 21-301 (DRIVING ON THE RIGHT SIDE OF ROADWAY);
- 2                   ~~(IV)~~ (III) § 21-303 (OVERTAKING AND PASSING VEHICLES);
- 3                   ~~(V)~~ (IV) § 21-308 (ONE WAY TRAFFIC AND ROTARY TRAFFIC
- 4 ISLANDS);
- 5                   ~~(VI)~~ (V) § 21-309 (DRIVING ON LANED ROADWAYS);
- 6                   ~~(VII)~~ (VI) § 21-310 (FOLLOWING TOO CLOSELY);
- 7                   ~~(VIII)~~ (VII) § 21-402 (TURNING LEFT OR MAKING U-TURN);
- 8                   ~~(IX)~~ (VIII) § 21-502 (PEDESTRIAN'S RIGHT-OF-WAY IN CROSSWALK);
- 9                   ~~(X)~~ § 21-504 (~~DRIVER'S DUTY TO EXERCISE DUE CARE~~);
- 10                  ~~(XI)~~ (IX) § 21-602 (U-TURN ON CURVE OR CREST OF GRADE);
- 11                  ~~(XII)~~ (X) § 21-706 (OVERTAKING AND PASSING SCHOOL VEHICLE);
- 12                  ~~(XIII)~~ (XI) § 21-707 (STOP SIGNS AND YIELD SIGNS);
- 13                  ~~(XIV)~~ (XII) § 21-801 (SPEED RESTRICTIONS);
- 14                  ~~(XV)~~ (XIII) § 21-801.1 (MAXIMUM SPEED LIMITS THAT INVOLVES
- 15 SPEEDING IN EXCESS OF THE POSTED SPEED LIMIT BY 10 MILES AN HOUR OR MORE);
- 16                  ~~(XVI)~~ § 21-901.1 (~~RECKLESS AND NEGLIGENT DRIVING~~);
- 17                  ~~(XVII)~~ (XIV) § 21-1102 (LIMITATIONS ON BACKING);
- 18                  ~~(XVIII)~~ § 21-1116 (~~RACE OR SPEED CONTEST~~);
- 19                  ~~(XIX)~~ § 21-1121 (~~CHILDREN IN REAR OF PICKUP TRUCK~~); AND
- 20                  ~~(XX)~~ (XV) § 21-1209 (THROWING OBJECTS AND OPENING DOORS);
- 21 AND
- 22                  (XVI) § 20-102 (DUTY TO REMAIN AT SCENE OF ACCIDENT).

23                   (4) (I) SUBJECT TO SUBPARAGRAPH (III) ~~ON~~ OF THIS PARAGRAPH,  
24 THE STATE'S ATTORNEY MAY NOT SEEK ADDITIONAL PENALTIES UNDER THIS  
25 SECTION UNLESS THE STATE'S ATTORNEY SERVES WRITTEN NOTICE OF INTENT TO  
26 SEEK ADDITIONAL PENALTIES UPON THE DEFENDANT OR THE DEFENDANT'S  
27 COUNSEL AT LEAST 15 DAYS BEFORE TRIAL IN A CIRCUIT COURT OR 5 DAYS BEFORE  
28 TRIAL IN DISTRICT COURT.

29                   (II) A NOTICE OF INTENT TO SEEK ADDITIONAL PENALTIES SHALL  
30 IDENTIFY EACH ALLEGED OFFENSE AND THE PENALTY SOUGHT FOR EACH  
31 OFFENSE.

32                   (III) IF THE STATE'S ATTORNEY FAILS TO GIVE TIMELY OR PROPER  
33 NOTICE UNDER SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH, THE COURT  
34 SHALL, UPON RECEIVING A WRITTEN REQUEST FROM THE STATE'S ATTORNEY,

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1 POSTPONE THE TRIAL AT LEAST 15 DAYS UNLESS THE DEFENDANT WAIVES THE  
2 NOTICE REQUIREMENT.

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