

HOUSE BILL 1121

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R5

1998 Regular Session
8r1726
CF 8r1727

By: **Delegates Genn, Owings, Finifter, Morhaim, Frank, Rudolph, Comeau,
Perry, T. Murphy, V. Mitchell, DeCarlo, Preis, E. Burns, D. Murphy, M.
Burns, Goldwater, Kopp, and Petzold**

Introduced and read first time: February 13, 1998
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Penalties - Multiple Violations - 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
6 of another person; specifying certain types of offenses to which the new penalties
7 apply; prohibiting the State's Attorney from seeking increased penalties under
8 this Act unless the State's Attorney provides certain notice; defining a certain
9 term; and generally relating to the penalties for motor vehicle offenses.

10 BY repealing and reenacting, without amendments,
11 Article - Transportation
12 Section 27-101(a) and (b)
13 Annotated Code of Maryland
14 (1992 Replacement Volume and 1997 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Transportation
17 Section 27-101(c)
18 Annotated Code of Maryland
19 (1992 Replacement Volume and 1997 Supplement)

20 BY adding to
21 Article - Transportation
22 Section 27-101(r)
23 Annotated Code of Maryland
24 (1992 Replacement Volume and 1997 Supplement)

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

1

Article - Transportation

2 27-101.

3 (a) It is a misdemeanor for any person to violate any of the provisions of the
4 Maryland Vehicle Law unless the violation:

5 (1) Is declared to be a felony by the Maryland Vehicle Law or by any
6 other law of this State; or

7 (2) Is punishable by a civil penalty under the applicable provision of the
8 Maryland Vehicle Law.

9 (b) Except as otherwise provided in this section, any person convicted of a
10 misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is
11 subject to a fine of not more than \$500.

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

16 (1) § 12-301(c), (d), (e), or (f) ("Special identification cards: Fraud and
17 misrepresentation prohibited");

18 (2) § 14-102 ("Taking or driving vehicle without consent of owner");

19 (3) § 14-104 ("Damaging or tampering with vehicle");

20 (4) § 14-107 ("Removed, falsified, or unauthorized identification number
21 or registration card or plate");

22 (5) § 14-110 ("Altered or forged documents and plates");

23 (6) § 15-312 ("Dealers: Prohibited acts - Vehicle sales transactions");

24 (7) § 15-313 ("Dealers: Prohibited acts - Advertising practices");

25 (8) § 15-314 ("Dealers: Prohibited acts - Violation of licensing laws");

26 (9) § 15-411 ("Vehicle salesmen: Prohibited acts");

27 (10) § 15-502(c) ("Storage of certain vehicles by unlicensed persons
28 prohibited");

29 (11) § 16-113(j) ("Violation of alcohol restriction ordered by a court");

30 (12) § 16-301 ("Unlawful application for or use of license");

31 (13) § 16-303(h) ("Licenses suspended under certain provisions of Code");

1 (14) § 16-303(i) ("Licenses suspended under certain provisions of the
2 traffic laws or regulations of another state");

3 (15) § 18-106 ("Unauthorized use of rented motor vehicle");

4 (16) § 20-103 ("Driver to remain at scene - Accidents resulting only in
5 damage to attended vehicle or property");

6 (17) § 20-104 ("Duty to give information and render aid");

7 (18) § 20-105 ("Duty on striking unattended vehicle or other property");

8 (19) § 20-108 ("False reports prohibited");

9 (20) § 21-206 ("Interference with traffic control devices or railroad signs
10 and signals");

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

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

15 (23) Except as provided in subsection (q) of this section, § 21-902(b)
16 ("Driving while under the influence of alcohol");

17 (24) Except as provided in subsection (q) of this section, § 21-902(c)
18 ("Driving while under influence of drugs or drugs and alcohol");

19 (25) Except as provided in subsection (q) of this section, § 21-902(d)
20 ("Driving while under influence of controlled dangerous substance"); or

21 (26) § 27-107(d), (e), (f), or (g) ("Prohibited acts - Ignition interlock
22 systems").

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

26 (2) ANY PERSON WHO IS FOUND GUILTY OF A VIOLATION THAT IS
27 SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION ARISING OUT OF A SINGLE
28 TRAFFIC INCIDENT THAT RESULTS IN THE DEATH OF ANOTHER PERSON, FOR EACH
29 OFFENSE, A FINE OF NOT MORE THAN \$5,000 OR IMPRISONMENT FOR NOT MORE
30 THAN 3 YEARS OR BOTH.

31 (3) THIS SUBSECTION APPLIES TO A VIOLATION OF THE FOLLOWING
32 PROVISIONS OF THIS ARTICLE:

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

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

- 1 (III) § 21-301 (DRIVING ON THE RIGHT SIDE OF ROADWAY);
- 2 (IV) § 21-303 (OVERTAKING AND PASSING VEHICLES);
- 3 (V) § 21-308 (ONE-WAY TRAFFIC AND ROTARY TRAFFIC ISLANDS);
- 4 (VI) § 21-309 (DRIVING ON LANED ROADWAYS);
- 5 (VII) § 21-310 (FOLLOWING TOO CLOSELY);
- 6 (VIII) § 21-402 (TURNING LEFT OR MAKING U-TURN);
- 7 (IX) § 21-502 (PEDESTRIAN'S RIGHT-OF-WAY IN CROSSWALK);
- 8 (X) § 21-602 (U-TURN ON CURVE OR CREST OF GRADE);
- 9 (XI) § 21-706 (OVERTAKING AND PASSING SCHOOL VEHICLE);
- 10 (XII) § 21-707 (STOP SIGNS AND YIELD SIGNS);
- 11 (XIII) § 21-801 (SPEED RESTRICTIONS);
- 12 (XIV) § 21-801.1, BUT ONLY WHEN EXCEEDING MAXIMUM SPEED
13 LIMITS BY 10 MILES PER HOUR OR MORE (MAXIMUM SPEED LIMITS);
- 14 (XV) § 21-1102 (LIMITATIONS ON BACKING);
- 15 (XVI) § 21-1116 (RACE OR SPEED CONTEST);
- 16 (XVII) § 21-1121 (CHILDREN IN REAR OF PICKUP TRUCK); AND
- 17 (XVIII) § 20-102 (DUTY TO REMAIN AT SCENE OF ACCIDENT).

18 (4) (I) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE
19 STATE'S ATTORNEY MAY NOT SEEK ADDITIONAL PENALTIES UNDER THIS SECTION
20 UNLESS THE STATE'S ATTORNEY SERVES WRITTEN NOTICE OF INTENT TO SEEK
21 ADDITIONAL PENALTIES UPON THE DEFENDANT OR THE DEFENDANT'S COUNSEL AT
22 LEAST 15 DAYS BEFORE TRIAL IN A CIRCUIT COURT OR 5 DAYS BEFORE TRIAL IN
23 DISTRICT COURT PURSUANT TO MARYLAND RULES OF CRIMINAL PROCEDURE §
24 4-245(B).

25 (II) A NOTICE OF INTENT TO SEEK ADDITIONAL PENALTIES SHALL
26 IDENTIFY EACH ALLEGED OFFENSE AND THE PENALTY SOUGHT FOR EACH
27 OFFENSE.

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1998.