

HOUSE BILL 194

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1999 Regular Session
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CF 9lr0856

By: **Delegates Hixson, Barkley, Boschert, Bronrott, Clagett, Conroy, Frush,
Goldwater, Harrison, Healey, Howard, Hubbard, Menes, Moe, Patterson,
Pitkin, Rosso, Valderrama, Marriott, Shriver, Turner, Franchot, Bobo,
and Burns**

Introduced and read first time: February 1, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Spinal Cord Injury Research**

3 FOR the purpose of establishing a State Board of Spinal Cord Injury Research in the
4 Department of Health and Mental Hygiene; specifying the composition of the
5 Board and the terms of its members; providing for the appointment of the
6 chairman, a quorum, and meetings of the Board and certain reimbursement of
7 its members; specifying certain duties of the Board, including the
8 administration of a certain grant program and fund; establishing a Spinal Cord
9 Injury Research Trust Fund; providing for the administration, purpose, funding,
10 and status of the Fund; specifying certain powers and duties of the Secretary of
11 Health and Mental Hygiene; providing that certain individuals convicted of
12 certain speeding violations are subject to a certain surcharge to be collected by
13 the Administrator of the Motor Vehicle Administration; requiring the
14 Administrator and the Chief Judge of the District Court to establish a certain
15 notification procedure; requiring the Administrator, on receipt of a certain
16 notice, to notify a certain individual about a certain surcharge and, on receipt of
17 a certain surcharge, to pay the surcharge into the Fund; requiring the
18 Administrator to suspend the driving privileges of a certain individual under
19 certain circumstances; defining certain terms; and generally relating to certain
20 spinal cord injury research.

21 BY repealing and reenacting, with amendments,
22 Article - Courts and Judicial Proceedings
23 Section 7-302
24 Annotated Code of Maryland
25 (1998 Replacement Volume)

26 BY repealing and reenacting, without amendments,
27 Article - Health - General
28 Section 1-101(a), (c), and (i)
29 Annotated Code of Maryland

1 (1994 Replacement Volume and 1998 Supplement)

2 BY adding to

3 Article - Health - General

4 Section 13-1001 through 13-1007, inclusive, to be under the new subtitle

5 "Subtitle 10. State Board of Spinal Cord Injury Research"

6 Annotated Code of Maryland

7 (1994 Replacement Volume and 1998 Supplement)

8 BY repealing and reenacting, without amendments,

9 Article - Transportation

10 Section 11-101 and 11-103

11 Annotated Code of Maryland

12 (1998 Replacement Volume and 1998 Supplement)

13 BY adding to

14 Article - Transportation

15 Section 21-809

16 Annotated Code of Maryland

17 (1998 Replacement Volume and 1998 Supplement)

18 Preamble

19 WHEREAS, Each year some 10,000 Americans sustain spinal cord injuries

20 which typically result in some degree of paralysis; and

21 WHEREAS, The major cause of spinal cord injuries is motor vehicle crashes and

22 58 percent of the victims of these injuries are young people between 16 and 30 years

23 of age; and

24 WHEREAS, It has long been generally assumed that most persons who sustain

25 a spinal cord injury can be rehabilitated to some extent, but that damage to neural

26 tissue is irreversible; and

27 WHEREAS, The conventional wisdom concerning the successful treatment of

28 spinal cord injuries has changed dramatically in light of research in Great Britain,

29 Sweden, and the United States which demonstrates that there are no fundamental

30 biological barriers to repairing damaged spinal cord neural tissue and that the

31 possibility of effective regenerative therapies for human neural cell injury is no longer

32 speculation but a realistic goal; and

33 WHEREAS, There is more hope today than ever before that persons whose lives

34 have been devastated by spinal cord injury can see their injuries reversed to some

35 extent; and

1 WHEREAS, Most funding concerning spinal cord injury traditionally has been
2 for rehabilitation research rather than research for basic neurological tissue
3 regeneration with the objective of finding a cure for spinal cord injury; and

4 WHEREAS, Research concerning neurological tissue regeneration for spinal
5 cord injury can be facilitated and enhanced by establishing an administrative unit at
6 the State level with sufficient expertise, commitment, and funding to promote this
7 type of research with a focus on finding a cure for spinal cord injury; and

8 WHEREAS, Because driving at an excessive speed is a common contributor to
9 motor vehicle accidents, which in turn are the major cause of spinal cord injuries, it is
10 appropriate that individuals who are convicted of speeding violations bear some of the
11 cost of funding spinal cord injury cure research; now, therefore,

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

14 **Article - Courts and Judicial Proceedings**

15 7-302.

16 (a) Except as provided in subsections (b) through [(e)] (F) of this section, the
17 clerks of the District Court shall:

18 (1) Collect costs, fines, forfeitures, or penalties imposed by the court; and

19 (2) Remit them to the State under a system agreed upon by the Chief
20 Judge of the District Court and the Comptroller.

21 (b) If a parking or impounding fine, penalty, or forfeiture, or a fine, penalty, or
22 forfeiture relating to violation of housing, building, fire, health, or sanitation codes, or
23 a Mass Transit Fare Payment Statute, or a fine or penalty relating to failure to pay
24 the prescribed toll at a highway or vehicular crossing is collected by the District Court
25 pursuant to a local ordinance, law, or regulation of a political subdivision or
26 municipality, or pursuant to a regulation of an agency of State government authorized
27 to regulate parking of motor vehicles, or pursuant to a statute pertaining to the
28 payment of mass transit fares, or pursuant to a statute pertaining to the failure to
29 pay tolls, it shall be remitted to the respective local government, or to the State
30 agency.

31 (c) Every agency of State government, political subdivision or municipality
32 which has enacted or which shall enact an ordinance, law, or regulation controlling
33 the parking of motor vehicles, or providing for the impounding of motor vehicles, or
34 pertaining to the failure to pay tolls shall provide that fines, penalties or forfeitures
35 for the violation of said ordinances, laws, or regulations shall be paid directly to the
36 State agency, political subdivision or municipality, and not to the District Court, in
37 uncontested cases.

38 (d) Every ordinance, law, or regulation controlling the parking of motor
39 vehicles or providing for impounding such vehicles or pertaining to the failure to pay

1 tolls shall provide that the person receiving a citation may elect to stand trial for said
2 offense by notifying the State agency, political subdivision or municipality of his
3 intention of standing trial, which notice shall be given at least five (5) days prior to
4 the date of payment as set forth in the citation. Upon receipt of the notice of such
5 intention to stand trial, the political subdivision or municipality shall forward to the
6 District Court in said political subdivision or municipality, and the State agency shall
7 forward to the District Court having venue, a copy of the citation and a copy of the
8 notice from the person who received the citation indicating his intention to stand
9 trial. Upon receipt thereof, the District Court shall schedule the case for trial and
10 notify the defendant of the trial date under procedures to be adopted by the Chief
11 Judge of the District Court. All parking or impounding fines, penalties or forfeitures
12 or failure to pay toll penalties collected through the District Court pursuant to a
13 parking or impounding or toll collection ordinance, law, or regulation enacted by a
14 State agency, political subdivision or municipality shall be remitted to the respective
15 local government or State agency.

16 (e) (1) A citation issued pursuant to § 21-202.1 of the Transportation Article
17 shall provide that the person receiving the citation may elect to stand trial by
18 notifying the issuing agency of the person's intention to stand trial at least 5 days
19 prior to the date of payment as set forth in the citation. On receipt of the notice to
20 stand trial, the agency shall forward to the District Court having venue a copy of the
21 citation and a copy of the notice from the person who received the citation indicating
22 the person's intention to stand trial. On receipt thereof, the District Court shall
23 schedule the case for trial and notify the defendant of the trial date under procedures
24 adopted by the Chief Judge of the District Court.

25 (2) A citation issued as the result of a traffic control signal monitoring
26 system controlled by a political subdivision shall provide that, in an uncontested case,
27 the penalty shall be paid directly to that political subdivision. A citation issued as the
28 result of a traffic control signal monitoring system controlled by a State agency shall
29 provide that the penalty shall be paid directly to the District Court.

30 (3) Civil penalties resulting from citations issued using traffic control
31 signal monitoring systems that are collected by the District Court shall be collected in
32 accordance with subsection (a) of this section and distributed in accordance with §
33 12-118 of the Transportation Article.

34 (F) (1) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, AN
35 INDIVIDUAL CONVICTED OF A VIOLATION UNDER TITLE 21, SUBTITLE 8 OF THE
36 TRANSPORTATION ARTICLE (SPEED RESTRICTIONS) IS SUBJECT TO A \$15 SURCHARGE
37 TO BE COLLECTED BY THE ADMINISTRATOR OF THE MOTOR VEHICLE
38 ADMINISTRATION IN ACCORDANCE WITH § 21-809 OF THE TRANSPORTATION
39 ARTICLE.

40 (2) IN CONJUNCTION WITH THE ADMINISTRATOR OF THE MOTOR
41 VEHICLE ADMINISTRATION, THE CHIEF JUDGE OF THE DISTRICT COURT SHALL
42 ESTABLISH A PROCEDURE FOR PROMPTLY NOTIFYING THE ADMINISTRATOR OF:

1 (I) THE AMOUNT OF EACH FINE THE DISTRICT COURT COLLECTS
2 FOR A VIOLATION OF TITLE 21, SUBTITLE 8 OF THE TRANSPORTATION ARTICLE
3 (SPEED RESTRICTIONS); AND

4 (II) THE NAME AND ADDRESS OF THE INDIVIDUAL FROM WHOM
5 THE DISTRICT COURT COLLECTS THE FINE.

6 **Article - Health - General**

7 1-101.

8 (a) In this article the following words have the meanings indicated.

9 (c) "Department" means the Department of Health and Mental Hygiene.

10 (i) "Secretary" means the Secretary of Health and Mental Hygiene.

11 SUBTITLE 10. STATE BOARD OF SPINAL CORD INJURY RESEARCH.

12 13-1001.

13 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

15 (B) "BOARD" MEANS THE STATE BOARD OF SPINAL CORD INJURY RESEARCH.

16 (C) "FUND" MEANS THE SPINAL CORD INJURY RESEARCH TRUST FUND.

17 13-1002.

18 THERE IS A STATE BOARD OF SPINAL CORD INJURY RESEARCH IN THE
19 DEPARTMENT.

20 13-1003.

21 (A) (1) THE BOARD CONSISTS OF 11 MEMBERS.

22 (2) OF THE 11 MEMBERS OF THE BOARD:

23 (I) ONE SHALL BE A MEMBER OF THE MARYLAND HOUSE OF
24 DELEGATES APPOINTED BY THE SPEAKER OF THE HOUSE;

25 (II) ONE SHALL BE A MEMBER OF THE SENATE OF MARYLAND
26 APPOINTED BY THE PRESIDENT OF THE SENATE;

27 (III) FOUR SHALL BE INDIVIDUALS WITH KNOWLEDGE AND
28 EXPERTISE CONCERNING SPINAL CORD INJURIES APPOINTED BY THE GOVERNOR
29 FROM SEPARATE LISTS SUBMITTED TO THE GOVERNOR BY THE UNIVERSITY OF
30 MARYLAND SCHOOL OF MEDICINE AND THE JOHNS HOPKINS SCHOOL OF MEDICINE,
31 WITH:

1 1. TWO INDIVIDUALS FROM THE UNIVERSITY OF MARYLAND
2 SCHOOL OF MEDICINE; AND

3 2. TWO INDIVIDUALS FROM THE JOHNS HOPKINS SCHOOL
4 OF MEDICINE;

5 (IV) TWO SHALL BE NURSES WITH KNOWLEDGE AND EXPERTISE
6 CONCERNING SPINAL CORD INJURIES APPOINTED BY THE GOVERNOR FROM
7 SEPARATE LISTS SUBMITTED TO THE GOVERNOR BY THE UNIVERSITY OF MARYLAND
8 SCHOOL OF NURSING AND THE JOHNS HOPKINS SCHOOL OF NURSING, WITH:

9 1. ONE NURSE FROM THE UNIVERSITY OF MARYLAND
10 SCHOOL OF NURSING; AND

11 2. ONE NURSE FROM THE JOHNS HOPKINS SCHOOL OF
12 NURSING;

13 (V) TWO MEMBERS, APPOINTED BY THE GOVERNOR FROM A LIST
14 SUBMITTED BY THE OFFICE FOR INDIVIDUALS WITH DISABILITIES, SHALL BE
15 INDIVIDUALS WHO HAVE A SPINAL CORD INJURY OR WHO HAVE A FAMILY MEMBER
16 WITH A SPINAL CORD INJURY; AND

17 (VI) ONE MEMBER, APPOINTED BY THE GOVERNOR, SHALL BE AN
18 INDIVIDUAL FROM THE GENERAL PUBLIC WITH KNOWLEDGE AND EXPERTISE
19 CONCERNING SPINAL CORD INJURIES.

20 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE TERM OF A
21 MEMBER IS 4 YEARS.

22 (2) THE GOVERNOR SHALL STAGGER THE TERMS OF THE INITIAL
23 MEMBERS.

24 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
25 SUCCESSOR IS APPOINTED AND QUALIFIES.

26 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
27 ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED
28 AND QUALIFIES.

29 (5) A MEMBER WHO SERVES 2 CONSECUTIVE 4-YEAR TERMS MAY NOT
30 BE REAPPOINTED UNTIL 4 YEARS AFTER COMPLETION OF THOSE TERMS.

31 (6) (I) IF A VACANCY OCCURS, THE GOVERNOR PROMPTLY SHALL
32 APPOINT A SUCCESSOR WHO WILL SERVE UNTIL THE TERM EXPIRES.

33 (II) THE SUCCESSOR MAY BE REAPPOINTED FOR A FULL TERM.

34 13-1004.

35 (A) THE GOVERNOR SHALL APPOINT THE CHAIRMAN OF THE BOARD.

1 (B) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE BOARD IS A
2 QUORUM.

3 (C) AT THE TIMES AND PLACES THAT IT DETERMINES, THE BOARD:

4 (1) SHALL MEET AT LEAST TWICE A YEAR; AND

5 (2) SUBJECT TO THE CALL BY THE CHAIRMAN OR BY REQUEST OF A
6 MAJORITY OF THE MEMBERS OF THE BOARD, MAY MEET MORE FREQUENTLY AS
7 DEEMED NECESSARY.

8 (D) A MEMBER OF THE BOARD:

9 (1) MAY NOT RECEIVE COMPENSATION; BUT

10 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
11 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

12 13-1005.

13 (A) THE BOARD SHALL:

14 (1) DEVELOP CRITERIA FOR THE AWARD OF GRANTS FOR THE PURPOSE
15 SPECIFIED IN § 13-1006(C) OF THIS SUBTITLE;

16 (2) SUBJECT TO § 13-1007 OF THIS SUBTITLE, ADMINISTER:

17 (I) A GRANTS PROGRAM FOR THE PURPOSE SPECIFIED IN §
18 13-1006(C)(1) OF THIS SUBTITLE; AND

19 (II) THE FUND;

20 (3) MAKE RECOMMENDATIONS TO THE SECRETARY FOR APPROVAL OF
21 APPLICATIONS FOR GRANTS FROM THE FUND; AND

22 (4) ON OR BEFORE JANUARY 1 OF EACH YEAR BEGINNING IN 2001,
23 SUBMIT A REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE
24 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY CONCERNING:

25 (I) THE ACTIVITIES OF THE BOARD IN ADMINISTERING THE GRANT
26 PROGRAM SPECIFIED IN THIS SUBTITLE, INCLUDING THE STATUS OF MONEYS IN
27 THE FUND;

28 (II) THE STATUS OF SPINAL CORD INJURY NEUROLOGICAL
29 RESEARCH PROJECTS THAT ARE FUNDED BY GRANTS ISSUED BY THE BOARD; AND

30 (III) ANY OTHER MATTER DETERMINED BY THE BOARD.

31 13-1006.

32 (A) THERE IS A SPINAL CORD INJURY RESEARCH TRUST FUND.

1 (B) THE FUND SHALL CONSIST OF MONEYS TRANSFERRED TO THE FUND
2 UNDER § 21-809 OF THE TRANSPORTATION ARTICLE OR RECEIVED FROM ANY OTHER
3 LAWFUL SOURCE.

4 (C) (1) MONEYS IN THE FUND SHALL BE USED TO MAKE GRANTS FOR
5 SPINAL CORD INJURY RESEARCH THAT IS FOCUSED ON BASIC, PRECLINICAL, AND
6 CLINICAL RESEARCH FOR DEVELOPING NEW THERAPIES TO RESTORE
7 NEUROLOGICAL FUNCTION IN INDIVIDUALS WITH SPINAL CORD INJURIES.

8 (2) FOR THE PURPOSE SPECIFIED IN PARAGRAPH (1) OF THIS
9 SUBSECTION, A GRANT MAY INCLUDE AN AWARD TO OR FOR:

10 (I) A PUBLIC OR PRIVATE ENTITY;

11 (II) A UNIVERSITY RESEARCHER;

12 (III) A RESEARCH INSTITUTION;

13 (IV) PRIVATE INDUSTRY;

14 (V) A CLINICAL TRIAL;

15 (VI) A SUPPLEMENT TO AN EXISTING CHARITABLE OR PRIVATE
16 INDUSTRY GRANT;

17 (VII) A MATCHING FUND;

18 (VIII) A FELLOWSHIP IN SPINAL CORD INJURY RESEARCH;

19 (IX) A RESEARCH MEETING CONCERNING SPINAL CORD INJURY
20 RESEARCH; OR

21 (X) ANY OTHER RECIPIENT OR PURPOSE WHICH THE BOARD
22 DETERMINES IS CONSISTENT WITH THE PURPOSE SPECIFIED IN PARAGRAPH (1) OF
23 THIS SUBSECTION.

24 (D) (1) THE FUND IS A CONTINUING, NONLAPSING FUND, NOT SUBJECT TO §
25 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

26 (2) (I) THE FUND SHALL BE USED EXCLUSIVELY TO OFFSET THE
27 ACTUAL DOCUMENTED DIRECT COSTS OF FULFILLING THE STATUTORY AND
28 REGULATORY DUTIES OF THE BOARD UNDER THIS SUBTITLE.

29 (II) THE DEPARTMENT SHALL PAY THE INDIRECT COSTS THE
30 BOARD INCURS IN FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE
31 BOARD UNDER THIS SUBTITLE.

32 (3) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE TRANSFERRED
33 OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE FUND
34 TO BE USED FOR THE PURPOSE SPECIFIED IN SUBSECTION (C) OF THIS SECTION.

1 (E) THE CHAIRMAN OF THE BOARD OR THE DESIGNEE OF THE CHAIRMAN
2 SHALL ADMINISTER THE FUND.

3 (F) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND
4 TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT
5 ARTICLE.

6 13-1007.

7 THE SECRETARY:

8 (1) MAY:

9 (I) APPROVE AN APPLICATION FOR A GRANT FOR THE PURPOSE
10 SPECIFIED IN § 13-1006(C) OF THIS SUBTITLE, IF THE BOARD HAS RECOMMENDED
11 APPROVAL OF THAT APPLICATION; AND

12 (II) ON RECOMMENDATION BY THE BOARD, ADOPT ANY
13 REGULATION NECESSARY TO CARRY OUT THIS SUBTITLE; AND

14 (2) SHALL:

15 (I) ENSURE THAT RECIPIENTS OF GRANT FUNDS UNDER THIS
16 SUBTITLE USE THE FUNDS FOR THE PURPOSES AUTHORIZED BY THIS SUBTITLE; AND

17 (II) DESIGNATE THE STAFF NECESSARY TO ASSIST THE BOARD IN
18 CARRYING OUT ITS FUNCTIONS UNDER THIS SUBTITLE.

19 **Article - Transportation**

20 11-101.

21 In the Maryland Vehicle Law, the following words have the meanings indicated,
22 unless the context requires otherwise.

23 11-103.

24 "Administrator" means Motor Vehicle Administrator.

25 21-809.

26 (A) ON RECEIPT OF THE NOTIFICATION REQUIRED BY § 7-302(F) OF THE
27 COURTS ARTICLE, THE ADMINISTRATOR PROMPTLY SHALL NOTIFY THE INDIVIDUAL
28 FROM WHOM THE DISTRICT COURT COLLECTS THE FINE OR, IF THAT INDIVIDUAL IS
29 A MINOR, THE COSIGNER OF THE DRIVER'S LICENSE APPLICATION OF THE MINOR,
30 THAT:

31 (1) THE INDIVIDUAL MUST PAY AN ADDITIONAL \$15 SURCHARGE TO THE
32 MOTOR VEHICLE ADMINISTRATION;

1 (2) THE SURCHARGE REPRESENTS A PAYMENT BY THE INDIVIDUAL
2 INTO THE SPINAL CORD INJURY RESEARCH TRUST FUND ESTABLISHED UNDER §
3 13-1006 OF THE HEALTH - GENERAL ARTICLE; AND

4 (3) THE FAILURE OF THE INDIVIDUAL TO PAY THE ADDITIONAL
5 SURCHARGE BY THE END OF THE 15TH DAY AFTER THE DATE ON WHICH THE
6 ADMINISTRATOR MAILES THE NOTICE WILL RESULT IN ACTION BY THE
7 ADMINISTRATOR TO SUSPEND THE DRIVING PRIVILEGES OF THE INDIVIDUAL.

8 (B) ON RECEIPT OF A SURCHARGE UNDER SUBSECTION (A) OF THIS SECTION,
9 THE ADMINISTRATOR SHALL TRANSFER THE SURCHARGE INTO THE SPINAL CORD
10 INJURY RESEARCH TRUST FUND ESTABLISHED UNDER § 13-1006 OF THE HEALTH -
11 GENERAL ARTICLE.

12 (C) IF AN INDIVIDUAL FAILS TO PAY THE SURCHARGE SPECIFIED IN
13 SUBSECTION (A)(1) OF THIS SECTION WITHIN THE TIME PERIOD SPECIFIED IN
14 SUBSECTION (A)(3) OF THIS SECTION, THE ADMINISTRATOR SHALL SUSPEND THE
15 DRIVING PRIVILEGES OF THE INDIVIDUAL UNTIL THE INDIVIDUAL PAYS THE
16 SURCHARGE.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 1999.