

SENATE BILL 287

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2000 Regular Session
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By: **Senators Hollinger, Blount, Conway, Dyson, Ferguson, Forehand,
Green, Kelley, Lawlah, McFadden, Roesser, Ruben, and Teitelbaum**

Introduced and read first time: January 31, 2000

Assigned to: Judicial Proceedings

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 District Court; requiring the District Court to notify a certain individual
14 about a certain surcharge and, on receipt of a certain surcharge, to pay the
15 surcharge into the Fund; requiring the District Court to order the Motor Vehicle
16 Administration to initiate an action to suspend the driving privileges of a
17 certain individual under certain circumstances; defining certain terms; and
18 generally relating to certain spinal cord injury research.

19 BY repealing and reenacting, with amendments,
20 Article - Courts and Judicial Proceedings
21 Section 7-302
22 Annotated Code of Maryland
23 (1998 Replacement Volume and 1999 Supplement)

24 BY repealing and reenacting, without amendments,
25 Article - Health - General
26 Section 1-101(a), (c), and (i)
27 Annotated Code of Maryland
28 (1994 Replacement Volume and 1999 Supplement)

29 BY adding to
30 Article - Health - General

1 Section 13-1001 through 13-1007, inclusive, to be under the new subtitle
2 "Subtitle 10. State Board of Spinal Cord Injury Research"
3 Annotated Code of Maryland
4 (1994 Replacement Volume and 1999 Supplement)

5 Preamble

6 WHEREAS, Each year some 10,000 Americans sustain spinal cord injuries
7 which typically result in some degree of paralysis; and

8 WHEREAS, The major cause of spinal cord injuries is motor vehicle crashes and
9 58 percent of the victims of these injuries are young people between 16 and 30 years
10 of age; and

11 WHEREAS, It has long been generally assumed that most persons who sustain
12 a spinal cord injury can be rehabilitated to some extent, but that damage to neural
13 tissue is irreversible; and

14 WHEREAS, The conventional wisdom concerning the successful treatment of
15 spinal cord injuries has changed dramatically in light of research in Great Britain,
16 Sweden, and the United States which demonstrates that there are no fundamental
17 biological barriers to repairing damaged spinal cord neural tissue and that the
18 possibility of effective regenerative therapies for human neural cell injury is no longer
19 speculation but a realistic goal; and

20 WHEREAS, There is more hope today than ever before that persons whose lives
21 have been devastated by spinal cord injury can see their injuries reversed to some
22 extent; and

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

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

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

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

1 **Article - Courts and Judicial Proceedings**

2 7-302.

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

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

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

8 (b) If a parking or impounding fine, penalty, or forfeiture, or a fine, penalty, or
9 forfeiture relating to violation of housing, building, fire, health, or sanitation codes, or
10 a Mass Transit Fare Payment Statute, or a fine or penalty relating to failure to pay
11 the prescribed toll at a highway or vehicular crossing is collected by the District Court
12 pursuant to a local ordinance, law, or regulation of a political subdivision or
13 municipality, or pursuant to a regulation of an agency of State government authorized
14 to regulate parking of motor vehicles, or pursuant to a statute pertaining to the
15 payment of mass transit fares, or pursuant to a statute pertaining to the failure to
16 pay tolls, it shall be remitted to the respective local government, or to the State
17 agency.

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

25 (d) Every ordinance, law, or regulation controlling the parking of motor
26 vehicles or providing for impounding such vehicles or pertaining to the failure to pay
27 tolls shall provide that the person receiving a citation may elect to stand trial for said
28 offense by notifying the State agency, political subdivision or municipality of his
29 intention of standing trial, which notice shall be given at least five (5) days prior to
30 the date of payment as set forth in the citation. Upon receipt of the notice of such
31 intention to stand trial, the political subdivision or municipality shall forward to the
32 District Court in said political subdivision or municipality, and the State agency shall
33 forward to the District Court having venue, a copy of the citation and a copy of the
34 notice from the person who received the citation indicating his intention to stand
35 trial. Upon receipt thereof, the District Court shall schedule the case for trial and
36 notify the defendant of the trial date under procedures to be adopted by the Chief
37 Judge of the District Court. All parking or impounding fines, penalties or forfeitures
38 or failure to pay toll penalties collected through the District Court pursuant to a
39 parking or impounding or toll collection ordinance, law, or regulation enacted by a
40 State agency, political subdivision or municipality shall be remitted to the respective
41 local government or State agency.

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

10 (2) A citation issued as the result of a traffic control signal monitoring
11 system controlled by a political subdivision shall provide that, in an uncontested case,
12 the penalty shall be paid directly to that political subdivision. A citation issued as the
13 result of a traffic control signal monitoring system controlled by a State agency shall
14 provide that the penalty shall be paid directly to the District Court.

15 (3) Civil penalties resulting from citations issued using traffic control
16 signal monitoring systems that are collected by the District Court shall be collected in
17 accordance with subsection (a) of this section and distributed in accordance with §
18 12-118 of the Transportation Article.

19 (F) (1) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, AN
20 INDIVIDUAL CONVICTED OF A VIOLATION UNDER TITLE 21, SUBTITLE 8 OF THE
21 TRANSPORTATION ARTICLE (SPEED RESTRICTIONS) IS SUBJECT TO A \$15 SURCHARGE
22 TO BE COLLECTED BY THE DISTRICT COURT IN ACCORDANCE WITH THE PROVISIONS
23 OF THIS SUBSECTION.

24 (2) THE DISTRICT COURT SHALL, AT THE TIME OF THE INDIVIDUAL'S
25 CONVICTION, NOTIFY THE INDIVIDUAL THAT:

26 (I) THE INDIVIDUAL MUST PAY AN ADDITIONAL \$15 SURCHARGE
27 TO THE DISTRICT COURT;

28 (II) THE SURCHARGE REPRESENTS A PAYMENT BY THE
29 INDIVIDUAL INTO THE SPINAL CORD INJURY RESEARCH TRUST FUND; AND

30 (III) THE FAILURE OF THE INDIVIDUAL TO PAY THE ADDITIONAL
31 SURCHARGE BY THE END OF THE 15TH DAY AFTER THE DATE OF THE INDIVIDUAL'S
32 CONVICTION WILL RESULT IN ACTION BY THE MOTOR VEHICLE ADMINISTRATION TO
33 SUSPEND THE DRIVING PRIVILEGES OF THE INDIVIDUAL UNTIL THE SURCHARGE IS
34 PAID.

35 (3) ON RECEIPT OF A SURCHARGE UNDER PARAGRAPH (1) OF THIS
36 SUBSECTION, THE DISTRICT COURT SHALL TRANSFER THE SURCHARGE INTO THE
37 SPINAL CORD INJURY RESEARCH TRUST FUND ESTABLISHED UNDER § 13-1006 OF
38 THE HEALTH - GENERAL ARTICLE.

39 (4) IF AN INDIVIDUAL FAILS TO PAY THE SURCHARGE WITHIN 15 DAYS
40 OF THE INDIVIDUAL'S CONVICTION, THE DISTRICT COURT SHALL ORDER THE MOTOR
41 VEHICLE ADMINISTRATION TO INITIATE AN ACTION, UNDER THE MOTOR VEHICLE

1 LAWS, TO SUSPEND THE DRIVING PRIVILEGES OF THE INDIVIDUAL UNTIL THE
2 INDIVIDUAL PAYS THE SURCHARGE.

3

Article - Health - General

4 1-101.

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

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

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

8

SUBTITLE 10. STATE BOARD OF SPINAL CORD INJURY RESEARCH.

9 13-1001.

10 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

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

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

14 13-1002.

15 THERE IS A STATE BOARD OF SPINAL CORD INJURY RESEARCH IN THE
16 DEPARTMENT.

17 13-1003.

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

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

20 (I) ONE SHALL BE A MEMBER OF THE MARYLAND HOUSE OF
21 DELEGATES APPOINTED BY THE SPEAKER OF THE HOUSE;22 (II) ONE SHALL BE A MEMBER OF THE SENATE OF MARYLAND
23 APPOINTED BY THE PRESIDENT OF THE SENATE;24 (III) FOUR SHALL BE INDIVIDUALS WITH KNOWLEDGE AND
25 EXPERTISE CONCERNING SPINAL CORD INJURIES APPOINTED BY THE GOVERNOR
26 FROM SEPARATE LISTS SUBMITTED TO THE GOVERNOR BY THE UNIVERSITY OF
27 MARYLAND SCHOOL OF MEDICINE AND THE JOHNS HOPKINS SCHOOL OF MEDICINE,
28 WITH:29 1. TWO INDIVIDUALS FROM THE UNIVERSITY OF MARYLAND
30 SCHOOL OF MEDICINE; AND

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

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

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

6 (D) A MEMBER OF THE BOARD:

7 (1) MAY NOT RECEIVE COMPENSATION; BUT

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

10 13-1005.

11 (A) THE BOARD SHALL:

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

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

15 (I) A GRANTS PROGRAM FOR THE PURPOSE SPECIFIED IN §
16 13-1006(C)(1) OF THIS SUBTITLE; AND

17 (II) THE FUND;

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

20 (4) ON OR BEFORE JANUARY 1 OF EACH YEAR BEGINNING IN 2002,
21 SUBMIT A REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE
22 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY CONCERNING:

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

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

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

29 13-1006.

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

1 (B) THE FUND SHALL CONSIST OF MONEYS TRANSFERRED TO THE FUND
2 UNDER § 7-302(F) OF THE COURTS ARTICLE OR RECEIVED FROM ANY OTHER LAWFUL
3 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 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2000.