
By: **Senator Roesser**

Introduced and read first time: February 2, 2001

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Failure to Remain at the Scene of an Accident - Penalties**

3 FOR the purpose of establishing that it is a felony for a driver of a vehicle that is
4 involved in an accident that results in bodily injury or death of another person to
5 fail to remain at the scene of the accident until the driver takes certain steps;
6 imposing certain penalties; repealing certain provisions relating to the penalties
7 for failure to remain at the scene of certain accidents; making conforming
8 changes; and generally relating to the penalties for failure to remain at the
9 scene of an accident resulting in bodily injury or the death of another.

10 BY repealing and reenacting, with amendments,
11 Article - Transportation
12 Section 20-102 and 27-101(c)(23), (24), and (25), (f), and (k)
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2000 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article - Transportation
17 Section 20-104
18 Annotated Code of Maryland
19 (1999 Replacement Volume and 2000 Supplement)

20 BY repealing
21 Article - Transportation
22 Section 27-101(o)
23 Annotated Code of Maryland
24 (1999 Replacement Volume and 2000 Supplement)

25 BY renumbering
26 Article - Transportation
27 Section 27-101(p) through (u), respectively
28 to be Section 27-101(o) through (t), respectively
29 Annotated Code of Maryland

1 (1999 Replacement Volume and 2000 Supplement)

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

4 **Article - Transportation**

5 20-102.

6 (a) The driver of each vehicle involved in an accident that results in bodily
7 injury to or death of another person immediately shall stop the vehicle as close as
8 possible to the scene of the accident, without obstructing traffic more than necessary.

9 (b) The driver of each vehicle involved in an accident that results in bodily
10 injury to or death of another person immediately shall return to and remain at the
11 scene of the accident until the driver has complied with § 20-104 of this title.

12 (C) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY
13 OF A FELONY AND ON CONVICTION IS SUBJECT TO:

14 (1) IF THE ACCIDENT RESULTED IN BODILY INJURY TO ANOTHER
15 PERSON, A FINE OF NOT MORE THAN \$5,000 OR IMPRISONMENT FOR NOT MORE THAN
16 2 YEARS OR BOTH; AND

17 (2) IF THE ACCIDENT RESULTED IN THE DEATH OF ANOTHER PERSON, A
18 FINE OF NOT MORE THAN \$10,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS
19 OR BOTH.

20 20-104.

21 (a) The driver of each vehicle involved in an accident that results in bodily
22 injury to or death of any person or in damage to an attended vehicle or other attended
23 property shall render reasonable assistance to any person injured in the accident and,
24 if the person requests medical treatment or it is apparent that medical treatment is
25 necessary, arrange for the transportation of the person to a physician, surgeon, or
26 hospital for medical treatment.

27 (b) The driver of each vehicle involved in an accident that results in bodily
28 injury to or death of any person or in damage to an attended vehicle or other attended
29 property shall give his name, his address, and the registration number of the vehicle
30 he is driving and, on request, exhibit his license to drive, if it is available, to:

31 (1) Any person injured in the accident; and

32 (2) The driver, occupant of, or person attending any vehicle or other
33 property damaged in the accident.

34 (c) The driver of each vehicle involved in an accident that results in bodily
35 injury to or death of any person or in damage to an attended vehicle or other attended
36 property shall give the same information described in subsection (b) of this section

1 and, on request, exhibit his license to drive, if it is available, to any police officer who
2 is at the scene of or otherwise is investigating the accident.

3 (d) If a police officer is not present and none of the specified persons is in
4 condition to receive the information to which the person otherwise would be entitled
5 under this section, the driver, after fulfilling to the extent possible every other
6 requirement of § 20-102 of this title and subsection (a) of this section, immediately
7 shall report the accident to the nearest office of an authorized police authority and
8 give the information specified in subsection (b) of this section.

9 27-101.

10 (c) Any person who is convicted of a violation of any of the provisions of the
11 following sections of this article is subject to a fine of not more than \$500 or
12 imprisonment for not more than 2 months or both:

13 (23) Except as provided in subsections (f) and [(q)] (P) of this section, §
14 21-902(b) ("Driving while under the influence of alcohol");

15 (24) Except as provided in subsections (f) and [(q)] (P) of this section, §
16 21-902(c) ("Driving while under influence of drugs or drugs and alcohol");

17 (25) Except as provided in subsections (f) and [(q)] (P) of this section, §
18 21-902(d) ("Driving while under influence of controlled dangerous substance"); or

19 (f) (1) A person is subject to a fine not exceeding \$500 or imprisonment not
20 exceeding 1 year or both, if the person is convicted of:

21 (i) A violation of § 14-103 of this article ("Possession of motor
22 vehicle master key"); or

23 (ii) A second or subsequent violation of:

24 1. § 16-101 of this article ("Drivers must be licensed"); or

25 2. Except as provided in subsection [(q)] (P) of this section:

26 A. § 21-902(b) of this article ("Driving while under the
27 influence of alcohol");

28 B. § 21-902(c) of this article ("Driving while under the
29 influence of drugs or drugs and alcohol"); or

30 C. § 21-902(d) of this article ("Driving while under the
31 influence of controlled dangerous substance").

32 (2) Except as provided in subsection [(q)] (P) of this section, for the
33 purpose of second or subsequent offender penalties for a violation of § 21-902(b) of
34 this article provided under paragraph (1) of this subsection, a prior conviction of §
35 21-902(a), § 21-902(c), or § 21-902(d) of this article shall be considered a conviction of
36 § 21-902(b) of this article.

1 (3) Except as provided in subsection [(q)] (P) of this section, for the
2 purpose of second or subsequent offender penalties for a violation of § 21-902(c) of
3 this article provided under paragraph (1) of this subsection, a prior conviction of §
4 21-902(a), § 21-902(b), or § 21-902(d) of this article shall be considered a conviction
5 of § 21-902(c) of this article.

6 (4) Except as provided in subsection [(q)] (P) of this section, for the
7 purpose of second or subsequent offender penalties for a violation of § 21-902(d) of
8 this article provided under paragraph (1) of this subsection, a prior conviction of §
9 21-902(a), § 21-902(b), or § 21-902(c) of this article shall be considered a conviction of
10 § 21-902(d) of this article.

11 (k) (1) Except as provided in subsection [(q)] (P) of this section, any person
12 who is convicted of a violation of any of the provisions of § 21-902(a) of this article
13 ("Driving while intoxicated or intoxicated per se"):

14 (i) For a first offense, shall be subject to a fine of not more than
15 \$1,000, or imprisonment for not more than 1 year, or both;

16 (ii) For a second offense, shall be subject to a fine of not more than
17 \$2,000, or imprisonment for not more than 2 years, or both; and

18 (iii) For a third or subsequent offense, shall be subject to a fine of
19 not more than \$3,000, or imprisonment for not more than 3 years, or both.

20 (2) For the purpose of second or subsequent offender penalties for
21 violation of § 21-902(a) of this article provided under this subsection, a prior
22 conviction of § 21-902(b), (c), or (d) of this article, within 5 years of the conviction for
23 a violation of § 21-902(a) of this article, shall be considered a conviction of § 21-902(a)
24 of this article.

25 [(o) (1) Any person who is convicted of a violation of § 20-102 of this article
26 ("Driver to remain at scene -- Accidents resulting in bodily injury or death") is subject
27 to, if the accident resulted in bodily injury to another person, a fine of not more than
28 \$3,000 or imprisonment for not more than 1 year or both.

29 (2) Any person who is convicted of a violation of § 20-102 of this article
30 ("Driver to remain at scene -- Accidents resulting in bodily injury or death") is subject
31 to, if the accident resulted in the death of another person, a fine of not more than
32 \$5,000 or imprisonment for not more than 5 years or both.]

33 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 27-101(p)
34 through (u), respectively, of Article - Transportation of the Annotated Code of
35 Maryland be renumbered to be Section(s) 27-101(o) through (t), respectively.

36 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 2001.