

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

Senate Bill 59

(Senators Harris and Jacobs)

Judicial Proceedings

Motor Vehicles - Leaving the Scene of an Accident - Exceptions (Yvette's Law)

This bill provides that if the driver of a vehicle involved in an accident reasonably believes that: (1) another person is at fault; (2) that there is no bodily injury or death to any person; and (3) that leaving the scene of the accident is necessary to prevent imminent bodily harm to the driver, then the driver would not be required to remain at the scene of the accident as required under current law, providing that the driver reports the accident to the nearest office of an authorized police authority within one hour.

Fiscal Summary

State Effect: The bill would not directly affect State operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A driver involved in an accident that results only in damage to an attended vehicle must stop as close as possible to the scene of the accident without obstructing traffic more than necessary. Before leaving the scene, the driver of each vehicle must give information including name, address, and registration number of the vehicle(s) involved in the accident, insurance information, and if requested and available, exhibit the driver's license to the driver, occupant of, or person attending any vehicle or property damaged in the accident. If the accident results in bodily injury or death, in addition to providing specified information to any injured person, the driver of a

vehicle is obligated to render reasonable assistance to any injured persons, including arranging transportation for the injured to receive medical help.

If a police officer is not present and none of the specified persons is available to receive the information, the driver must report the accident immediately to the nearest office of an authorized police authority and give the specified information.

A driver who leaves the scene of an accident that results only in damage to an attended vehicle or property is guilty of a misdemeanor and subject to maximum penalties of two months imprisonment, a \$500 fine, or both. A driver who leaves the scene of an accident that causes a bodily injury is guilty of a misdemeanor and subject to maximum penalties of one year imprisonment, a \$3,000 fine, or both. A driver who leaves the scene of an accident that causes a death is guilty of a felony and subject to maximum penalties of five years imprisonment, a \$5,000 fine, or both.

Background: In August 2001, Yvette A. Beakes' car was hit from behind by another vehicle. As current law requires, she stopped and got out of her vehicle presumably to assess damage and exchange driver information. Ms. Beakes was then apparently forced into the vehicle that hit her car while an accomplice drove Ms. Beakes' vehicle away. Ms. Beakes' body was later recovered in a wooded area in Baltimore with a gunshot wound to the head. Allegedly, this minor accident was staged in order to get Ms. Beakes to stop, and the result was that Ms. Beakes was carjacked, kidnapped, robbed, and murdered.

The FBI estimates that at least 25,000 carjackings occur each year in the United States. Several car safety websites caution against what are known as "bump-and-run" or "bump-and-rob" carjackings. A would-be carjacker, with at least one accomplice, hits the victim's vehicle from behind, and when the victim pulls over to check damage and exchange information, as the law requires, one of the carjackers robs the victim or steals the victim's vehicle while the other drives away in the vehicle that caused the accident. A cursory review of auto safety websites revealed this common advice for drivers: if there is any suspicion about a minor accident, the driver should either blow the horn to attract attention, or leave the scene for the nearest police station or safe, well-lit public place before exchanging information.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; *The Baltimore Sun*; Shell Oil Company; USAtourist.com; IFA Insurance; City of Boulder, Colorado; American Automobile Association; Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2002
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