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By: **Senators Jacobs, Colburn, Hafer, Kittleman, and Lawlah**

Introduced and read first time: February 3, 2005

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Administrative Hearings - Rights of Victims**

3 FOR the purpose of authorizing a victim or a victim's representative to make an oral  
4 statement or submit a written statement at an administrative hearing  
5 concerning a moving violation committed by another that resulted in the  
6 victim's bodily injury or death; requiring a law enforcement officer, on first  
7 contact after a moving violation has been committed that resulted in a victim's  
8 bodily injury or death, to inform the victim or the victim's representative of their  
9 right to file a certain request; requiring the Motor Vehicle Administration to give  
10 a victim or a victim's representative notice a certain number of days before  
11 certain administrative hearings if the victim or victim's representative has filed  
12 a certain request; establishing the contents of the notice; requiring a victim or a  
13 victim's representative who intends to make an oral statement at the hearing to  
14 notify the Administration in a certain time period; requiring a victim or a  
15 victim's representative who intends to submit a written statement for the  
16 hearing to submit the statement to the Administration in a certain time period;  
17 authorizing a victim or a victim's representative to make an oral statement  
18 before the issuance of a decision or order if a certain notice is provided; defining  
19 certain terms; and generally relating to the rights of victims with respect to  
20 administrative hearings of the Motor Vehicle Administration.

21 BY repealing and reenacting, without amendments,  
22 Article - Transportation  
23 Section 11-136.1  
24 Annotated Code of Maryland  
25 (2002 Replacement Volume and 2004 Supplement)

26 BY adding to  
27 Article - Transportation  
28 Section 12-206.1  
29 Annotated Code of Maryland  
30 (2002 Replacement Volume and 2004 Supplement)

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

3 **Article - Transportation**

4 11-136.1.

5 "Moving violation" means:

6 (1) A moving violation as defined in regulations adopted by the  
7 Administration for the purpose of assessing points under § 16-402 of this article; or

8 (2) A violation of a substantially similar nature reported from another  
9 jurisdiction, other than a violation of the jurisdiction's size, weight, load, equipment,  
10 or inspection provisions.

11 12-206.1.

12 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
13 INDICATED.

14 (2) "VICTIM" MEANS A PERSON WHO SUFFERS BODILY INJURY OR DEATH  
15 AS THE RESULT OF THE COMMISSION OF A MOVING VIOLATION BY ANOTHER  
16 PERSON.

17 (3) "VICTIM'S REPRESENTATIVE" MEANS A MEMBER OF A VICTIM'S  
18 FAMILY, THE PERSONAL REPRESENTATIVE OF A VICTIM, OR THE GUARDIAN OF A  
19 VICTIM, IF THE VICTIM IS:

20 (I) DECEASED; OR

21 (II) UNDER A MENTAL, PHYSICAL, OR LEGAL DISABILITY.

22 (B) A VICTIM OR A VICTIM'S REPRESENTATIVE MAY MAKE AN ORAL  
23 STATEMENT OR SUBMIT A WRITTEN STATEMENT AT A HEARING UNDER THIS  
24 SUBTITLE THAT RELATES TO THE MOVING VIOLATION THAT RESULTED IN THE  
25 VICTIM'S BODILY INJURY OR DEATH.

26 (C) ON FIRST CONTACT WITH A VICTIM OR A VICTIM'S REPRESENTATIVE  
27 AFTER A MOVING VIOLATION HAS BEEN COMMITTED, A LAW ENFORCEMENT  
28 OFFICER SHALL INFORM THE VICTIM OR VICTIM'S REPRESENTATIVE OF THE RIGHT  
29 TO FILE A WRITTEN REQUEST WITH THE ADMINISTRATION TO BE NOTIFIED OF ANY  
30 ADMINISTRATIVE HEARINGS RELATED TO THE MOVING VIOLATION.

31 (D) (1) IF A VICTIM OR A VICTIM'S REPRESENTATIVE FILES A WRITTEN  
32 REQUEST UNDER SUBSECTION (C) OF THIS SECTION, THE ADMINISTRATION SHALL  
33 GIVE THE VICTIM OR VICTIM'S REPRESENTATIVE NOTICE UNDER § 12-114 OF THIS  
34 TITLE AT LEAST 10 DAYS BEFORE ANY HEARING SCHEDULED UNDER THIS SUBTITLE  
35 RELATING TO THE MOVING VIOLATION THAT RESULTED IN THE VICTIM'S BODILY  
36 INJURY OR DEATH.

1 (2) NOTICE PROVIDED UNDER THIS SUBSECTION SHALL STATE:

2 (I) THE DATE, TIME, PLACE, AND NATURE OF THE HEARING;

3 (II) THE LEGAL AUTHORITY AND JURISDICTION OF THE  
4 ADMINISTRATION TO HEAR THE MATTER;

5 (III) THE NATURE OF THE PROPOSED ACTION THAT THE  
6 ADMINISTRATION IS TO CONSIDER;

7 (IV) THAT A COPY OF THE HEARING PROCEDURES IS AVAILABLE ON  
8 REQUEST AND THE COST TO OBTAIN A COPY;

9 (V) THE RIGHT OF THE VICTIM OR THE VICTIM'S REPRESENTATIVE  
10 TO BE PRESENT AT THE HEARING; AND

11 (VI) THE RIGHT OF THE VICTIM OR THE VICTIM'S REPRESENTATIVE  
12 TO MAKE A STATEMENT BEFORE THE PRESIDING OFFICER OF THE ADMINISTRATIVE  
13 HEARING.

14 (3) (I) IF A VICTIM OR A VICTIM'S REPRESENTATIVE INTENDS TO  
15 MAKE AN ORAL STATEMENT AT AN ADMINISTRATIVE HEARING, THE VICTIM OR  
16 VICTIM'S REPRESENTATIVE SHALL NOTIFY THE ADMINISTRATION AT LEAST 5 DAYS  
17 BEFORE THE HEARING.

18 (II) IF A VICTIM OR A VICTIM'S REPRESENTATIVE INTENDS TO  
19 SUBMIT A WRITTEN STATEMENT FOR THE ADMINISTRATIVE HEARING, THE  
20 STATEMENT SHALL BE SUBMITTED TO THE ADMINISTRATION AT LEAST 24 HOURS  
21 BEFORE THE HEARING.

22 (E) IF A VICTIM OR VICTIM'S REPRESENTATIVE PROVIDES NOTICE  
23 UNDER SUBSECTION (D)(3)(I) OF THIS SECTION, THE VICTIM OR VICTIM'S  
24 REPRESENTATIVE SHALL BE ALLOWED TO MAKE A STATEMENT AT THE  
25 ADMINISTRATIVE HEARING BEFORE THE ISSUANCE OF A DECISION OR ORDER.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2005.