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

Introduced and read first time: February 3, 2005

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2005

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - Administrative Hearings - Rights of ~~Victims~~ Victim's**
 3 **Representatives**

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

24 BY repealing and reenacting, without amendments,
 25 Article - Transportation
 26 Section 11-136.1
 27 Annotated Code of Maryland

1 (2002 Replacement Volume and 2004 Supplement)

2 BY adding to

3 Article - Transportation

4 Section 12-206.1

5 Annotated Code of Maryland

6 (2002 Replacement Volume and 2004 Supplement)

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

9 **Article - Transportation**

10 11-136.1.

11 "Moving violation" means:

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

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

17 12-206.1.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (2) "VICTIM" MEANS A PERSON WHO ~~SUFFERS BODILY INJURY OR DEATH~~
21 DIES AS THE RESULT OF THE COMMISSION OF A MOVING VIOLATION BY ANOTHER
22 PERSON.

23 (3) "VICTIM'S REPRESENTATIVE" MEANS A MEMBER OF A VICTIM'S
24 FAMILY, THE PERSONAL REPRESENTATIVE OF A VICTIM, OR THE GUARDIAN OF A
25 VICTIM, ~~IF THE VICTIM IS:~~

26 (i) ~~DECEASED; OR~~

27 (ii) ~~UNDER A MENTAL, PHYSICAL, OR LEGAL DISABILITY.~~

28 (B) ~~A VICTIM OR A VICTIM'S REPRESENTATIVE~~ MAY MAKE AN ORAL
29 STATEMENT OR SUBMIT A WRITTEN STATEMENT AT A HEARING UNDER THIS
30 SUBTITLE THAT RELATES TO THE MOVING VIOLATION THAT RESULTED IN THE
31 ~~VICTIM'S BODILY INJURY OR DEATH~~ DEATH OF THE VICTIM.

32 (C) ~~ON FIRST CONTACT WITH A VICTIM OR A VICTIM'S REPRESENTATIVE~~
33 AFTER A MOVING VIOLATION HAS BEEN COMMITTED DURING THE INVESTIGATION
34 OF A MOVING VIOLATION THAT RESULTS IN DEATH, A LAW ENFORCEMENT OFFICER

1 SHALL INFORM THE ~~VICTIM OR~~ VICTIM'S REPRESENTATIVE OF THE RIGHT TO FILE A
2 WRITTEN REQUEST WITH THE ADMINISTRATION TO BE NOTIFIED OF ANY
3 ADMINISTRATIVE HEARINGS RELATED TO THE MOVING VIOLATION.

4 (D) (1) IF A ~~VICTIM OR~~ A VICTIM'S REPRESENTATIVE FILES A WRITTEN
5 REQUEST UNDER SUBSECTION (C) OF THIS SECTION, THE ADMINISTRATION SHALL
6 GIVE THE ~~VICTIM OR~~ VICTIM'S REPRESENTATIVE NOTICE UNDER § 12-114 OF THIS
7 TITLE AT LEAST 10 DAYS BEFORE ANY HEARING SCHEDULED UNDER THIS SUBTITLE
8 RELATING TO THE MOVING VIOLATION THAT RESULTED IN THE ~~VICTIM'S BODILY~~
9 ~~INJURY OR DEATH~~ DEATH OF THE VICTIM.

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

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

12 (II) THE LEGAL AUTHORITY AND JURISDICTION OF THE
13 ADMINISTRATION TO HEAR THE MATTER;

14 (III) THE NATURE OF THE PROPOSED ACTION THAT THE
15 ADMINISTRATION IS TO CONSIDER;

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

18 (V) THE RIGHT OF THE ~~VICTIM OR THE~~ VICTIM'S REPRESENTATIVE
19 TO BE PRESENT AT THE HEARING; AND

20 (VI) THE RIGHT OF THE ~~VICTIM OR THE~~ VICTIM'S REPRESENTATIVE
21 TO MAKE A STATEMENT BEFORE THE PRESIDING OFFICER OF THE ADMINISTRATIVE
22 HEARING.

23 (3) (I) IF A ~~VICTIM OR A~~ VICTIM'S REPRESENTATIVE INTENDS TO
24 MAKE AN ORAL STATEMENT AT AN ADMINISTRATIVE HEARING, THE ~~VICTIM OR~~
25 VICTIM'S REPRESENTATIVE SHALL NOTIFY THE ADMINISTRATION AT LEAST 5 DAYS
26 BEFORE THE HEARING.

27 (II) IF A ~~VICTIM OR A~~ VICTIM'S REPRESENTATIVE INTENDS TO
28 SUBMIT A WRITTEN STATEMENT FOR THE ADMINISTRATIVE HEARING, THE
29 STATEMENT SHALL BE SUBMITTED TO THE ADMINISTRATION AT LEAST 24 HOURS
30 BEFORE THE HEARING.

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

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

