

**Department of Legislative Services**  
Maryland General Assembly  
2005 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 431

(Senator Jacobs, *et al.*)

Judicial Proceedings

Judiciary

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**Vehicle Laws - Administrative Hearings - Rights of Victim's Representatives**

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This bill authorizes a victim's representative to make or submit statements at hearings resulting from a moving violation where the victim was killed.

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**Fiscal Summary**

**State Effect:** Potential increase in Transportation Trust Fund (TTF) expenditures in FY 2006 only for computer reprogramming costs. Revenues would not be affected.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** A victim is a person who dies as the result of a moving violation committed by another person. A victim's representative is a member of a victim's family, a personal representative of a victim, or the guardian of a victim.

During the investigation of a moving violation that resulted in a death, a law enforcement official must inform the victim's representative of the right to file a request with the MVA to be notified of any administrative hearings related to the moving violation. The MVA must provide notice containing specified information of any such hearings at least 10 days before the hearing. The victim's representative must be allowed to make a statement at the administrative hearing if he or she has informed the MVA of his/her

intent to make a statement at least five days prior to the hearing. Written statements must be filed with the MVA at least 24 hours prior to the hearing.

**Current Law:** The MVA may delegate to the Office of Administrative Hearings (OAH) the power and authority to conduct hearings under the Transportation Article and render proposed findings of fact and proposed conclusions of laws. The MVA may delegate to OAH the authority to render final decisions in the majority of administrative appeals, including hearings regarding license suspensions and revocations, misuse of disability tags and placards, improper use of emergency lights, and driving on a revoked or suspended license.

The MVA has the authority to subpoena any person or documents and take testimony in any matter subject to its jurisdiction. If the Maryland Vehicle Law or an MVA rule or regulation provides that a license or privilege may be suspended or revoked only after a hearing, the MVA must give the licensee written notice of any charge made and an opportunity to be heard in person. After a hearing, the MVA may refuse, suspend, or revoke the license or privilege of an applicant or licensee; rescind, continue, or modify any previous action; or take any other action permitted by the Maryland Vehicle Law.

**Background:** All 50 states allow some kind of victim impact statement at the sentencing of an individual convicted of a crime. Most states allow victim impact statements at parole hearings, and some even allow victim impact statements at bail hearings. A search by the Department of Legislative Services (DLS) and the National Council of State Legislatures was unable to turn up any state that allows an individual to make a victim impact statement at an administrative hearing.

The MVA does not track how many of its administrative hearings involve cases of bodily injury or death; however, the MVA conducts approximately 30,000 hearings annually. The State Police advises that there were 650 fatalities resulting from motor vehicle accidents in 2003. As some hearings would involve multiple fatalities, while other fatalities would not involve an administrative hearing by the MVA (*i.e.*, fatalities where the driver was killed or where the State Police found no fault on the part of the driver), the number of hearings in which a victim's representative would be offered the opportunity to make or submit a statement would be lower.

**State Expenditures:** Based on the small number of hearings that would involve a fatality, the MVA advises that it could handle notification of victim's representatives of hearings and processing of responses to notification with existing resources.

The MVA estimates that computer reprogramming costs associated with this bill would total \$120,000. DLS advises that, if other legislation is passed requiring computer

reprogramming changes, economies of scale could be realized. This would reduce the costs associated with this bill and other legislation affecting the MVA system.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** National Conference of State Legislators, Montgomery County, Prince George's County, Caroline County, Calvert County, Howard County, Baltimore City, Office of Administrative Hearings, Department of State Police, Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - March 11, 2005  
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