
By: **Senators Jacobs, Colburn, Hogan, Hooper, Lawlah, and Munson**
Introduced and read first time: January 23, 2006
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Administrative Hearings - Rights of a Victim's**
3 **Representative**

4 FOR the purpose of authorizing a victim's representative to make an oral statement
5 or submit a written statement at an administrative hearing concerning a
6 moving violation committed by another that resulted in the death of a victim;
7 requiring a law enforcement officer, during the investigation of a moving
8 violation that results in death, to inform the victim's representative of the right
9 to file a certain request; requiring the Motor Vehicle Administration to give a
10 victim's representative notice a certain number of days before certain
11 administrative hearings if the victim's representative has filed a certain
12 request; establishing the contents of the notice; requiring a victim's
13 representative who intends to make an oral statement at the hearing to notify
14 the Administration in a certain time period; requiring a victim's representative
15 who intends to submit a written statement for the hearing to submit the
16 statement to the Administration in a certain time period; authorizing a victim's
17 representative to make an oral statement before the issuance of a decision or
18 order if a certain notice is provided; defining certain terms; and generally
19 relating to the rights of a victim's representative with respect to administrative
20 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 2005 Supplement)

26 BY adding to
27 Article - Transportation
28 Section 12-206.1
29 Annotated Code of Maryland
30 (2002 Replacement Volume and 2005 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 DIES AS THE RESULT OF THE
15 COMMISSION OF A MOVING VIOLATION BY ANOTHER PERSON.

16 (3) "VICTIM'S REPRESENTATIVE" MEANS A MEMBER OF A VICTIM'S
17 FAMILY, THE PERSONAL REPRESENTATIVE OF A VICTIM, OR THE GUARDIAN OF A
18 VICTIM.

19 (B) A VICTIM'S REPRESENTATIVE MAY MAKE AN ORAL STATEMENT OR SUBMIT
20 A WRITTEN STATEMENT AT A HEARING UNDER THIS SUBTITLE THAT RELATES TO
21 THE MOVING VIOLATION THAT RESULTED IN THE DEATH OF THE VICTIM.

22 (C) DURING THE INVESTIGATION OF A MOVING VIOLATION THAT RESULTS IN
23 DEATH, A LAW ENFORCEMENT OFFICER SHALL INFORM THE VICTIM'S
24 REPRESENTATIVE OF THE RIGHT TO FILE A WRITTEN REQUEST WITH THE
25 ADMINISTRATION TO BE NOTIFIED OF ANY ADMINISTRATIVE HEARINGS RELATED TO
26 THE MOVING VIOLATION.

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

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

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

34 (II) THE LEGAL AUTHORITY AND JURISDICTION OF THE
35 ADMINISTRATION TO HEAR THE MATTER;

1 (III) THE NATURE OF THE PROPOSED ACTION THAT THE
2 ADMINISTRATION IS TO CONSIDER;

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

5 (V) THE RIGHT OF THE VICTIM'S REPRESENTATIVE TO BE PRESENT
6 AT THE HEARING; AND

7 (VI) THE RIGHT OF THE VICTIM'S REPRESENTATIVE TO MAKE A
8 STATEMENT BEFORE THE PRESIDING OFFICER OF THE ADMINISTRATIVE HEARING.

9 (3) (I) IF A VICTIM'S REPRESENTATIVE INTENDS TO MAKE AN ORAL
10 STATEMENT AT AN ADMINISTRATIVE HEARING, THE VICTIM'S REPRESENTATIVE
11 SHALL NOTIFY THE ADMINISTRATION AT LEAST 5 DAYS BEFORE THE HEARING.

12 (II) IF A VICTIM'S REPRESENTATIVE INTENDS TO SUBMIT A
13 WRITTEN STATEMENT FOR THE ADMINISTRATIVE HEARING, THE STATEMENT SHALL
14 BE SUBMITTED TO THE ADMINISTRATION AT LEAST 24 HOURS BEFORE THE
15 HEARING.

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2006.