

HOUSE BILL 280

R7
SB 213/06 – JPR

71r2341

By: **Delegate Dumais**
Introduced and read first time: January 31, 2007
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Administrative Hearings – Rights of a Victim’s Representative**

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

20 BY repealing and reenacting, without amendments,
21 Article – Transportation
22 Section 11–136.1
23 Annotated Code of Maryland
24 (2006 Replacement Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Transportation
3 Section 12–206.1
4 Annotated Code of Maryland
5 (2006 Replacement Volume and 2006 Supplement)

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

8 **Article – Transportation**

9 11–136.1.

10 “Moving violation” means:

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

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

16 **12–206.1.**

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

19 (2) “VICTIM” MEANS A PERSON WHO DIES AS THE RESULT OF THE
20 COMMISSION OF A MOVING VIOLATION BY ANOTHER PERSON.

21 (3) “VICTIM’S REPRESENTATIVE” MEANS A MEMBER OF A
22 VICTIM’S FAMILY, THE PERSONAL REPRESENTATIVE OF A VICTIM, OR THE
23 GUARDIAN OF A VICTIM.

24 (B) A VICTIM’S REPRESENTATIVE MAY MAKE AN ORAL STATEMENT OR
25 SUBMIT A WRITTEN STATEMENT AT A HEARING UNDER THIS SUBTITLE THAT
26 RELATES TO THE MOVING VIOLATION THAT RESULTED IN THE DEATH OF THE
27 VICTIM.

28 (C) DURING THE INVESTIGATION OF A MOVING VIOLATION THAT
29 RESULTS IN DEATH, A LAW ENFORCEMENT OFFICER SHALL INFORM THE

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

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

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

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

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

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

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

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

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

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

28 (II) IF A VICTIM'S REPRESENTATIVE INTENDS TO SUBMIT A
29 WRITTEN STATEMENT FOR THE ADMINISTRATIVE HEARING, THE STATEMENT

1 **SHALL BE SUBMITTED TO THE ADMINISTRATION AT LEAST 5 DAYS BEFORE THE**
2 **HEARING.**

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

7 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
8 **October 1, 2007.**