

# HOUSE BILL 152

R5

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By: **Delegates Kach and Olszewski**

Introduced and read first time: January 23, 2009

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Leaving the Scene of an Accident Resulting in Bodily Injury**  
3 **or Death – Mandatory Arrest**

4 FOR the purpose of requiring a police officer to arrest with or without a warrant a  
5 person who the police officer has probable cause to believe has committed a  
6 certain offense of leaving the scene of an accident resulting in bodily injury or  
7 death; making certain conforming changes; and generally relating to the offense  
8 of leaving the scene of an accident resulting in bodily injury or death.

9 BY repealing and reenacting, without amendments,  
10 Article – Transportation  
11 Section 20–102  
12 Annotated Code of Maryland  
13 (2006 Replacement Volume and 2008 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Transportation  
16 Section 26–202, 26–203, and 26–402  
17 Annotated Code of Maryland  
18 (2006 Replacement Volume and 2008 Supplement)

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

21 **Article – Transportation**

22 20–102.

23 (a) (1) The driver of each vehicle involved in an accident that results in  
24 bodily injury to another person immediately shall stop the vehicle as close as possible  
25 to the scene of the accident, without obstructing traffic more than necessary.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2)    The driver of each vehicle involved in an accident that results in  
2   bodily injury to another person immediately shall return to and remain at the scene of  
3   the accident until the driver has complied with § 20–104 of this title.

4           (b)   (1)   The driver of each vehicle involved in an accident that results in  
5   the death of another person immediately shall stop the vehicle as close as possible to  
6   the scene of the accident, without obstructing traffic more than necessary.

7           (2)    The driver of each vehicle involved in an accident that results in  
8   the death of another person immediately shall return to and remain at the scene of the  
9   accident until the driver has complied with § 20–104 of this title.

10   26–202.

11           (a)    A police officer may arrest without a warrant a person for a violation of  
12   the Maryland Vehicle Law, including any rule or regulation adopted under it, or for a  
13   violation of any traffic law or ordinance of any local authority of this State, if:

14           (1)    The person has committed or is committing the violation within  
15   the view or presence of the officer, and the violation is any of the following:

16                   (i)    A violation of § 21–1411 or § 22–409 of this article, relating  
17   to vehicles transporting hazardous materials; or

18                   (ii)   A violation of § 24–111 or § 24–111.1 of this article, relating  
19   to the failure or refusal to submit a vehicle to a weighing or to remove excess weight  
20   from it;

21           (2)    The person has committed or is committing the violation within  
22   the view or presence of the officer, and either:

23                   (i)    The person does not furnish satisfactory evidence of identity;  
24   or

25                   (ii)   The officer has reasonable grounds to believe that the person  
26   will disregard a traffic citation;

27           (3)    The officer has probable cause to believe that the person has  
28   committed the violation, and the violation is any of the following offenses:

29                   (i)    Driving or attempting to drive while under the influence of  
30   alcohol, while impaired by alcohol, or in violation of an alcohol restriction;

31                   (ii)   Driving or attempting to drive while impaired by any drug,  
32   any combination of drugs, or any combination of one or more drugs and alcohol or  
33   while impaired by any controlled dangerous substance;

(iii) Failure to [stop, give information,] **GIVE INFORMATION** or render reasonable assistance, as required by [§§ 20–102 and 20–104] **§ 20–104** of this article, in the event of an accident resulting in bodily injury to or death of any person;

(iv) Driving or attempting to drive a motor vehicle while the driver's license or privilege to drive is suspended or revoked;

(v) Failure to stop or give information, as required by §§ 20–103 through 20–105 of this article, in the event of an accident resulting in damage to a vehicle or other property;

(vi) Any offense that caused or contributed to an accident resulting in bodily injury to or death of any person;

(vii) Fleeing or attempting to elude a police officer;

(viii) Driving or attempting to drive a vehicle in violation of § 16–101 of this article; or

(ix) A violation of § 14–110(b), (c), (d), or (e) of this article;

(4) The person is a nonresident and the officer has probable cause to believe that:

(i) The person has committed the violation; and

(ii) The violation contributed to an accident; or

(5) The officer has probable cause to believe that the person has committed the violation, and, subject to the procedures set forth in § 26–203 of this subtitle, the person is issued a traffic citation and refuses to acknowledge its receipt by signature.

**(b) A POLICE OFFICER SHALL ARREST WITH OR WITHOUT A WARRANT AND TAKE INTO CUSTODY A PERSON WHO THE POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE HAS COMMITTED A VIOLATION OF § 20–102 OF THIS ARTICLE.**

**(C)** An arrest under this section shall be made in the same manner as, and without more force than, in misdemeanor cases.

**[(c)] (D)** A person arrested under this section shall be taken without unnecessary delay before a District Court commissioner, as specified in § 26–401 of this title, unless the arresting officer in his discretion releases the individual upon the individual's written promise to appear for trial.

26–203.

1 (a) This section applies to all traffic citations issued under this subtitle,  
2 unless:

3 (1) The person otherwise is being arrested under § 26–202(a)(1), (2),  
4 (3), or (4) **OR (B)** of this subtitle;

5 (2) The person is incapacitated or otherwise unable to comply with the  
6 provisions of this section;

7 (3) The citation is being issued to an unattended vehicle in violation of  
8 § 21–1003 of this article; or

9 (4) The citation is being issued to an unattended motor vehicle in  
10 violation of § 13–402 of this article.

11 (b) On issuing a traffic citation, the police officer:

12 (1) Shall ask the person to acknowledge receipt of a copy of the  
13 citation, as required under § 1–605 of the Courts Article; and

14 (2) If the person refuses to do so, shall advise the person that failure to  
15 acknowledge receipt may lead to the person's arrest.

16 (c) (1) On being advised that failure to acknowledge receipt of a copy of a  
17 citation may lead to arrest, the person may not refuse to acknowledge receipt.

18 (2) If the person continues to refuse to do so, the police officer may  
19 arrest the person for violation of this section or, as provided in § 26–202(a)(5) of this  
20 subtitle, for the original charge, or both.

21 26–402.

22 (a) This section does not apply if the alleged offense is any of the offenses  
23 enumerated in § 26–202(a)(3)(i), (ii), (iii), and (iv) **OR (B)** of this title.

24 (b) If a police officer arrests a person and takes the person before a District  
25 Court commissioner as provided in this title, the person shall be released on issuance  
26 of a citation if:

27 (1) A commissioner is not available;

28 (2) A judge, clerk, or other public officer, authorized to accept bail for  
29 the court is not available; and

30 (3) The person charged gives the person's written promise to appear in  
31 court.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2009.