

Department of Legislative Services  
Maryland General Assembly  
2009 Session

FISCAL AND POLICY NOTE

House Bill 1350  
Judiciary

(Delegate Norman, *et al.*)

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Rules of the Road - Duty to Remain at the Scene of an Accident - Penalties

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This bill increases the maximum penalties for a driver who is involved in an accident resulting in bodily injury or death or in damage to an attended vehicle or property and fails to give required information and render reasonable aid. The maximum penalties are also increased for a driver who is involved in an accident resulting in damage to an attended vehicle or property and fails to remain at the scene, or a driver who strikes an unattended vehicle or property and fails to do what is required by the Maryland Vehicle Law. For all of these offenses, the maximum penalties increase from two months imprisonment and/or a fine of \$500 to six months imprisonment and/or a fine of \$1,000.

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Fiscal Summary

**State Effect:** Potential minimal increase in revenues and expenditures from the increase in the bill's fine and the incarceration penalty, respectively. Enforcement can be handled with existing resources.

**Local Effect:** Potential minimal increase in expenditures from the increase in the incarceration penalty. Enforcement can be handled with existing resources.

**Small Business Effect:** None.

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Analysis

**Current Law:** The driver of each vehicle involved in an accident that results only in damage to an attended vehicle or property must stop the vehicle as closely as possible to the scene of the accident without obstructing traffic any more than necessary. Each vehicle driver involved in such an accident must return to and remain at the accident

scene until required information has been given to other persons involved in the accident and reasonable assistance has been rendered.

The driver of each vehicle involved in an accident resulting in bodily injury, death, or damage to an attended vehicle or other attended property must give identifying and other information as specified and exhibit the driver's license. If a police officer is not present and none of the other people involved in the accident can receive the information, then after remaining on the scene of the accident and rendering reasonable aid to those injured or requiring assistance, the driver must report the accident to the nearest authorized police station and give the necessary information to the police.

The driver of each vehicle involved in an accident that results in damage to an unattended vehicle or property must stop as closely as possible to the accident scene without obstructing traffic any more than necessary. Each vehicle driver is required to attempt to locate the driver, owner, or other person in charge of the damaged vehicle or property and give identifying and other information as specified. If the driver, owner, or person in charge cannot be located, each driver involved must leave a written notice with specified identifying information in a conspicuous, secure place in or on the damaged vehicle or property.

A person who violates any of the above provisions is guilty of a misdemeanor and is subject to maximum penalties of two months imprisonment and/or a fine of \$500. No prepayment penalty can be paid for any of the above offenses. The accused must appear in District Court to address these charges. The Motor Vehicle Administration must assess eight points on the driver's license of any person convicted of any of the above offenses and issue a notice of license suspension. A driver who accumulates eight points on the driver's license within a two-year period is subject to license suspension.

**State Revenues:** General fund revenues may increase minimally as a result of the bill's increased monetary penalty provision from cases heard in the District Court.

**State Expenditures:** General fund expenditures may increase minimally as a result of the bill's increased incarceration penalty due to increased payments to counties for reimbursement of inmate costs.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2010 are estimated to range from \$23 to \$71 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility. Currently, DOC average

total cost per inmate, including overhead, is estimated at \$2,600 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including variable medical care and variable operating costs) is \$342 per month. Excluding all medical care, the average variable costs total \$164 per month.

**Local Expenditures:** Expenditures may increase as a result of the bill's increased incarceration penalty. Counties pay the full cost of incarceration for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$46 to \$141 per inmate in fiscal 2010.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Charles, Frederick, Montgomery, and Somerset counties; Judiciary (Administrative Office of the Courts); Department of State Police; Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - March 16, 2009  
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