

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 1492
Judiciary

(Delegate Norman)

Vehicle Laws - Failure to Remain at the Scene of an Accident - Penalties

This bill clarifies the duty of a driver to remain at the scene of an accident that results in bodily injury, death to another, or damage to an attended vehicle or other attended property. Enhanced penalties are established for the failure to remain at the scene of an accident with significant damage to an attended vehicle or other attended property, or where each driver knew or reasonably should have known that there was a minor in any other vehicle involved in the accident. The bill expands the duty of a driver to render aid and give assistance when involved in an accident to include any drivers, occupants, or attendants of a vehicle in which a minor is an occupant. The existing penalties for failure to give required information and render reasonable assistance also apply to this offense.

Fiscal Summary

State Effect: Minimal increase in general fund revenues and expenditures due to the bill's penalty provisions. Enforcement can be handled with existing resources.

Local Effect: Minimal increase in expenditures due to the bill's penalty provisions. Enforcement can be handled with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: The bill clarifies that the driver of each vehicle involved in an accident resulting in bodily injury or death to another or damage to an attended vehicle or other attended property must immediately stop the vehicle as closely as possible without obstructing traffic any more than necessary, and return to and remain at the scene of the

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

These duties are also specifically applied to each driver involved in an accident that results in significant damage to an attended vehicle or other attended property or to each driver who knew or reasonably should have known that there was a minor in any other vehicle involved in the accident. "Significant damage" means damage to a property or vehicle to the extent that the vehicle or property cannot be repaired or the cost of repair exceeds \$1,000.

The duty to give information in an accident that results in bodily injury, death, or damage to an attended vehicle or other attended property is expanded to the driver of, occupant of, or any person attending any vehicle within which a minor is an occupant.

Any driver who fails to remain at the scene of an accident that results in significant damage to an attended vehicle or other attended property or in which the driver knew or reasonably should have known that there was a minor in any other vehicle involved in the accident is guilty of a misdemeanor and is subject to maximum penalties of imprisonment for one year and/or a fine of \$3,000.

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 increase minimally as a result of the bill's monetary penalty provisions from cases heard in the District Court.

State Expenditures: General fund expenditures increase minimally as a result of the bill's incarceration penalties due to increased payments to counties for reimbursement of inmate costs and more people being committed to Division of Correction (DOC) facilities. The number of additional people convicted of the existing offenses and new people subject to the enhanced penalties in this bill are expected to be minimal.

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, the 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 increase as a result of the bill's incarceration penalties. 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.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Department of Legislative Services

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