

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 153
Judiciary

(Delegates Kach and Olszewski)

Vehicle Laws - Accidents Resulting in Death - Appearance in Court for Traffic Citations

This bill requires a person who receives a traffic citation for a violation contributing to an accident that resulted in another person's death to comply with the notice to appear by personally appearing in court.

Fiscal Summary

State Effect: The changes required by the bill can be handled within existing resources.

Local Effect: Enforcement can be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: A person must comply with a notice to appear contained in a traffic citation or other writ issued by the District Court or a circuit court. The time to appear must be at least five days after the alleged violation unless the person charged demands an earlier hearing. A person may comply with a traffic citation by appearance in person, by counsel, or by payment of the fine specified for the particular offense, if provided in the citation for that offense.

If the person returns a copy of the citation within the time allowed for payment of the fine, indicating that the facts are not in dispute, a person may request a hearing in lieu of trial regarding sentencing and disposition. A person who requests this hearing waives a right to a trial of the facts and the right to compel the presence of the police officer who

issued the citation. Such a hearing may only be requested if the alleged offense is not punishable by incarceration.

If a person fails to comply with the notice to appear, a court may issue a warrant for the person's arrest or notify the Motor Vehicle Administration (MVA) of noncompliance, within the timeframes specified in statute. After receiving a notice of noncompliance, MVA must notify the person that he or she is subject to suspension of the driver's license.

State Expenditures: While the bill may require changes to the automated case management system in the District Court and additional clerical and judicial time, the Department of Legislative Services (DLS) advises that the bill's changes can be handled within the existing resources of the District Court.

The District Court advises that its automated case management system designates cases as "payable" or "must appear" depending on the statutory citation and not whether the violation was a contributing factor to a death from the accident. As a result, an additional \$162,500 is requested for alterations to the automated case management system. DLS advises, however, that in the event of a fatal accident, some of the issued citations may be for violations that already have "must appear" status. For example, driving while under the influence of alcohol or while impaired by alcohol, drugs, or a controlled dangerous substance is a must appear offense, as well as driving while on a suspended or revoked license. In addition, the District Court already has a system in place for coding offenses differently if the offense contributes to an accident that results in serious bodily injury or death. Violations of right-of-way including failure-to-yield and failure-to-stop offenses are coded in this manner, although there is no statutory citation for contributing to an accident that results in serious bodily injuries or fatalities due to these violations.

According to the Fatality Analysis Reporting System maintained by the U.S. Department of Transportation, 614 persons were killed in 558 fatal traffic accidents in Maryland during 2007. In fiscal 2008, the District Court processed 219,396 must appear citations for motor vehicle cases. *By way of illustration*, even if as many as 10 citations were issued in *each* of the 558 fatal traffic accidents that occurred in Maryland in 2007, the increase would represent at most 2.5% of the current workload of the District Court – an increase that is manageable within existing resources.

Additional Information

Prior Introductions: This bill is similar to HB 1150 of 2006, HB 902 of 2005, and HB 902 of 2004. HB 1150 and HB 902 of 2005 were heard by the House Judiciary Committee but received no further action. HB 902 passed the House as amended and

was heard by the Senate Judicial Proceedings Committee, where it received no further action.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, National Highway Traffic Safety Administration, U.S. Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 2, 2009
mcp/ljm

Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510