

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE

House Bill 1178 (Delegate Cardin)  
Environmental Matters

---

Vehicle Laws - Failing to Render Assistance - Assessment of Points

---

This bill requires the Motor Vehicle Administration (MVA) to assess eight points against the driver's license of a person who is convicted of failure to render reasonable assistance after involvement in an accident resulting in death or bodily injury to another or damage to an attended vehicle or property. A person who has eight points on his or her driver's license is subject to suspension for at least 2 days and up to 30 days for a first offense. A second or subsequent offense subjects the person to suspension of the driver's license for at least 15 days and up to 90 days.

---

Fiscal Summary

**State Effect:** Minimal increase in Transportation Trust Fund (TTF) revenues from the issuance of corrected or renewed licenses after the license suspensions issued under the bill. Enforcement can be handled with existing resources. The Judiciary and the Office of Administrative Hearings can handle the bill's provisions with existing resources.

**Local Effect:** Enforcement can be handled with existing resources.

**Small Business Effect:** Minimal. Motor vehicle insurers may generate additional revenue from higher premiums due to the points assessed to drivers under the bill.

---

Analysis

**Current Law:**

*Duty to Render Aid:* The driver of each vehicle involved in an accident that results in bodily injury or death to any person or damage to an attended vehicle or other attended property must render reasonable assistance to any person injured in the accident. If an

injured person requests medical treatment or it is apparent that medical treatment is necessary, the driver must arrange for transportation to the nearest physician, surgeon, or hospital.

A person who violates this provision is guilty of a misdemeanor and is subject to maximum penalties of a \$500 fine and/or two months imprisonment. This violation is a “must appear” offense, so the driver may not prepay the penalty, but must appear in the District Court to answer the charge. However, MVA is not required to assess any points against the driver’s license of a person convicted for the failure to render reasonable assistance to an injured person.

*Failure to Return/Remain – Bodily Injury or Death:* The driver of each vehicle involved in an accident that results in bodily injury or death to another is required to immediately return to and remain at the scene of the accident until the driver has complied with the duty to give information and render assistance. Each driver must stop the vehicle as closely as possible to the scene of the accident, without obstructing traffic any more than necessary.

A driver who is convicted of failing to remain at the scene of an accident resulting in bodily injury is guilty of a misdemeanor and is subject to maximum penalties of a \$3,000 fine and/or imprisonment for one year. A driver who is convicted of failing to remain at the scene of an accident resulting in death is guilty of a misdemeanor and is subject to maximum penalties of a fine of \$5,000 and/or five years imprisonment. These “failure to immediately return and remain” violations are “must appear” offenses. Upon conviction for failure to remain at the scene of an accident resulting in either bodily injury or death, MVA must assess 12 points against the driver’s license and the license is subject to revocation.

*Duties of Driver – Vehicle/Property Damage:* The driver of each vehicle in an accident that results in damage only to an attended vehicle or other attended property must return to and remain at the scene of the accident until the driver has complied with the duty to give information and render assistance. Each driver must stop the vehicle as closely as possible to the scene of the accident without obstructing traffic any more than necessary. A driver who violates this provision is guilty of a misdemeanor and is subject to maximum penalties of a fine of \$500 and/or two months imprisonment. This violation is a “must appear” offense. MVA must assess eight points against the driver’s license upon conviction for this offense and the driver’s license is subject to suspension.

Upon striking and causing damage to an unattended vehicle or other unattended property, the driver must stop the vehicle as closely as possible to the scene of the accident without obstructing traffic any more than necessary. The driver is required to attempt to locate the driver, owner, or person in charge of the damaged vehicle or property and provide the driver’s identifying information, as specified. If the driver, owner, or person in charge of

the damaged property cannot be located, the driver is required to leave a written notice providing identifying information, as specified, in a conspicuous, secure place in or on the damaged vehicle or property. A driver who violates this provision is guilty of a misdemeanor and is subject to maximum penalties of a \$500 fine and/or two months imprisonment. The failure to stop, attempt to locate the driver or owner of the vehicle or property, and leave written notice and identifying information are all “must appear” offenses. Upon conviction for any of these offenses, MVA is required to assess eight points against the driver’s license and the license is subject to suspension.

*Administrative Suspension Penalty:* If a person accumulates eight points on the driver’s license, MVA must issue a notice of suspension. Points remain on a driver’s license for two years from the date of assessment. The notice of suspension must be personally served or sent by certified mail, with a postmark from the U.S. Postal Service. The notice must state the duration of the suspension and advise the driver of his or her right to file a written request for a hearing before the Motor Vehicle Administrator, within 10 business days after the notice is sent. Unless a hearing is requested, each notice of suspension is effective at the end of the 10-day period after the notice is sent.

Generally, the first license suspension that is issued (but does not involve an alcohol- and/or drug-related driving offense) must be imposed for at least 2 days but not more than 30 days. Any subsequent suspension must be for at least 15 days but not more than 90 days.

A driver who is convicted of an alcohol- and/or drug-related driving offense and receives a license suspension is subject to more stringent periods of suspension, from a period of up to 60 days ranging to an indefinite period of suspension. For a provisional license holder who is younger than 18 years old and accumulates more than five points on the license, MVA is required to suspend the driver’s license for six months for a first offense. For a second or subsequent offense, the license suspension must be for one year.

**State Revenues:** Minimal increase in TTF funds from additional license suspensions under the bill. For other than alcohol- and/or drug-related driving offenses, when a driver’s license suspension period has ended and the effective period remaining on the original license is more than six months, MVA charges \$20 to issue a corrected license; or if the effective period remaining on the original license is less than six months, MVA charges \$30 for a license renewal.

The District Court and MVA advise that, in fiscal 2011, there were 249 cases filed for failure to render assistance and 74 convictions. *By way of illustration*, if 74 drivers with suspended licenses under this bill received corrected licenses, TTF revenues would increase by \$1,480. If all of these drivers had their licenses renewed after their suspensions, TTF revenues would increase by \$2,220.

**Additional Comment:** The Maryland Automobile Insurance Fund advises that an individual convicted of failure to render assistance would ultimately pay higher insurance rates based on the number of points assessed by MVA.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Maryland Automobile Insurance Fund, Office of Administrative Hearings, Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - March 11, 2012  
mc/ljm

---

Analysis by: Karen D. Morgan

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