

SENATE BILL 790

R5

5lr2614

By: **Senator Muse**

Introduced and read first time: February 19, 2015

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Right-of-Way Violations – Death or Serious Bodily Injury –**
3 **Penalties**

4 FOR the purpose of establishing a certain mandatory fine for a violation of certain
5 right-of-way provisions that contributes to an accident that results in death or
6 serious bodily injury of another; authorizing the issuance of a certain citation by a
7 law enforcement officer; requiring the District Court to establish a uniform citation
8 form; requiring that the citation contain certain information; requiring that a law
9 enforcement agency provide a copy of a citation to a District Court with venue;
10 requiring that the District Court issue a summons to appear for trial to a person
11 charged; prohibiting the District Court from establishing a schedule for the
12 prepayment of the fine specified on a citation issued under this Act; requiring certain
13 notice to a person charged; and generally relating to penalties for violating certain
14 right-of-way provisions under certain circumstances.

15 BY repealing and reenacting, without amendments,
16 Article – Transportation
17 Section 27–113(a)
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2014 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Transportation
22 Section 27–114
23 Annotated Code of Maryland
24 (2012 Replacement Volume and 2014 Supplement)

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

27 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 27–113.

2 (a) In this section, “serious bodily injury” means an injury that:

3 (1) Creates a substantial risk of death;

4 (2) Causes serious permanent or serious protracted disfigurement;

5 (3) Causes serious permanent or serious protracted loss of the function of
6 any body part, organ, or mental faculty; or

7 (4) Causes serious permanent or serious protracted impairment of the
8 function of any bodily member or organ.

9 27–114.

10 (a) If a person violates any provision of Title 21, Subtitle 4 of this article and the
11 violation contributes to an accident that results in the death or, as defined in § 27–113 of
12 this title, serious bodily injury of another, the person is guilty of a misdemeanor and on
13 conviction:

14 (1) The person is subject to a fine of [not more than] \$1,000; and

15 (2) The Administration may suspend the person’s license for not more than
16 180 days.

17 **(B) A POLICE OFFICER MAY ISSUE A CITATION TO A PERSON WHO THE**
18 **POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE HAS COMMITTED A VIOLATION**
19 **UNDER THIS SECTION.**

20 **(C) A CITATION ISSUED UNDER THIS SECTION SHALL BE SIGNED BY THE**
21 **POLICE OFFICER WHO ISSUES THE CITATION AND SHALL CONTAIN:**

22 **(1) THE NAME AND ADDRESS OF THE PERSON CHARGED;**

23 **(2) THE STATUTE ALLEGEDLY VIOLATED;**

24 **(3) THE DATE, LOCATION, AND TIME THAT THE VIOLATION**
25 **OCCURRED;**

26 **(4) THE FINE IMPOSED;**

27 **(5) A NOTICE STATING THAT PREPAYMENT OF THE FINE IS NOT**
28 **ALLOWED; AND**

1 **(6) A NOTICE THAT STATES THAT THE DISTRICT COURT SHALL**
2 **PROMPTLY SEND THE PERSON A SUMMONS TO APPEAR FOR TRIAL.**

3 **(D) THE FORM OF THE CITATION SHALL BE UNIFORM THROUGHOUT THE**
4 **STATE AND SHALL BE PRESCRIBED BY THE DISTRICT COURT.**

5 **(E) THE CHIEF JUDGE OF THE DISTRICT COURT MAY NOT ESTABLISH A**
6 **SCHEDULE FOR THE PREPAYMENT OF A FINE UNDER THIS SECTION.**

7 **(F) (1) THE LAW ENFORCEMENT AGENCY OF THE POLICE OFFICER WHO**
8 **ISSUED THE CITATION SHALL FORWARD TO THE DISTRICT COURT HAVING VENUE A**
9 **COPY OF THE CITATION AND A REQUEST FOR TRIAL.**

10 **(2) THE DISTRICT COURT SHALL PROMPTLY SCHEDULE THE CASE**
11 **FOR TRIAL AND SUMMON THE DEFENDANT TO APPEAR.**

12 **(G) IF A PERSON IS FOUND TO HAVE COMMITTED A VIOLATION UNDER THIS**
13 **SECTION, ON CONVICTION THE PERSON IS SUBJECT TO THE PENALTIES SPECIFIED**
14 **IN SUBSECTION (A) OF THIS SECTION.**

15 **[(b)] (H) Subject to the provisions of Title 12, Subtitle 2 of this article, a licensee**
16 **may request a hearing on a license suspension imposed under this section.**

17 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
18 **October 1, 2015.**