

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 868 (Senator Lee)  
Judicial Proceedings

---

Vehicle Laws - Injury or Death of Vulnerable Road User - Penalties

---

This bill prohibits a person from causing the serious physical injury or death of a “vulnerable road user” as a result of the person operating a motor vehicle in a careless or distracted manner, or in violation of any other rules of the road as specified in the Maryland Vehicle Law. A violation of this provision is a misdemeanor, and a violator is subject to a maximum fine of \$2,000. In addition to the fine, a court may order the violator to (1) participate in a motor vehicle safety course and (2) perform up to 150 hours of community service.

---

Fiscal Summary

**State Effect:** Minimal increase in general fund revenues to the extent additional drivers receive citations under the bill’s provisions. The Maryland Department of Transportation (MDOT) can handle software programming changes with existing resources. Any additional suspensions of driver’s licenses likely have no material impact on MDOT finances or operations. Enforcement can be handled with existing resources.

**Local Effect:** Enforcement can be handled with existing resources. Revenues are not affected.

**Small Business Effect:** None.

---

## Analysis

### Bill Summary:

“Vulnerable road user” means:

- a pedestrian, including an individual who is actively working on a highway or a utility facility along a highway or providing emergency services on a highway;
- an individual who is riding or leading an animal on a highway, shoulder, or crosswalk; or
- a person who is lawfully operating or riding a bicycle, a farm tractor or farm equipment, a play vehicle, a motor scooter, a motorcycle, an animal-drawn vehicle, an EPAMD (electric personal assistive mobility device), or a wheelchair on a highway, shoulder, or crosswalk.

The Motor Vehicle Administration (MVA) must suspend the driver’s license of a person convicted of this violation for *at least* seven days, up to a maximum of six months.

**Current Law:** Notwithstanding any other rule of the road, the driver of a vehicle must exercise due care to avoid colliding with any pedestrian and, if necessary, warn any pedestrian by sounding the horn of the vehicle. In addition, the driver of a vehicle must exercise proper precaution on observing any child or any obviously confused or incapacitated individual. A violation is a misdemeanor with a maximum fine of \$500. The prepayment penalty established by the District Court is \$70, and one point must be assessed against the driver’s license by MVA. If the violation contributes to an accident, the prepayment penalty is \$110, and three points must be assessed against the license.

A “bicycle” is a vehicle that is designed to be operated by human power. It has two or three wheels, one of which is more than 14 inches in diameter. It has a drive mechanism other than by pedals attached to a drive wheel. It is also an electric bicycle or a moped.

An “EPAMD” is a pedestrian device that has two nontandem wheels, is self-balancing, is powered by an electric propulsion system, and is designed to transport one person at a maximum speed of 15 miles per hour.

“Farm equipment” generally means a vehicle that is designed and adapted only for agricultural, horticultural, or livestock raising operations, as specified. A “farm tractor” is a motor vehicle that is designed and used as a farm implement for drawing farm equipment.

A “motorcycle” generally means a motor vehicle that has motive power, has a seat or saddle for the rider, and is designed to travel on not more than three wheels in contact with the ground at speeds exceeding 35 miles per hour.

A “motor scooter” is a nonpedal vehicle that has a seat for the operator and has two wheels, one of which is 10 inches or more in diameter. A motor scooter has a step-through chassis, with a motor with a rating of up to 2.7 brake horsepower, or an engine with 50 cubic centimeters displacement. A motor scooter has an automatic transmission.

A “play vehicle” has two or more wheels, is propelled only by human power, and is not a bicycle or a wheelchair.

A “wheelchair” is a mobility aid in any class of three- or four-wheeled devices that is usable indoors and does not exceed 30 inches in width and 48 inches in length, when measured two inches above the ground. It is designed for and used by a mobility-impaired individual, whether operated manually or by power.

While “serious physical injury” is not defined in the Transportation Article, under § 3-201 of the Criminal Law Article, “serious physical injury” is defined as a physical injury that creates a substantial risk of death or causes permanent or protracted serious disfigurement, or loss of the function, or impairment of any bodily member or organ.

**Background:** MDOT’s 2017 Strategic Highway Safety Plan indicates that an average of 232 individuals in the State are killed each year, and 2,348 are seriously injured, in crashes involving distracted drivers. The plan defines “distracted driving” as an instance when a driver shifts attention away from the driving task due to a number of things, including adjusting a radio, attending to a child, or using a cell phone.

**Additional Comments:** The Judiciary advises that the \$2,000 maximum fine in the bill appears to be eligible for “prepayment.” Accordingly, the offender can admit guilt and pay the amount that the Chief Judge of the District Court has designated as a prepayment penalty, thereby discharging the penalty, without ever appearing in court.

An offender could not be subject to a court order to perform community service or participate in a motor safety course, as specified in the bill, unless the offender appeared in the District Court and received an order from the District Court to attend the course or to perform the service, in addition to any fine that is imposed.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 1099 (Delegate Lafferty) - Environment and Transportation.

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

**Fiscal Note History:** First Reader - February 26, 2018  
nb/kdm

---

Analysis by: Michelle Davis

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