

# SENATE BILL 804

R5  
SB 868/18 – JPR

9lr1919  
CF HB 112

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By: **Senators Lee and Smith**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 30, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws – ~~Injury or Death of Vulnerable Individual~~ – Penalties**  
3 **Reckless Driving Contributing to an Accident – Required Court Appearance**

4 FOR the purpose of ~~prohibiting a person from causing the serious physical injury or death~~  
5 ~~of a vulnerable individual as a result of the person operating a vehicle in a careless~~  
6 ~~or distracted manner or in violation of certain provisions of the Maryland Vehicle~~  
7 ~~Law; establishing certain penalties for a violation of this Act; establishing that a~~  
8 ~~person charged with a violation of this Act must appear in court and may not prepay~~  
9 ~~the fine; requiring the Motor Vehicle Administration to suspend for a certain amount~~  
10 ~~of time the driver's license of a person convicted of a violation of this Act; defining~~  
11 ~~the term "vulnerable individual" for purposes of this Act; and generally relating to~~  
12 ~~penalties for causing the serious physical injury or death of a vulnerable individual~~  
13 requiring a person charged with reckless driving that contributes to an accident to  
14 appear in court and prohibiting the person from prepaying the fine; and generally  
15 relating to reckless driving that contributes to an accident.

16 ~~BY repealing and reenacting, without amendments,~~  
17 ~~Article – Transportation~~  
18 ~~Section 11-101 and 11-145~~  
19 ~~Annotated Code of Maryland~~  
20 ~~(2012 Replacement Volume and 2018 Supplement)~~

21 ~~BY adding to~~  
22 ~~Article – Transportation~~  
23 ~~Section 21-901.3~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Transportation

Section 21-901.1

Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

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

### Article – Transportation

~~11-101.~~

~~In the Maryland Vehicle Law, the following words have the meanings indicated,  
unless the context requires otherwise.~~

~~11-145.~~

~~“Pedestrian” means an individual afoot.~~

~~21-901.3.~~

~~(A) IN THIS SECTION, “VULNERABLE INDIVIDUAL” MEANS:~~

~~(1) A PEDESTRIAN, INCLUDING AN INDIVIDUAL WHO IS:~~

~~(I) ACTIVELY WORKING ON A HIGHWAY OR A UTILITY FACILITY  
ALONG A HIGHWAY;~~

~~(II) PROVIDING EMERGENCY SERVICES ON A HIGHWAY; OR~~

~~(III) ON A SIDEWALK OR FOOTPATH;~~

~~(2) AN INDIVIDUAL WHO IS RIDING OR LEADING AN ANIMAL ON A  
HIGHWAY, SHOULDER, CROSSWALK, OR SIDEWALK; OR~~

~~(3) A PERSON WHO IS LAWFULLY OPERATING OR RIDING ANY OF THE  
FOLLOWING ON A HIGHWAY, SHOULDER, CROSSWALK, OR SIDEWALK:~~

~~(I) A BICYCLE;~~

~~(II) A FARM TRACTOR OR FARM EQUIPMENT;~~

1 ~~(III) A PLAY VEHICLE;~~

2 ~~(IV) A MOTOR SCOOTER;~~

3 ~~(V) A MOTORCYCLE;~~

4 ~~(VI) AN ANIMAL-DRAWN VEHICLE;~~

5 ~~(VII) AN EPAMD; OR~~

6 ~~(VIII) A WHEELCHAIR.~~

7 ~~(B) A PERSON MAY NOT CAUSE THE SERIOUS PHYSICAL INJURY OR DEATH~~  
8 ~~OF A VULNERABLE INDIVIDUAL AS A RESULT OF THE PERSON OPERATING A MOTOR~~  
9 ~~VEHICLE:~~

10 ~~(1) IN A CARELESS OR DISTRACTED MANNER; OR~~

11 ~~(2) IN VIOLATION OF ANY PROVISION OF THIS TITLE.~~

12 ~~(C) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (B) OF THIS~~  
13 ~~SECTION:~~

14 ~~(1) IS SUBJECT TO A FINE NOT EXCEEDING \$2,000; AND~~

15 ~~(2) (i) MUST APPEAR IN COURT; AND~~

16 ~~(ii) MAY NOT PREPAY THE FINE.~~

17 ~~(D) IN ADDITION TO THE PENALTIES PROVIDED UNDER SUBSECTION (C) OF~~  
18 ~~THIS SECTION, THE COURT MAY ORDER A PERSON CONVICTED OF A VIOLATION OF~~  
19 ~~SUBSECTION (B) OF THIS SECTION TO:~~

20 ~~(1) PARTICIPATE IN A MOTOR VEHICLE SAFETY COURSE; AND~~

21 ~~(2) PERFORM UP TO 150 HOURS OF COMMUNITY SERVICE.~~

22 ~~(E) THE ADMINISTRATION SHALL SUSPEND THE DRIVER'S LICENSE OF A~~  
23 ~~PERSON CONVICTED OF A VIOLATION OF SUBSECTION (B) OF THIS SECTION FOR AT~~  
24 ~~LEAST 7 DAYS BUT NOT MORE THAN 6 MONTHS.~~

25 21-901.1.

26 (a) A person is guilty of reckless driving if he drives a motor vehicle:

1           (1) In wanton or willful disregard for the safety of persons or property; or

2           (2) In a manner that indicates a wanton or willful disregard for the safety  
3 of persons or property.

4           (b) A person is guilty of negligent driving if he drives a motor vehicle in a careless  
5 or imprudent manner that endangers any property or the life or person of any individual.

6           (c) **A PERSON CHARGED WITH A VIOLATION OF SUBSECTION (A) OF THIS**  
7 **SECTION THAT CONTRIBUTES TO AN ACCIDENT:**

8                   (1) **MUST APPEAR IN COURT; AND**

9                   (2) **MAY NOT PREPAY THE FINE.**

10           (D) A person convicted of a violation of subsection (a) of this section is subject to a  
11 fine not exceeding \$1,000.

12           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2019.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.