

SENATE BILL 804

R5
SB 868/18 – JPR

9lr1919
CF HB 112

By: **Senators Lee and Smith**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Injury or Death of Vulnerable Individual – Penalties**

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

12 BY repealing and reenacting, without amendments,
13 Article – Transportation
14 Section 11–101 and 11–145
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2018 Supplement)

17 BY adding to
18 Article – Transportation
19 Section 21–901.3
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2018 Supplement)

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

24 **Article – Transportation**

25 11–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 11-145.

4 "Pedestrian" means an individual afoot.

5 **21-901.3.**

6 **(A) IN THIS SECTION, "VULNERABLE INDIVIDUAL" MEANS:**

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

8 **(I) ACTIVELY WORKING ON A HIGHWAY OR A UTILITY FACILITY**
9 **ALONG A HIGHWAY;**

10 **(II) PROVIDING EMERGENCY SERVICES ON A HIGHWAY; OR**

11 **(III) ON A SIDEWALK OR FOOTPATH;**

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

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

16 **(I) A BICYCLE;**

17 **(II) A FARM TRACTOR OR FARM EQUIPMENT;**

18 **(III) A PLAY VEHICLE;**

19 **(IV) A MOTOR SCOOTER;**

20 **(V) A MOTORCYCLE;**

21 **(VI) AN ANIMAL-DRAWN VEHICLE;**

22 **(VII) AN EPAMD; OR**

23 **(VIII) A WHEELCHAIR.**

24 **(B) A PERSON MAY NOT CAUSE THE SERIOUS PHYSICAL INJURY OR DEATH**
25 **OF A VULNERABLE INDIVIDUAL AS A RESULT OF THE PERSON OPERATING A MOTOR**
26 **VEHICLE:**

1 **(1) IN A CARELESS OR DISTRACTED MANNER; OR**

2 **(2) IN VIOLATION OF ANY PROVISION OF THIS TITLE.**

3 **(C) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (B) OF THIS**
4 **SECTION:**

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

6 **(2) (I) MUST APPEAR IN COURT; AND**

7 **(II) MAY NOT PREPAY THE FINE.**

8 **(D) IN ADDITION TO THE PENALTIES PROVIDED UNDER SUBSECTION (C) OF**
9 **THIS SECTION, THE COURT MAY ORDER A PERSON CONVICTED OF A VIOLATION OF**
10 **SUBSECTION (B) OF THIS SECTION TO:**

11 **(1) PARTICIPATE IN A MOTOR VEHICLE SAFETY COURSE; AND**

12 **(2) PERFORM UP TO 150 HOURS OF COMMUNITY SERVICE.**

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

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