

## **SB495 Support Letter.pdf**

Uploaded by: Cassilly, Senator Bob

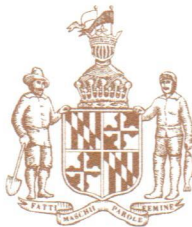
Position: FAV

**ROBERT G. CASSILLY**  
*Legislative District 34*  
Harford County

Judicial Proceedings Committee

Joint Committee on Administrative,  
Executive, and Legislative Review

Joint Committee on Federal Relations



**THE SENATE OF MARYLAND**  
**ANNAPOLIS, MARYLAND 21401**

*Annapolis Office*  
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Annapolis, Maryland 21401  
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Bob.Cassilly@senate.state.md.us

*District Office*  
1015 South Main Street  
Bel Air, Maryland 21014  
443-502-0583

February 12, 2021

**RE: Senate Bill 495 – Reckless and Negligent Driving – Death of Another – Must-Appear Violation (Sherry's and Ryan's Law)**

Dear Committee Members:

I request your support for SB 495. The purpose of this bill is to require a person who was driving recklessly and negligently, causing the death of another, to appear in court. This allows the victim's family to see who killed their family member. It also makes the driver face the victim's family and feel the impact of their actions. The driver whose actions caused someone to lose their life should not be able to simply pay a fine and move on with their lives when they have destroyed the lives of others.

Sincerely,

A handwritten signature in blue ink, appearing to be "Bob Cassilly", written over the word "Sincerely,".

Senator Bob Cassilly

# **SB495\_MustAppear\_KEaton-MSA\_Testimony\_25Jan2021.pdf**

Uploaded by: Eaton, Ken

Position: FAV

2020 / 2021 Director  
Ken Eaton

2020 / 2021 County Representatives  
Caroline: Jeff Kinnamon  
Dorchester: John Knox  
Queen Anne's: Ken Eaton  
Talbot: Jimmy Mountzalia



*Dedicated to Freedom of the Road*

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February 12, 2021

The Honorable William C. Smith, Chairman  
Judicial Proceedings Committee  
2 East  
Miller Senate Office Building  
Annapolis, MD 21401

Re: SB 495 - Reckless and Negligent Driving  
Death of Another - Must-Appear Violation

Dear Mr. Chairman;

I am a motorcyclist, a member of ABATE of Maryland, Inc., and a registered voter in Maryland. I am also the Director of the Mid-Shore Chapter, representing Caroline, Dorchester, Queen Anne's, and Talbot Counties. I have travelled through all the counties in Maryland on my motorcycle as well as other vehicles. In addition, I have travelled through 30+ states on my motorcycle in my 30+ years as a motorcyclist.

Regarding SB 495, the bill that indicates "*Providing that a person charged with reckless or negligent driving that contributes to an accident that results in the death of another person must appear in court and may not prepay the fine*". This is a bill that is near and dear to our Mid-Shore Chapter as well and the entire membership of ABATE of Maryland, Inc. On August 30, 2006, our State Executive Director, Marty Schultz, was killed in a motorcycle accident that involved a car running a stop sign. Marty was knocked off his motorcycle while travelling in his lane and died from his injuries. The vehicle driver received a ticket, paid the fine and never had to appear in court. Marty left behind a wife, 2 beautiful daughters, both of his parents and numerous friends and neighbors. Marty was the local chapter director for many years before he became State Executive Director of ABATE of Maryland, Inc.

ABATE submitted "right-of-way" bills in 2006 and 2007 with no success. In 2008, we were able to get SB 712 passed. However, it did not include a provision for "must appear". We really feel that no one should be able to just receive a minor traffic violation, or no violation at all, when an accident that they caused results in severe injury or death. They should not be able to pay a ticket to avoid going to court. They should be required to appear in court and defend the charges against them. We are not asking for a mandatory penalty, just that they would be required to appear in court. This is not just a motorcycle bill; this legislation would apply to all persons on a roadway that cause the death of another through reckless and negligent driving.

ABATE has long been known for protecting the rights of motorcyclists in Maryland. We have been instrumental in getting numerous pieces of legislation enacted that affect all Maryland motorcyclists. This "Must Appear" bill would be one more tool in the toolbox that would help motorcyclists and any other motorist on the roadways in Maryland.

I feel that this bill would give the family and friends of a victim of a reckless or negligent driver a bit of closure to know that the person that caused the accident may be held accountable for their actions.

I am hereby indicating my support for SB 495 - Reckless and Negligent Driving Death of Another - Must-Appear Violation and urge the committee to vote favorably.

Sincerely,  
**MID-SHORE CHAPTER**  
**ABATE OF MARYLAND, INC.**

A handwritten signature in black ink, appearing to read "Kenneth B. Eaton". The signature is fluid and cursive, with the first name "Kenneth" being the most prominent.

Kenneth B. Eaton, Director  
Mid-Shore Chapter  
Email: [89lowrider@gmail.com](mailto:89lowrider@gmail.com)  
Tel: 410-924-3374

# **BikeAAASupportSB495.pdf**

Uploaded by: Korin, Jon

Position: FAV



# ***Support SB495 Must Appear Violation***

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*Bicycle Advocates for Annapolis & Anne Arundel County*  
P.O. Box 208, Arnold, MD 21012 [www.bikeaaa.org](http://www.bikeaaa.org)

Senate Judicial Proceedings Committee  
Annapolis, MD 21401-1991

February 11, 2021

RE: SUPPORT Senate Bill 495

Dear Chairman and Members of the Committee,

I am a resident of District 33, president of Bicycle Advocates for Annapolis and Anne Arundel County ("BikeAAA"), Chair of the Anne Arundel County Bicycle Advisory Commission, Member of the 2017 Maryland Bicycle Safety Task Force and avid Maryland cyclist for over 20 years. On behalf of BikeAAA and it's more than 1,000 members, I support SB495. This bill requires a driver who kills someone through reckless or negligent driving to appear in court. There are gaps in current Maryland traffic laws that consider only the degree of negligence and do not consider the consequence to the victim. This law fills one of those gaps and thereby strengthens deterrence while providing an increased measure of justice for the victim's family.

This bill also complements other important gap-filling legislation in the current session such as SB293 Vulnerable Road Users which raises the level of care when drivers are in proximity to pedestrians, wheelchair users, bicyclists, motorcyclists and others lawfully using or crossing our roads.

Please support SB495 to improve safety and justice while reducing fatalities on Maryland roads.

Sincerely,

Jon Korin  
President, Bicycle Advocates for Annapolis & Anne Arundel County  
Tel: 443-685-4103

# **SB 495 - MoCo - MCPD (GA 21).pdf**

Uploaded by: Morningstar, Sara

Position: FAV





# Montgomery County

## Office of Intergovernmental Relations

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ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

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**SB 495**

**DATE: February 12, 2021**

**SPONSOR: Senator Cassilly**

**ASSIGNED TO: Judicial Proceedings**

**CONTACT PERSON: Sara Morningstar (Sara.Morningstar@montgomerycountymd.gov)**

**POSITION: SUPPORT (Montgomery County Department of Police)**

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### **Reckless and Negligent Driving – Death of Another – Must-Appear Violation (Sherry's and Ryan's Law)**

Senate Bill 495 seeks to strengthen Maryland's vehicle laws surrounding reckless and negligent driving that result in the death of another person. Montgomery County Department of Police (MCPD) supports this legislation to promote traffic safety and acknowledge the suffering of the family members of those killed in traffic collisions.

Reckless driving is a crime in Maryland that is classified as a misdemeanor – currently subject to six points and a "scheduled" fine of \$510. Negligent driving is also classified as a misdemeanor and subject to points, but violators receive a lesser "scheduled" fine of \$180 if contributing to an accident. Reckless driving involves "wanton or willful disregard" for safety of persons or property whereas negligent driving involves driving in a "careless and imprudent manner" that endangers life or property.

The legislation proposes that reckless and negligent driving contributing to the death of a person should be penalized more strongly than the same acts that merely damage property. Drivers whose reckless or negligent actions have contributed to the death of another person will no longer have the option of prepaying a scheduled fine and will instead be required to appear in court to account for their actions. Attending a court appearance is often an important part of the healing process for deceased victims' family members, who frequently express grief and frustration to members of MCPD's Collision Reconstruction Unit that drivers can simply pay a fine after causing the death of their loved one.

Montgomery County Department of Police supports SB 495 and urges the Committee to adopt a favorable report.

## **2021 SB495 must appear Bob testimony.pdf**

Uploaded by: sawyer, ken

Position: FAV



# ABATE OF MARYLAND, INC.

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*Dedicated to the Freedom of the Road and Responsible Motorcycle Legislation*

## MEMORANDUM

TO: The Honorable William C. Smith, Jr. Chairman and Members of the  
Judicial Proceedings Committee

FROM: Robert Spanburgh, Jr., Chairman of the Board, Abate of Maryland, Inc.

DATE: January 25, 2021

RE: **SB495 – Reckless and Negligent Driving – Death of Another  
– Must-Appeal Violation (Sherry's and Ryan's Law)**

POSITION: **FAVORABLE**

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Mr. Chairman and Members of the Committee,

My name is Robert G. Spanburgh Jr. I am the Chairman of the Board for ABATE of Maryland. We are the State's largest Motorcycle Rights Organization.

Since our inception in 1974 our goal has been to lobby for laws, policies and practices that will continue to promote and enhance the enjoyment and safety of motorcycling in Maryland.

We feel that passage of SB 0495 has the ability to make our roads and highways safer for all motorists, motorcyclists included.

It is our belief that it is a fundamental right of the families of individuals killed or maimed in motor vehicle accidents to be able to attend court proceedings and actually see the party or parties involved in such accidents.

With this in mind, we respectfully request a favorable report and committee vote on SB 0495. Thank You.

## **2021 SB495 must appear KVS.pdf**

Uploaded by: sawyer, ken

Position: FAV



# ABATE OF MARYLAND, INC.

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*Dedicated to the Freedom of the Road and Responsible Motorcycle Legislation*

## MEMORANDUM

TO: The Honorable William C. Smith, Jr. Chairman and Members of the  
Judicial Proceedings Committee

FROM: Executive Director, Kenneth V. Sawyer, Abate of Maryland, Inc.

DATE: January 24, 2021

RE: **SB495 – Reckless and Negligent Driving – Death of Another  
– Must-Appear Violation (Sherry’s and Ryan’s Law)**

POSITION: **FAVORABLE**

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As the voice of motorcyclists throughout the state, Abate of Maryland is in favor of SB495. We have supported this bill and provided testimony for many years.

The proposed bill seeks to modify the current law to include that a person charged with reckless and negligent driving that contributes to an accident that results in the death of another person must appear in Court and may not prepay the fine.

We believe that requiring reckless motor vehicle operators who cause the death of another person to appear in court would hold persons accountable for their actions. This could be helpful in the healing process for the family members who are grieving the tragic loss of their loved one.

A mandatory court appearance is a very small price to pay for a person who causes the death of another through their reckless and negligent conduct. The inconvenience (and potential lost income) of missing employment to attend court, the probable expense of hiring a lawyer, and the discomfort of having to defend or answer for their actions in a court of law would likely deter many motorists who have yet to understand that this kind of driving presents a danger to all that travel the roads.

This bill has been presented to the committee several times. Unfortunately, as the years pass and despite safety campaigns to address dangerous driving, our roads are not becoming safer. In an open letter to drivers last year the National Highway Traffic and Safety Administration reported that even though fewer Americans drove due to the pandemic, those who did took more risks and had more fatal crashes. Our members, who traveled over a combined 250,000 miles last year, have observed first-hand the increase in more aggressive and dangerous driving.

There has been very moving testimony presented over the years from many family members of people who were killed because of the way another person operated their motor vehicle. These family members favor this bill so strongly that, each year, they steel themselves for the pain that they are forced to relive as they recount the tragic loss of their loved one. Abate of Maryland feels very strongly that this bill should be approved and implemented as soon as possible so that our roadways are safer for everyone.

We request a favorable report of SB495.

A handwritten signature in black ink, reading "Kenneth V. Sawyer". The signature is written in a cursive, flowing style.

Kenneth V. Sawyer, Executive Director  
Abate of Maryland, Inc.

## **SB495 - Reckless & Negligent Driving-Death of Anot**

Uploaded by: Tulkin, Josh

Position: FAV



7338 Baltimore Ave  
Suite 102  
College Park, MD 20740

**Committee: Judicial Proceedings**

**Testimony on: SB495 - “Reckless and Negligent Driving – Death of Another – Must-Appear Violation (Sherry’s and Ryan’s Law)”**

**Position: Support**

**Hearing Date: February 16, 2021**

The Maryland Chapter of the Sierra Club supports SB495, which would provide that a person charged with reckless or negligent driving that contributes to an accident resulting in the death of another person must appear in court, not be able to prepay the fine, and be subject to a fine not exceeding \$1,000.

Transportation is now the primary contributor to greenhouse gas emissions in our state. Tailpipe emissions from cars and trucks are also a major source of health-damaging air pollution. This means there is growing need to get individuals out of their cars, taking transit, riding bikes and walking more. However, it is quite difficult to make this happen near roads where people sometimes drive in a reckless or negligent manner.

We live in a car-centric culture where transportation planning, road infrastructure and vehicle laws are largely focused on enabling vehicles to get to their destination as swiftly as possible. Unfortunately, this has resulted in some drivers feeling they have priority on the road, and there are high rates of injury and death for bicyclists and pedestrians as well as vehicle drivers and passengers.

This bill could help bring about needed change. The tougher approach specified in the bill would force individuals to take responsibility in court for their reckless or negligent driving, where they also may have to face people who lost a loved one in an accident caused by their driving. This should help discourage reckless and negligent driving, and make our roads safer for everyone.

We urge the Committee to issue a favorable report on this bill.

Brian Ditzler  
Transportation Committee Chair  
[Brian.Ditzler@MDSierra.org](mailto:Brian.Ditzler@MDSierra.org)

Josh Tulkin  
Chapter Director  
[Josh.Tulkin@MDSierra.org](mailto:Josh.Tulkin@MDSierra.org)

Founded in 1892, the Sierra Club is America’s oldest and largest grassroots environmental organization. The Maryland Chapter has over 75,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.