



# ABATE OF MARYLAND, INC.

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

To: The Honorable Will Smith, Chairman Judicial Proceedings Committee  
From: Ken Eaton, Executive Director, ABATE of Maryland, Inc.  
Date: January 30, 2024  
Re: **SB68 - Reckless and Negligent Driving – Death of Another – Must-Appear Violation (Sherry’s and Christian’s Law)**  
Position: **FAVORABLE - SUPPORT**

As a motorcyclist, and the Executive Director of ABATE of Maryland, Inc., I am urging you to **support** SB 0068 – Sherry’s and Christian’s Law. I have been a motorcyclist, travelling through 30+ states in the past 30+ years.

The SB 0068 bill 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; authorizing a court to waive the requirement to appear under certain circumstances; and generally relating to reckless and negligent driving.”* This is a bill that is near and dear to our Mid-Shore Chapter and the entire membership of ABATE of Maryland, Inc. On August 30, 2006, our then 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 countless friends and neighbors. Marty was the Mid-Shore Director for many years before he became Executive Director of ABATE of Maryland, Inc. Marty also spent countless hours in Annapolis, working on a “right-of-way violation” bill, before his death.

ABATE requested and assisted with “right-of-way” bills from 2004 through 2007 with no success. In 2008, 2 years AFTER our then State Executive Director was killed in an accident where his right of way was violated, we were able to assist in getting SB 712 passed. The wording included: *“FOR the purpose of establishing that if a person fails to yield the right-of-way in violation of certain provisions of law and the violation contributes to an accident that results in the death or serious bodily injury of another, the person is subject to a certain fine and the Motor Vehicle Administration is authorized to suspend the person’s license for a certain period of time; providing that a licensee may request a hearing on a license suspension imposed under this Act; and generally relating to penalties for a failure to yield the right-of-way that contributes to an accident that results in death or serious bodily injury.”* However, it did not include a provision for “must appear.” We strongly feel that no one should be able to 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 for a ticket to avoid going to court. They should be required to appear in court and stand to hear the charges against them. We are not requesting 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.

So, ABATE continued working on legislation that affects motorcyclists. However, after a few years of speaking with attorneys that were left with few options regarding right-of-way violation cases, we decided to renew our efforts. Here is a brief summary of the history on this Right of Way Violation / Death or Serious Bodily Injury – Penalties – Must Appear type of legislation:

2015: SB 790 was sponsored by Senator Anthony Muse

2016: HB1414 was cosponsored by Delegate Ariana Kelly

2020: HB 1168: was cosponsored by Delegates Nick Charles and Ariana Kelly

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2022: This Committee and the entire Senate unanimously passed SB 25

2023: This Committee and the entire Senate unanimously passed SB 252

ABATE has been protecting the rights of motorcyclists in Maryland since 1974. 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 would at least have to appear in court and provide some level of accountability for the person that caused the accident.

I have provided a list of traffic violations that currently require a “Must Appear”

- **Drivers' licenses:**
  - Driving without a license
  - Driving on alcohol restriction
  - Fraudulent / fictitious license
  - Suspended, revoked, or refused license.
  - Improper license
- **Accidents and Accident Reporting**
  - Failure to stop.
  - Failure to remain on scene.
  - Failure to render reasonable assistance.
  - Failure to report accident.
  - False report
- **Traffic Signals**
  - Willfully altering
- **Pedestrians**
  - Failure to stop for a pedestrian in a crosswalk.
  - Passing a vehicle stopped for pedestrian in a crosswalk.
- **Reckless. Negligent, etc.**
  - Causing death or physical injury to a *VULNERABLE INDIVIDUAL*
  - DUI
  - DWI
  - Driving without a required ignition interlock
  - Fleeing & eluding a police officer
  - Bodily injury / death or another - if fleeing and eluding a police officer
- **Miscellaneous**
  - participating in a race. speed contest and in an accident that causes serious injury / death of another.
  - Use of a handheld telephone/text messaging device while driving, causing an accident that directly results in death , serious bodily injury
  - Pumping gas into a dirt bike from a retail pump in Baltimore City
  - Exhibition driving in a special event zone in Worcester County MD

I am hereby indicating my **support** for SB 0068 - Reckless and Negligent Driving Death of Another - Must-Appear Violation and urge the committee to vote **favorably**.

Sincerely,

**ABATE of Maryland, Inc.**



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