

MCPA - MSA SB 940-Reckless-Negligent-Agressive-Dri

Uploaded by: Andrea Mansfield

Position: FAV



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

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

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 6, 2024

RE: **SB 940 – Motor Vehicles – Allowing Unauthorized Use of a Motor Vehicle
and Reckless, Negligent, and Aggressive Driving**

POSITION: **SUPPORT**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 940**. This bill establishes increased penalties for reckless, negligent and aggressive driving.

Across Maryland, there have been continual concerns regarding the safety of our roadways due to reckless and aggressive driving. We have seen road rage incidents, deadly accidents in work zones, and intentional incidents to harm individuals with a motor vehicle. Many times, these are not an individual's first offense as we've seen in Montgomery County with the driver who intentionally harmed Sergeant Patrick Keep. This individual was charged with past incidents but continued to operate his motor vehicle recklessly and aggressively, putting others at risk.

SB 940 will increase penalties for reckless and negligent driving and expand aggressive driving to include new offenses such as failure to obey traffic control devices, overtaking and passing vehicles stopped for pedestrians in a crosswalk, and overtaking and passing school vehicles stopped and operating alternatively flashing red lights, to name a few. These and the others included in SB 940 are serious and dangerous offenses that create harm and put individuals at risk.

MCPA and MSA strongly support actions to deter this type of behavior. For this reason, MCPA and MSA **SUPPORT SB 940** and urge a **FAVORABLE** Committee report.

SB 940 SUPPORT (March 2024).pdf

Uploaded by: Dawn Luedtke

Position: FAV



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

DAWN LUEDTKE
COUNCILMEMBER
DISTRICT 7

March 4, 2024

The Honorable Senator Senator William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, Maryland 21401

RE: Senate Bill 940, *Motor Vehicles - Allowing Unauthorized Use of a Motor Vehicle and Reckless, Negligent, and Aggressive Driving*

Dear Chair Smith:

I write in strong support of Senate Bill 940, which is urgently needed to protect the safety and well-being of all drivers, cyclists, and pedestrians on Maryland roadways. Despite traffic fatalities trending down nationally, there were 600 deaths on Maryland roads in 2023, our state's highest traffic fatality rate in nearly 20 years.¹ The Maryland General Assembly must take action to avert these preventable deaths, and Senate Bill 940 aims to accomplish that by altering the definition of and penalties for reckless, negligent, and aggressive driving. Specifically, Senate Bill 940 would:

- Authorize a fine not exceeding \$1,000 to the offense of knowingly permitting someone who is not authorized to drive to operate your motor vehicle on a highway;
- Add driving at a speed exceeding 90 miles per hour to the list of offenses that qualify as reckless driving;
- Specify imprisonment not exceeding one year, a fine not exceeding \$5,000 or both as penalties for reckless driving;
- Stipulate imprisonment not exceeding two months, a fine not exceeding \$3,000 or both as penalties for driving in a careless or imprudent manner that endangers the life or property of another individual;
- Expanding the traffic violations which, when committing three or more together or in a continuous period of driving, will qualify as aggressive driving offenses: failure to obey a traffic control device or leaving a roadway to avoid a traffic control device; certain instances of overtaking and passing vehicles; failure to stop for pedestrians in crosswalks; overtaking and passing a vehicle stopped for a pedestrian in a crosswalk; overtaking and passing a school

¹
<https://www.wusa9.com/article/news/local/maryland/600-deaths-maryland-roads-2023/65-b30b0933-a6e7-43ad-85fb-90314cf71e36> & <https://zerodeathsmd.gov/resources/crashdata/crashdashboard/>

vehicle stopped and operating alternately flashing red lights; skidding, spinning wheels, and excessive noise; discharging diesel emissions onto another; overtaking and passing a bicycle, electronic personal assistive mobility device (EPAMD), or motor scooter; a motorcycle overtaking and passing in the same lane as another vehicle or operating between lanes of traffic or vehicles;

- State that engaging in two or more aggressive driving offenses at the same time or during a single, continuous period of driving in a highway work zone or school zone would constitute aggressive driving;
- Apply the following penalties for aggressive driving: for a first offense, an individual would be required to appear in court, would not be able to prepay the fine, and would be subject to a fine not exceeding \$1,000; for a second offense, an individual would be subject to imprisonment not exceeding two months, a fine not exceeding \$2,000 or both; and for a third offense, imprisonment not exceeding one year, a fine not exceeding \$3,000 or both.

According to the Maryland Department of Transportation (MDOT), “Speeding is a significant aggressive driving behavior and is estimated to be a contributing factor in over one-third of all fatal crashes nationwide. The probability of death or serious injury grows with impacts at higher speeds - doubling for every 10 MPH over 50 MPH that a vehicle travels.”² Senate Bill 940 represents an important step forward in curbing the deadly speeding and aggressive driving that takes place on Maryland's roads every day. Together with the other road and pedestrian safety bills currently being considered, the General Assembly has the opportunity to significantly improve safety and quality of life.

Driving is a privilege, not a right. When a person drives recklessly, negligently, or aggressively, they jeopardize not just their own safety, but the safety of everyone around them. This wanton disregard for others, which can and does result in injury and death, merits strict consequences in order to deter future violations. Many county residents are fearful of the danger they face daily on Maryland's roadways, including, but not limited to, speeding, distracted driving, and excessive noise. The residents we serve are frustrated by other drivers' flagrant disregard for the law and consistently plead for increased enforcement and stronger penalties. Senate Bill 940 aims to accomplish just that by expanding the list of offenses to more accurately encompass the full range of reckless, negligent, and aggressive driving behaviors that are taking place and strengthening the penalties that may be imposed for violations.

I respectfully request a favorable report on Senate Bill 940.

Very truly yours,



Dawn Luedtke
Councilmember, District 7
Montgomery County

cc: Members of the Judicial Proceedings Committee

² <https://zerodeathsmd.gov/>

SafeRoadsMD SB 940 Rec Favorable - Testimony Submi

Uploaded by: John Seng

Position: FAV



SafeRoadsMD

PLEASE SUPPORT SB 940

“Allowing Unauthorized Use of a Motor Vehicle and Reckless, Negligent, and Aggressive Driving”

**MARYLAND COALITION FOR ROADWAY SAFETY, INC.
URGES YOUR SUPPORT FOR SB 940**

March 5, 2024

TO:

Honorable Chair, Senator William C. Smith, Jr.
Honorable Vice Chair, Senator Jeff Waldstreicher
Senate Judicial Proceedings Committee
Maryland General Assembly
2 East Miller Senate Office Building
Annapolis, Maryland 21401 FROM:

FROM:

John J. Seng, Chair
SafeRoadsMD - Maryland Coalition For Roadway Safety, Inc.
JSeng@SafeRoadsMD.org SafeRoadsMD.org (202) 468-7682

Dear Chair Smith and Vice Chair Waldstreicher:

SafeRoadsMD, a four-year old statewide non-profit advocacy organization, **strongly supports the enactment of SB 940 “Allowing Unauthorized Use of a Motor Vehicle and Reckless, Negligent, and Aggressive Driving.”**

We respectfully request that the Maryland Senate Judicial Proceedings Committee members vote to submit a favorable response to this bill to help stem the continuing lethal tide of roadway violence in Maryland.

SafeRoadsMD consists of Marylanders who care and speak for all Marylanders concerned about and taking action to increase safety on our roads.

605 people woke up in 2023 fully expecting to see the next morning. But they did not, instead falling victim too often to irresponsible, reckless danger on Maryland roads.

Of the 605 motor vehicle-related deaths last year, speed-related deaths accounted for 161, 69 deaths tied directly to aggressive driving and 113 with impairment.

The motor vehicle is indeed a killing machine. Only a responsible vehicle owner and operator can prevent deaths and injuries to others and themselves as they drive along Maryland roads. Handing over one’s car keys to another person with little to no regard for risk to roadway safety equates to handing that same person a loaded gun. No right-minded person would make that decision.

Maryland Coalition for Roadway Safety, Inc. PO Box 7, Olney, Maryland 20830

SafeRoadsMD recognizes the need to boost the sanctions to vehicle owners who allow use of their automobiles by drivers found guilty of reckless, negligent and aggressive driving.

Quite frankly, Maryland leaders need not have waited for the tragic, dramatic criminal trauma caused to Sgt. Patrick Kepp on October 18, 2023 on I-270; or, for the six construction workers killed March 22, 2023 on I-695, to act strongly to deter reckless, negligent and aggressing driving.

Maryland road fatalities had already been increasing each of the past several years, due to increased speeding, aggressive driving and other contributors.

Finally, what good even are stronger laws if the ranks of law enforcement personnel continue to decline? Maryland State and local governments must do more to attract, train and retain the best law enforcement personnel to ensure public safety.

Approving SB 940 will help ensure that motor vehicle owners act responsibly and consider carefully before permitting any third party to drive their vehicle.

Maryland Lawmakers Can Create a Maryland Road Safety Legacy!

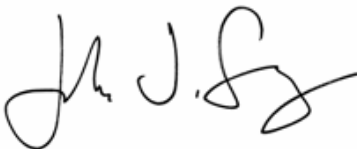
As we continue to share with Maryland leadership regarding road safety legislation:

Is it possible that the Maryland General Assembly, with your leadership, could boldly take a preeminent role during this 2024 session by sending the message to the public and the legal system that Maryland lawmakers put 100% into ensuring that road safety comes first? Can the Maryland General Assembly join with Governor Moore to ensure that **no one and nothing's left behind in making roadway safety a #1 priority**?

You Can Do It!

We thank you both and the Judicial Proceedings Committee members for your review of our position, and urge you to submit a favorable recommendation and support for SB 940.

Sincerely,



John J. Seng
Chair

cc: Majority Leader Senator Nancy King
SafeRoadsMD *Coalition* Board of Directors
Sara Morningstar, Montgomery County Office of Intergovernmental Relations
Ragina Ali, AAA Mid-Atlantic

SB 939 and SB 940 AAA SUPPORT- Reckless Negligent

Uploaded by: Ragina Ali

Position: FAV



AAA Mid-Atlantic's Testimony in Support of Senate Bill 939 - Criminal Law - Reckless Endangerment - Use of Motor Vehicle and Senate Bill 940 - Motor Vehicles - Allowing Unauthorized Use of a Motor Vehicle and Reckless, Negligent, and Aggressive Driving

Sponsor: Senator King

- AAA Mid-Atlantic **supports** [Senate Bill 939 - Criminal Law - Reckless Endangerment - Use of Motor Vehicle](#) and [Senate Bill 940 - Motor Vehicles - Allowing Unauthorized Use of a Motor Vehicle and Reckless, Negligent, and Aggressive Driving](#).
- Both bills are intended to address the mayhem we are seeing on Maryland roadways that has led to death and serious injuries on our roadways, with little regard for public safety.
- The tragic incident in Montgomery County last fall, where Sergeant Patrick Kepp was critically injured, is one such example.
- SB 939 proposes to repeal current law, which prevents charges from being filed against a driver who engages in conduct that creates a substantial risk of death or serious physical injury, while using a motor vehicle.
- SB 940 is about accountability. It holds the owner of a vehicle responsible if that owner knowingly permits their vehicle to be driven by an unauthorized person who drives recklessly, negligently and/or aggressively and subjects the owner to a fine of up to \$1,000.
- According to the [Governor's Highway Safety Association \(GHSA\)](#), travel on U.S. roads rose in 2023, topping pre-COVID 19 levels.
- As traffic volumes recovered, traffic fatalities on U.S. roads declined slightly, falling 4.5% in the first nine months of 2023, however, risky and dangerous driving behaviors persist nationwide and here, in Maryland.
- In 2022, there were 534 fatal crashes in Maryland, resulting in 566 deaths, according to preliminary data from the [MDOT MVA Highway Safety Office](#). Speed was a factor in 110 of those fatalities and contributed to 3,220 injured persons on Maryland roads. An aggressive driver was the factor in 26 of the fatalities and 1,784 injured. (*Source: MDOT MVA Highway Safety Office, data as of February 27, 2024*).
- Last year, in Maryland, we saw a bigger uptick in traffic fatalities. Preliminary data by the [MD MVA's Highway Safety Office](#) indicate that 605 people died on Maryland roadways, with speed being a factor in 161 deaths and aggressive driving was a factor in 69 fatal crashes.
- The bottom line is—speed kills—and the blatant disregard for public safety that can be witnessed on our roadways on any given day is deadly and must be stopped.
- SB 940 increases penalties for reckless and negligent driving, and explicitly defines reckless driving as exceeding 90 mph.
- The bill also increases penalties for aggressive driving and expands the list of driving offenses that constitute aggressive driving, and reduces the number of said offenses required to constitute aggressive driving from three to two and requires the offender to appear in court.
- Over the years, we have seen countless cases where drivers involved in fatal or serious crashes in Maryland received a mere slap on the wrist, as their victims and lives of the families of victims are forever changed.
- Those who wish to disregard the rules of the road in a dangerous and deadly manner need to be held accountable, and SB 939 and SB 940 strive to do that. We respectfully urge the Committee to render **a favorable report for SB 939 and SB 940**.

Contacts:

*Ragina C. Ali, AAA Mid-Atlantic
Public and Government Affairs
443.465.5020*

*Sherrie Sims, G.S. Proctor & Assoc.
Senior State Associate
410.280.5088*

SB 940 - MoCo_Morningstar_FAV (GA 24).pdf

Uploaded by: Sara Morningstar

Position: FAV



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 940

DATE: March 6, 2024

SPONSOR: Senator King

ASSIGNED TO: Judicial Proceedings Committee

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

POSITION: SUPPORT

Motor Vehicles – Allowing Unauthorized Use of a Motor Vehicle and Reckless, Negligent, and Aggressive Driving

Senate Bill 940 would increase the penalty for permitting a vehicle to be driven by an unauthorized person, enhance the definition of reckless driving, and strengthen the penalties for both reckless and negligent driving. Additionally, the bill would reduce from three to two the number of aggressive driving offenses committed at the same time or during a single and continuous period of driving by a motorist (including motorcycles). And finally, a motorist charged with aggressive driving would be required to appear in court, could not prepay the fine, and could be faced with graduated penalties including imprisonment, substantial fines, or both. Montgomery County supports SB 940.

Last October, Montgomery County Police Sgt. Patrick Kepp was seriously injured after being struck on I-270 by a reckless and aggressive driver who had repeatedly engaged in dangerous driving, including incidents where he operated his car at speeds well over 130 miles per hour. The Montgomery County Department of Police was familiar with the teenage driver. He had been issued multiple citations, but he continued to engage in aggressive driving. In the early morning hours of October 18th, after receiving another report of dangerous driving by the notorious teen, Sgt. Kepp responded to the incident by driving to the section of I-270 where the car had been headed and deployed stop sticks in the road to deflate the driver's tires. Instead of the driver slowing down to prevent a crash, he drove into Sgt. Kepp causing the police officer to sustain crushing injuries to his legs resulting in necessary amputation. The driver has been charged with attempted first-degree murder, first-degree assault, and causing life-threatening injuries to Sgt. Kepp.

This should not have happened. Stronger State laws need to be in place to keep dangerous drivers off the roads. And, for those individuals who willfully violate State traffic laws and intentionally endanger public safety, the law should provide enhanced penalties, including the possibility of imprisonment for reckless, negligent, and aggressive driving. Montgomery County urges the Committee to adopt a favorable report on SB 940.

SB0940-JPR_MACo_SUP.pdf

Uploaded by: Sarah Sample

Position: FAV



MARYLAND
Association of
COUNTIES

Senate Bill 940

Motor Vehicles – Allowing Unauthorized Use of a Motor Vehicle and Reckless, Negligent, and Aggressive Driving

MACo Position: **SUPPORT**

To: Judicial Proceedings Committee

Date: March 6, 2024

From: Sarah Sample

The Maryland Association of Counties (MACo) **SUPPORTS** SB 940. This bill updates penalties for existing prohibitions and establishes several new violations to deter aggressive, reckless, and negligent driving. Court procedures are also updated for individuals alleged to be in violation of these motor vehicle laws.

More frequently than ever, horrific traffic accidents have claimed the lives or good health of county workers across the state. Law enforcement officers, construction workers, surveyors, public works officials, and school bus drivers are working on and near roadways every day. If the rise in reckless driving is left unaddressed, these indispensable county workers will continue to have their lives put at risk just for doing their jobs.

Not only does SB 940 hold reckless drivers accountable for behaviors that have led to a surge in the frequency and severity of incidents that are regularly putting county employees at risk, but it sets a new standard of safety in communities for all residents.

Counties appreciate policies that ensure employees and residents can rely on the safety of the roadways. For these reasons, MACo **SUPPORTS** SB 940 and urges a **FAVORABLE** report.

SB940 Sponsor Amendment D83190E5-F68F-450D-90FE-29

Uploaded by: Senator Nancy King

Position: FWA



SB0940/713624/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

15 FEB 24
14:24:34

BY: Senator King
(To be offered in the Judicial Proceedings Committee)

AMENDMENT TO SENATE BILL 940
(First Reading File Bill)

On page 1, after line 3, insert:

“(Sergeant Patrick Kepp Act)”.

SB940 Sponsor Testimony.pdf

Uploaded by: Senator Nancy King

Position: FWA

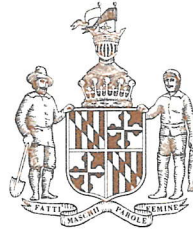
NANCY J. KING
Legislative District 39
Montgomery County

MAJORITY LEADER

Budget and Taxation Committee

Chair

Education, Business and
Administration Subcommittee



James Senate Office Building
11 Bladen Street, Room 120
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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Senate Bill 940 – Motor Vehicles – Allowing Unauthorized Use of A Motor Vehicle
and Reckless, Negligent, and Aggressive Driving**

March 6, 2024

Mr. Chairman and Members of the Judicial Proceedings Committee:

Preliminary data by Maryland Motor Vehicle Association's Highway Safety Office indicate that last year 605 people died on Maryland roadways, with speed being a factor in 161 fatalities and aggressive driving was a factor in 69 fatal crashes. There are continued concerns about the safety of our roadways due to reckless and aggressive driving. Drivers, pedestrians, cyclists and workers are all being put in harm's way by the actions of drivers who operate their motor vehicles with blatant disregard for public safety.

Senate Bill 940 seeks to address the issues of reckless, negligent and aggressive driving in several ways: First it will authorize a fine not to exceed \$1000 for anyone who knowingly permits a motor vehicle owned by them to be driven by a person who is not authorized to drive. Next it adds driving at a speed exceeding 90 miles per hour to the list of offenses that qualifies as reckless driving and increases the fine for those violations to \$5000 and/or imprisonment not exceeding 1 year. The bill will also expand the list of violations that qualify as aggressive driving and require that a person charged with a violation appear in court. They may not just prepay the fine. And finally, it increases the fines for first and multiple offenses.

We must act before more people are seriously injured or lose their lives at the hands of reckless, aggressive, and negligent drivers. People who disregard the rules of the road and operate their motor vehicles in a dangerous and deadly way need to be held accountable and so I respectfully request a favorable report on Senate Bill 940.

HB 1160 SB 940.pdf

Uploaded by: David Daggett

Position: UNF



MARYLAND STATE'S ATTORNEYS' ASSOCIATION
3300 North Ridge Road, Suite 185
Ellicott City, Maryland 21043

David Daggett
(c) 410.979.3356

O - 410.203.9881

Steven Kroll
(c) 410.979.3354

WRITTEN TESTIMONY IN *OPPOSITION* TO HB 1160 AND SB 940

**Motor Vehicles - Allowing unauthorized use of a motor vehicle and Reckless,
Negligent, and Aggressive Driving**

Please accept this submission by the Maryland State's Attorneys' Association as its *opposition* to House Bill 1160 and Senate Bill 940. HB 1160 and SB 940 seek to re-define Reckless, Negligent and Aggressive Driving and if passed, would cause serious, negative impact on the prosecution of Grossly Negligent Automobile Manslaughter, Criminally Negligent Manslaughter by Motor Vehicle and Criminally Negligent Driving Resulting in Life-Threatening Injury.

1. ***Per Se Reckless Driving*** - HB 1160/SB 940 seeks to expand the definition (and penalty) for Reckless Driving by making it a *per se* offense to drive at a speed exceeding 90 MPH. Like anything, speed must be looked at in context. A driver doing 91 MPH on Interstate 70 at 3:00 in the morning with no other vehicle around isn't nearly as dangerous and likely to cause carnage and mayhem as a driver who is going 60 MPH on the same roadway during rush hour and bumper to bumper traffic or traveling 45 MPH through a school zone at 3:00 in the afternoon. My making 91 MPH a *per se* violation, this law would have a chilling effect on the prosecution of Auto Manslaughter and Criminally Negligent Vehicular Homicide as the defense argument would be that the legislature defined 91 MPH as the line of demarcation between reckless and non-reckless behavior. The levels of recklessness necessary to prove Auto Manslaughter (gross negligence) and Criminally Negligent Homicide (criminal negligence) are greater than "simple" reckless driving. If the legislature deems 90 MPH as not being reckless, how could the State be expected to prove that anything below that speed as being grossly or criminally negligent?

2. One-Year Penalty - HB 1160/SB 940 also seek to make it a one-year penalty for Reckless Driving. According to Motor Vehicle Administration data, in 2021, law enforcement cited 10,994 drivers for going 90 MPH or greater. In 2022, law enforcement cited 8,885 drivers for going 90 MPH or greater. In total, 19,849 drivers were ticketed over that two-year span for doing 90 MPH or greater. If these bills were to pass, all of those 19,849 drivers except the ones cited for “only” doing 90 MPH would be eligible for a jury trial in Circuit Court, based upon the statutory one-year penalty. Of the 19,848 citations issued, 14,130 were for driving between 90 and 99 MPH. It is unknown how many of those 14,130 were for exactly 90 MPH, which would exempt them from the possibility of incarceration. It is understood that some of these speeders were undoubtedly concurrently charged with incarcerable offenses such as DUI, Revoked, Fleeing and Eluding, etc. Regardless, the court system cannot handle that influx of potential cases. The fiscal note alone of all these cases possibly flooding the Circuit Court would be enormous. In addition, if incarceration is a possibility, both the Office of the Public Defender and the State’s Attorney’s Office would have to become involved in the defense/prosecution.

3. Expanding Definition of Aggressive Driving - When looking at the current statutory penalties, Aggressive Driving (5 points/\$500) is a lesser penalty than Reckless Driving (6 points/\$1,000). Aggressive Driving is currently defined as committing three or more of seven delineated offenses. (See TA §21-901.2.) HB 1160/SB 940 seeks to expand that list of offenses from seven to 19. Again, this would severely cripple prosecutor’s ability to prove gross negligence and criminal negligence (and perhaps even reckless driving) by defining aggressive driving so specifically. In almost every Auto Manslaughter or Criminally Negligent Manslaughter prosecution, the defendant’s driving includes many of the violations that would be amongst the 19 delineated violations for aggressive, were this bill to pass.

Conclusion

While the Maryland State’s Attorneys’ Association applauds the sentiment behind these bills and the behavior they seek to curtail, it is our belief that they would do much more harm than good. The better solution is to better take advantage of the currently existing Reckless, Negligent and Aggressive Driving laws and perhaps increase the number of points for those offenses, limit the number of probations before judgements granted and revoke the violator’s licenses to drive.

For the reasons outlined above, the Maryland State’s Attorneys’ Association respectfully opposes HB 1160 and SB 940 and urges an unfavorable report.

Respectfully Submitted,

David Daggett,
Maryland State’s Attorneys’ Association

UPDATED HB 1160 SB 940 - Copy.pdf

Uploaded by: David Daggett

Position: UNF



MARYLAND STATE'S ATTORNEYS' ASSOCIATION
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UPDATED WRITTEN TESTIMONY IN **OPPOSITION** TO HB 1160
AND SB 940

Motor Vehicles - Allowing unauthorized use of a motor vehicle and Reckless,
Negligent, and Aggressive Driving

Please accept this submission by the Maryland State's Attorneys' Association as its opposition to House Bill 1160 and Senate Bill 940. HB 1160 and SB 940 seek to re-define Reckless, Negligent and Aggressive Driving and if passed, would cause serious, negative impact on the prosecution of Grossly Negligent Automobile Manslaughter, Criminally Negligent Manslaughter by Motor Vehicle and Criminally Negligent Driving Resulting in Life-Threatening Injury.

1. **Per Se Reckless Driving** - HB 1160/SB 940 seeks to expand the definition (and penalty) for Reckless Driving by making it a *per se* offense to drive at a speed exceeding 90 MPH. Like anything, speed must be looked at in context. A driver doing 91 MPH on Interstate 70 at 3:00 in the morning with no other vehicle around isn't nearly as dangerous and likely to cause carnage and mayhem as a driver who is going 60 MPH on the same roadway during rush hour and bumper to bumper traffic or traveling 45 MPH through a school zone at 3:00 in the afternoon. My making 91 MPH a *per se* violation, this law would have a chilling effect on the prosecution of Auto Manslaughter and Criminally Negligent Vehicular Homicide as the defense argument would be that the legislature defined 91 MPH as the line of demarcation between reckless and non-reckless behavior. The levels of recklessness necessary to prove Auto Manslaughter (gross negligence) and Criminally Negligent Homicide (criminal negligence) are greater than "simple" reckless driving. If the legislature deems 90 MPH as not being reckless, how could the State be expected to prove that anything below that speed as being grossly or criminally negligent?

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3. Expanding Definition of Aggressive Driving - When looking at the current statutory penalties, Aggressive Driving (5 points/\$500) is a lesser penalty than Reckless Driving (6 points/\$1,000). Aggressive Driving is currently defined as committing three or more of seven delineated offenses. (See TA §21-901.2.) HB 1160/SB 940 seeks to expand that list of offenses from seven to 19. Again, this would severely cripple prosecutor’s ability to prove gross negligence and criminal negligence (and perhaps even reckless driving) by defining aggressive driving so specifically. In almost every Auto Manslaughter or Criminally Negligent Manslaughter prosecution, the defendant’s driving includes many of the violations that would be amongst the 19 delineated violations for aggressive, were this bill to pass.

Conclusion

While the Maryland State’s Attorneys’ Association applauds the sentiment behind these bills and the behavior they seek to curtail, it is our belief that they would do much more harm than good. The better solution is to better take advantage of the currently existing Reckless, Negligent and Aggressive Driving laws and perhaps increase the number of points for those offenses, limit the number of probations before judgements granted and revoke the violator’s licenses to drive.

For the reasons outlined above, the Maryland State’s Attorneys’ Association respectfully opposes HB 1160 and SB 940 and urges an unfavorable report.

Respectfully Submitted,

David Daggett,
Maryland State's Attorneys' Association

SB0940 – MVA - Allowing Unauthorized Use of a Mot

Uploaded by: Pilar Helm

Position: INFO

March 6, 2024

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

RE: Letter of Information – Senate Bill 940 – Motor Vehicles - Allowing Unauthorized Use of a Motor Vehicle and Reckless, Negligent, and Aggressive Driving

Dear Chair Smith and Committee Members:

The Maryland Department of Transportation (MDOT) offers the following information on Senate Bill 940 for the Committee's consideration.

Senate Bill 940 would increase the penalty for a driver convicted of reckless, negligent, or aggressive driving while altering the number and type of offenses which meet the definition of reckless, negligent, or aggressive driving. The proposal seeks to increase the fine and, in some instances, include potential jail time, for dangerous drivers.

Since the COVID-19 pandemic, Maryland's roadways have continued to struggle with the challenges it brought to highway safety trends. With over 600 fatalities on our roadways last year, instances of reckless, negligent, and aggressive driving are often present in crashes across the State.

However, due to the unique challenges posed by citing drivers for reckless, negligent, or aggressive driving, few drivers are ticketed for these serious offenses. This is in part because these violations require three or more combined moving violations of certain types before a law enforcement official can cite a driver for reckless, negligent, or aggressive driving. Over the past three calendar years, only 2,665 total citations have been written for violations of Transportation Article (TA) §21-901.2 (aggressive driving), an average of 13,465 citations have been written per year for violations of TA §21-901.1(a) (reckless driving), and an average of 23,326 citations have been written for violations of TA §21-901.2(b) (negligent driving).

Senate Bill 940 would define reckless, negligent, or aggressive driving as a combination of two serious moving violations, rather than the current requirement of three violations. The bill further increases the types of moving violations to include more dangerous actions problematic drivers are engaging in on Maryland's roadways that are putting everyone at risk of serious crashes, including the most vulnerable road users. Of the fatalities on Maryland's roads last year, 156 were pedestrians.

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The proposal further increases the actions that can be considered reckless driving to include actions such as driving at least 90 miles per hour, which is at least 20 miles per hour faster than the highest speed limit posted in the State. 161 fatal crashes in Maryland involved speeding last year alone.

The Maryland Department of Transportation respectfully requests the Committee consider this information during its deliberations of Senate Bill 940.

Respectfully submitted,

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