



## **SB385 – Vehicle Laws - Injury or Death of Vulnerable Individual - Penalties**

### **Senate Judicial Proceedings Committee**

**January 31, 2025**

**Position: Favorable**

Greetings Chair and Members of the Committee,

Our mission is to promote bicycling, increase safety, improve conditions, and provide a voice for bicyclists in Maryland. We partner with advocacy organizations to promote vulnerable road user safety legislation on the state and county level and work with government agencies, including police departments, to develop policy and awareness campaigns that protect the rights and well-being of bicyclists and pedestrians in Maryland.

We the undersigned represent multiple community-based organizations advocating for safe biking, walking and active transportation, submit this testimony on behalf of tens of thousands of members across the State of Maryland.

On behalf of the undersigned organizations, we ask for your favorable support of SB385, which would raise the duty of care for drivers in the vicinity of Vulnerable Road Users by adding up to 2 months incarceration to the menu of penalties.

#### **Background on Vulnerable Road User Statute**

In 2021, the Maryland Legislature unanimously passed the Vulnerable Road User (VRU) Bill HB118/SB293 to address the deadly trend of an increasing number of people outside of vehicles getting killed on Maryland roads. In 2024 there were approximately 570 people killed on Maryland roads and over 40% were VRUs (pedestrians, bicycle riders, motorcyclists, wheelchair users, emergency responders, etc). The law (Transportation Article 21-901.3) defines Vulnerable Individual (aka VRU) in statute and establishes a menu of higher penalties when drivers hit and injure or kill a VRU lawfully in or near the roadway. The law fills a gap between ordinary traffic offenses and the more serious vehicular homicide laws. The goal is to raise the duty of care for drivers in the vicinity of VRUs and reduce the number of crashes.

The current menu of penalties in 21-901.3 include:

**Court Appearance and Fine**

- Must appear in court
- May not prepay the fine
- Subject to a fine of up to \$2000

**Motor Vehicle Safety Course and Community Service**

- Participate in a safety course
- Perform up to 150 hours of community service

**Suspension of Driver's License**

The Administration shall suspend the driver's license of an individual convicted of a violation of subsection (b) of this section for at least 7 days but not more than 6 months.

**2024 Langenkamp Bill for Safety of Cyclists in Bike Lane**

In 2024 The Maryland House and Senate unanimously passed HB337/SB315 The Sarah Debbink Langenkamp Memorial Act which provides for incarceration up to 2 months for drivers who hit and injure or kill a person biking in a bike lane (Transportation 21-1209). This was to address the lack of incarceration as a potential penalty in the Vulnerable Road User law which was charged and convicted against the truck driver who hit and killed Sarah, a U.S. diplomat who was biking home from a meeting at her children's school. The incarceration up to 2 months was set to align with the same potential incarceration penalty for hitting and injuring or killing a person in a crosswalk under Transportation 21-502.

**SB385 - Penalties - Why is This Important**

This bill adds the same potential 2 month incarceration to the menu of penalties in the Vulnerable Road User statute 21-901.3 to align with the pedestrians in crosswalks and bicyclists in bike lanes penalties. Here is why this is important:

**Safety for All VRUs:** There is now a glaring inconsistency in MD traffic law with respect to protecting VRUs. Hitting and injuring a pedestrian in a crosswalk or a cyclist in a bike lane is subject to up to 2 months incarceration but hitting and injuring or killing a pedestrian, cyclist, emergency responder or wheelchair user lawfully in a shoulder, on a road with no shoulder or sidewalk would NOT be subject to that penalty.

**Fairness to victims:** A driver could hit and injure a pedestrian in a crosswalk or cyclist in a bike lane and face incarceration up to 2 months. A driver with the same degree of negligence could hit and KILL a cyclist lawfully riding on a shoulder or in a travel lane or a pedestrian or emergency worker and not face incarceration. Same degree of negligence, far worse consequence for the victim and yet a lesser penalty. This is unfair to victims and their families.

**Deterrence:** Maryland has seen an increasing proportion of VRUs injured and killed on our

roads. These higher penalties are a deterrent to careless and lethal driving in the vicinity of VRUs. It can be applied by the court on a case by case basis.

**Maryland Commitment to Vision Zero:** In 2024, app. 570 people were killed on Maryland roads and about 43% were VRUs (people outside a vehicle). Unfortunately this percentage has been rising and Zero Deaths Maryland has made VRU safety a priority area. There is a multi-prong strategy to reverse this trend that includes education, infrastructure design (Complete Streets), speed reduction, technology and others. Our laws must also align to address these preventable tragedies.

Please support a Favorable Report on SB385.

Baltimore Bicycling Club (BBC)

Baltimoreans for People-Oriented Places

Bicycle Advocates for Annapolis & Anne Arundel County (BikeAAA)

Bike HoCo

Bike Maryland

Bikemore

Maryland Eastern Shore Trail Network

Frederick Bicycle Coalition

National Federation of the Blind of Maryland

Talbot Thrive

Washington Area Bicyclist Association (WABA)