

# HOUSE BILL 1441

R4

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By: **Delegates Dwyer, Barnes, Carter, G. Clagett, Conaway, Dumais, Eckardt, Frank, Jennings, Kach, Kelly, Kramer, Lee, Levi, McComas, McConkey, Olszewski, Schuler, Simmons, Smigiel, Valderrama, and Vallario**

Introduced and read first time: February 26, 2009

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Victims' Rights – Fatal Vehicular Accident – Suspension of License**

3 FOR the purpose of authorizing a victim's representative to be present at a certain  
4 administrative hearing concerning a fatal vehicular accident; authorizing a  
5 victim's representative to make an oral statement or submit a written  
6 statement for consideration at a certain administrative hearing concerning a  
7 fatal vehicular accident; requiring a law enforcement officer, during the  
8 investigation of a fatal vehicular accident, to inform a victim's representative of  
9 the right to file a certain request with the Motor Vehicle Administration;  
10 requiring certain notice to a victim's representative under certain  
11 circumstances; authorizing the Administration to suspend a license of a person  
12 who is convicted of a moving violation that contributed to an accident resulting  
13 in the death of an individual; providing for certain procedures; providing for the  
14 construction of this Act; defining certain terms; and generally relating to  
15 victims' rights and license suspensions concerning certain fatal vehicular  
16 accidents.

17 BY adding to

18 Article – Transportation  
19 Section 12–206.1 and 16–206(a)(5) and (f)  
20 Annotated Code of Maryland  
21 (2006 Replacement Volume and 2008 Supplement)

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

24 **Article – Transportation**

25 **12–206.1.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
2 MEANINGS INDICATED.

3           (2) “VICTIM” MEANS A PERSON WHO DIES AS THE RESULT OF THE  
4 COMMISSION OF A MOVING VIOLATION BY ANOTHER PERSON.

5           (3) “VICTIM’S REPRESENTATIVE” MEANS A MEMBER OF THE  
6 FAMILY OF A VICTIM OR A GUARDIAN OR PERSONAL REPRESENTATIVE OF A  
7 VICTIM.

8           (B) DURING THE INVESTIGATION OF A MOVING VIOLATION, A LAW  
9 ENFORCEMENT OFFICER SHALL INFORM A VICTIM’S REPRESENTATIVE OF THE  
10 RIGHT TO FILE A WRITTEN REQUEST WITH THE ADMINISTRATION TO BE  
11 NOTIFIED OF A HEARING UNDER § 16-206(F) OF THIS ARTICLE.

12           (C) (1) IF A VICTIM’S REPRESENTATIVE FILES A WRITTEN REQUEST  
13 UNDER SUBSECTION (B) OF THIS SECTION, THE ADMINISTRATION SHALL GIVE  
14 THE VICTIM’S REPRESENTATIVE NOTICE IN ACCORDANCE WITH § 12-114 OF  
15 THIS TITLE AT LEAST 10 DAYS BEFORE A HEARING UNDER § 16-206(F) OF THIS  
16 ARTICLE.

17           (2) NOTICE PROVIDED UNDER THIS SUBSECTION SHALL STATE:

18                   (I) THE DATE, TIME, PLACE, AND NATURE OF THE  
19 HEARING;

20                   (II) THE LEGAL AUTHORITY AND JURISDICTION OF THE  
21 ADMINISTRATION TO HEAR THE MATTER;

22                   (III) THE NATURE OF THE PROPOSED ACTION THAT THE  
23 ADMINISTRATION IS TO CONSIDER;

24                   (IV) THAT A COPY OF THE HEARING PROCEDURES IS  
25 AVAILABLE ON REQUEST AND THE COST TO OBTAIN A COPY;

26                   (V) THE RIGHT OF THE VICTIM’S REPRESENTATIVE TO BE  
27 PRESENT AT THE HEARING;

28                   (VI) THE RIGHT OF THE VICTIM’S REPRESENTATIVE TO  
29 SUBMIT A WRITTEN STATEMENT FOR CONSIDERATION BY THE ADMINISTRATION  
30 AT THE HEARING; AND

1                   (VII) THE RIGHT OF THE VICTIM'S REPRESENTATIVE TO  
2 MAKE AN ORAL STATEMENT FOR CONSIDERATION BY THE ADMINISTRATION AT  
3 THE HEARING.

4                   (3) (I) IF A VICTIM'S REPRESENTATIVE INTENDS TO MAKE AN  
5 ORAL STATEMENT, THE VICTIM'S REPRESENTATIVE SHALL NOTIFY THE  
6 ADMINISTRATION AT LEAST 5 DAYS BEFORE THE HEARING.

7                   (II) IF A VICTIM'S REPRESENTATIVE INTENDS TO SUBMIT A  
8 WRITTEN STATEMENT, THE STATEMENT SHALL BE SUBMITTED TO THE  
9 ADMINISTRATION AT LEAST 5 DAYS BEFORE THE HEARING.

10                  (D) (1) IF A VICTIM'S REPRESENTATIVE PROVIDES NOTICE IN  
11 ACCORDANCE WITH SUBSECTION (C)(3)(I) OF THIS SECTION, THE  
12 ADMINISTRATION SHALL ALLOW THE VICTIM'S REPRESENTATIVE TO MAKE AN  
13 ORAL STATEMENT FOR CONSIDERATION BY THE ADMINISTRATION AT THE  
14 HEARING.

15                  (2) IF A VICTIM'S REPRESENTATIVE SUBMITS A WRITTEN  
16 STATEMENT IN ACCORDANCE WITH SUBSECTION (C)(3)(II) OF THIS SECTION,  
17 THE ADMINISTRATION SHALL:

18                         (I) PROVIDE A COPY OF THE WRITTEN STATEMENT TO THE  
19 LICENSEE BEFORE THE HEARING BEGINS; AND

20                         (II) CONSIDER THE WRITTEN STATEMENT AT THE HEARING.

21 16-206.

22                  (a) (5) (I) THE ADMINISTRATION MAY SUSPEND THE LICENSE OF  
23 A PERSON WHO IS CONVICTED OF A MOVING VIOLATION THAT CONTRIBUTED TO  
24 AN ACCIDENT RESULTING IN THE DEATH OF ANOTHER PERSON.

25                         (II) A SUSPENSION UNDER THIS PARAGRAPH MAY NOT  
26 EXCEED 6 MONTHS.

27                         (III) THIS PARAGRAPH DOES NOT LIMIT THE AUTHORITY OF  
28 THE ADMINISTRATION TO SUSPEND, REVOKE, OR REFUSE TO ISSUE OR RENEW A  
29 LICENSE UNDER ANY OTHER PROVISION OF LAW.

30                  (F) IN ACCORDANCE WITH TITLE 12, SUBTITLE 2 OF THIS ARTICLE, THE  
31 ADMINISTRATION SHALL PROVIDE NOTICE OF A SUSPENSION UNDER  
32 SUBSECTION (A)(5) OF THIS SECTION AND THE LICENSEE MAY REQUEST A  
33 HEARING.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2009.