

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 804

(Senators Lee and Smith)

Judicial Proceedings

Vehicle Laws - Injury or Death of Vulnerable Individual - Penalties

This bill prohibits a person from causing the serious physical injury or death of a “vulnerable individual” as a result of the person’s operation of a motor vehicle in a careless or distracted manner or in violation of any other rule of the road specified in the Maryland Vehicle Law. A violator is guilty of a misdemeanor and is subject to a maximum fine of \$2,000. A person charged with a violation must appear in court and may not prepay the fine. The court may, in addition to imposing a fine, order a violator to participate in a motor vehicle safety course and perform up to 150 hours of community service. The Motor Vehicle Administration (MVA) must suspend, for at least seven days and up to six months, a violator’s driver’s license.

Fiscal Summary

State Effect: General fund revenues increase, likely minimally, but implementation and enforcement can be handled with existing resources, as discussed below.

Local Effect: Enforcement can be handled with existing resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: The bill defines a “vulnerable individual” as:

- a pedestrian, including an individual (1) working on a highway or utility facility along a highway; (2) providing emergency services on a highway; or (3) on a sidewalk or footpath;
- an individual riding or leading an animal on a highway, shoulder, crosswalk, or sidewalk; or
- a person who is lawfully operating or riding – on a highway, shoulder, crosswalk, or sidewalk – a bicycle, farm tractor or other farm equipment, play vehicle, motor scooter, motorcycle, animal-drawn vehicle, electronic personal assistive mobility device (EPAMD), or wheelchair.

Current Law:

Duty of a Driver to Exercise Due Care

Notwithstanding any other rule of the road, the driver of a vehicle must exercise due care to avoid colliding with any pedestrian and, if necessary, warn any pedestrian by sounding the vehicle’s horn. Additionally, the driver of a vehicle must exercise proper caution upon observation of a child or obviously confused or incapacitated individual. A violation is a misdemeanor, and a violator is subject to a maximum fine of \$500. The prepayment penalty established by the District Court is \$70, and MVA must assess one point against a violator’s license. If the violation contributes to an accident, the prepayment penalty is \$110, and MVA must assess three points against the violator’s license.

Definitions

“Serious bodily injury,” as it pertains to the duties of a driver involved in an accident, means an injury that (1) creates a substantial risk of death; (2) causes serious permanent or serious protracted disfigurement; (3) causes serious permanent or serious protracted loss of the function of a body part, organ, or mental faculty; or (4) causes serious permanent or serious protracted impairment of the function of a body part or organ.

A “pedestrian” is an individual afoot.

A “bicycle” is a vehicle that (1) is designed to be operated by human power; (2) has two or three wheels, one of which is more than 14 inches in diameter; and (3) has a drive mechanism, other than by pedals, attached to a drive wheel. A “bicycle” also means an electric bicycle or a moped.

An “EPAMD” is a pedestrian device that (1) has two nontandem wheels; (2) is self-balancing; (3) is powered by an electric propulsion system; (3) is designed to transport one person; and (4) reaches a maximum speed of up to 15 miles per hour.

A “motorcycle” generally means a motor vehicle that (1) has motive power; (2) has a seat or saddle for the rider; and (3) is designed to travel on up to three wheels at speeds greater than 35 miles per hour.

A “motor scooter” is a nonpedal vehicle that (1) has a seat for the operator; (2) has two wheels, one of which is at least 10 inches in diameter; (3) has a step-through chassis; (4) has a specified motor; and (5) is equipped with an automatic transmission.

A “play vehicle” is a vehicle that has at least two wheels, is propelled only by human power, and is not a bicycle or wheelchair.

A “wheelchair” is a mobility aid belonging to any class of three- or four-wheeled devices that is usable indoors, is a specified size, and is designed for and used by a mobility-impaired individual.

Background: According to the Maryland Department of Transportation (MDOT) *2019 Annual Attainment Report*, 111 pedestrian fatalities and 499 serious pedestrian injuries occurred on Maryland roads in 2017. Additionally, MDOT reports that 11 bicycle fatalities and 85 serious bicycle injuries occurred on Maryland roads in 2017.

State Fiscal Effect: General fund revenues increase, likely minimally, due to the new maximum \$2,000 fine. A reliable estimate of the impact cannot be made without knowing the circumstances of the fatalities and injuries reported above or the actual amount of the fine the court may impose. The District Court advises that it can handle additional must-appear offenses with existing resources.

MDOT advises that any required software program changes to implement the bill can be handled with existing resources. Also, any additional license suspensions resulting from the bill are likely to have no material impact on the Transportation Trust Fund.

Additional Information

Prior Introductions: HB 1099 of 2018 passed the House as amended and received an unfavorable report from the Senate Judicial Proceedings Committee. Its cross file, SB 868, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Cross File: HB 112 (Delegate Lafferty) - Environment and Transportation.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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md/kdm

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