

# HOUSE BILL 1178

R4

2lr2702

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By: **Delegate Cardin**

Introduced and read first time: February 10, 2012

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Failing to Render Assistance – Assessment of Points**

3 FOR the purpose of requiring the Motor Vehicle Administration to assess a certain  
4 number of points against a person who is convicted of failing to render  
5 reasonable assistance after being involved in a vehicle accident that results in  
6 death, bodily injury, or damage to an attended vehicle or attended property;  
7 making conforming changes; and generally relating to the requirement to  
8 render reasonable assistance after being involved in a vehicle accident.

9 BY repealing and reenacting, with amendments,  
10 Article – Transportation  
11 Section 16–303(j)(1), 16–402(a), and 16–404.1(c) and (f)(1)  
12 Annotated Code of Maryland  
13 (2009 Replacement Volume and 2011 Supplement)

14 BY repealing and reenacting, without amendments,  
15 Article – Transportation  
16 Section 20–104(a)  
17 Annotated Code of Maryland  
18 (2009 Replacement Volume and 2011 Supplement)

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

21 **Article – Transportation**

22 16–303.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (j) (1) Except as provided in paragraph (2) of this subsection, any  
 2 individual who violates a provision of this section shall be assessed the points as  
 3 provided for in § [16-402(a)(31)] **16-402(A)(32)** of this title.

4 16-402.

5 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §  
 6 2-209, or § 3-211 of the Criminal Law Article, or of the vehicle laws or regulations of  
 7 this State or of any local authority, points shall be assessed against the individual as  
 8 of the date of violation and as follows:

9	(1)	Any moving violation not listed below and not contributing to an accident.....	1 point
10			
11	(2)	Following another vehicle too closely .....	2 points
12	(3)	Speeding in excess of the posted speed limit by 10 miles an hour or more .....	2 points
13			
14	(4)	Driving with an improper class of license .....	2 points
15	(5)	Failing to stop for a school vehicle with activated alternately flashing red lights .....	3 points
16			
17	(6)	Any violation of § 21-1111 of this article .....	2 points
18	(7)	Passing an emergency or police vehicle under the provisions of § 21-405(d) of this article.....	2 points
19			
20	(8)	A violation of § 21-511(a) of this article.....	2 points
21	(9)	Failure to stop a vehicle for a steady red traffic signal in violation of § 21-202 of this article or a nonfunctioning traffic control signal in violation of § 21-209 of this article ..	2 points
22			
23			
24	(10)	Operating a limousine in violation of § 21-1127(a) of this article .....	2 points
25			
26	(11)	Any moving violation contributing to an accident .....	3 points
27	(12)	Any violation of § 16-303(h) or (i) of this title .....	3 points
28	(13)	Any violation, except violations committed on the John F. Kennedy Memorial Highway, of § 21-1411 of this article.....	3 points
29			
30	(14)	Speeding in excess of the posted speed limit by 30 miles an hour or more .....	5 points
31			
32	(15)	Driving while not licensed.....	5 points
33	(16)	Failure to report an accident .....	5 points
34	(17)	Driving on a learner's permit unaccompanied .....	5 points
35	(18)	Any violation of § 17-107 of this article .....	5 points
36	(19)	Participating in a race or speed contest on a highway .....	5 points
37	(20)	Any violation of § 16-304 or § 16-305 of this title.....	5 points
38	(21)	Any violation of § 22-404.5 of this article .....	5 points
39	(22)	Speeding in excess of a posted speed limit of 65 miles an hour by 20 miles an hour or more.....	5 points
40			
41	(23)	Aggressive driving in violation of § 21-901.2 of this article...	5 points
42	(24)	Reckless driving.....	6 points

- 1           (25)   Driving while impaired by alcohol or while impaired by a
- 2                   drug, combination of drugs, or a combination of one or
- 3                   more drugs and alcohol, or driving within 12 hours after
- 4                   arrest under § 21–902.1 of this article..... 8 points
- 5           (26)   Turning off lights of a vehicle to avoid identification ..... 8 points
- 6           (27)   Failing to stop after accident resulting in damage to
- 7                   attended vehicle or property ..... 8 points
- 8           (28)   **FAILING TO RENDER REASONABLE ASSISTANCE**
- 9                   **AFTER ACCIDENT RESULTING IN DEATH, BODILY**
- 10                  **INJURY, OR DAMAGE TO ATTENDED VEHICLE OR**
- 11                  **PROPERTY UNDER § 20–104(A) OF THIS ARTICLE..... 8 POINTS**
- 12           (29)   Failing to stop after accident resulting in damage to
- 13                   unattended vehicle or property ..... 8 points
- 14           [(29)] Any violation of § 16–815 or § 16–816 of this title..... 8 points
- 15           (30)
- 16           [(30)] Failing to stop after an accident resulting in bodily injury
- 17           (31)   or death ..... 12 points
- 18           [(31)] Any violation of § 16–303 of this title, excluding §
- 19           (32)   16–303(h) or (i)..... 12 points
- 20           [(32)] Any violation of § 16–301, § 16–302, § 16–804, or §
- 21           (33)   16–808(a)(1) through (9) or (b) of this title..... 12 points
- 22           [(33)] Homicide, life threatening injury under § 3–211 of the
- 23           (34)   Criminal Law Article, or assault committed by means of a
- 24                   vehicle ..... 12 points
- 25           [(34)] Driving while under the influence of alcohol, while under
- 26           (35)   the influence of alcohol per se, or while impaired by an
- 27                   illegally used controlled dangerous substance ..... 12 points
- 28           [(35)] Any felony involving use of a vehicle ..... 12 points
- 29           (36)
- 30           [(36)] Fleeing or attempting to elude a police officer ..... 12 points
- 31           (37)
- 32           [(37)] The making of a false affidavit or statement under oath, or
- 33           (38)   falsely certifying to the truth of any fact or information to
- 34                   the Administration under the Maryland Vehicle Law or
- 35                   under any law relating to the ownership or operation of
- 36                   motor vehicles ..... 12 points
- 37           [(38)] Any violation involving an unlawful taking or
- 38           (39)   unauthorized use of a motor vehicle under § 7–105 or §
- 39                   7–203 of the Criminal Law Article, or § 14–102 of this
- 40                   article ..... 12 points

41 16–404.1.

42           (c)   An individual may be a participant if:

1           (1)     The individual's license is suspended or revoked under § 16-205 of  
2 this title for a violation of § 21-902(a), (b), or (c) of this article or § 16-404 of this  
3 subtitle for an accumulation of points under § 16-402(a)(25) or ~~[(34)]~~ **(35)** of this  
4 subtitle;

5           (2)     The individual's license has an alcohol restriction imposed under §  
6 16-113(g)(1) of this title; or

7           (3)     The Administration modifies a suspension or issues a restrictive  
8 license to the individual under § 16-205.1 of this title.

9           (f)     (1)     The Administration may:

10                   (i)     Issue a restrictive license to an individual who is a  
11 participant in the Program during the suspension period as provided under § 16-205  
12 or § 16-205.1 of this title or § 16-404 of this subtitle;

13                   (ii)    Reinstate the driver's license of a participant whose license  
14 has been revoked for a violation of § 21-902(a), (b), or (c) of this article or revoked for  
15 an accumulation of points under § ~~[16-402(a)(34)]~~ **16-402(A)(35)** of this subtitle for a  
16 violation of § 21-902(a) of this article; and

17                   (iii)   Notwithstanding any other provision of law, impose on a  
18 participant a period of suspension in accordance with § 16-404(c)(2) and (3) of this  
19 subtitle in lieu of a license revocation for:

20                           1.     A violation of § 21-902(a), (b), or (c) of this article; or

21                           2.     An accumulation of points under § ~~[16-402(a)(34)]~~  
22 **16-402(A)(35)** of this subtitle for a violation of § 21-902(a) of this article.

23                           20-104.

24           (a)     The driver of each vehicle involved in an accident that results in bodily  
25 injury to or death of any person or in damage to an attended vehicle or other attended  
26 property shall render reasonable assistance to any person injured in the accident and,  
27 if the person requests medical treatment or it is apparent that medical treatment is  
28 necessary, arrange for the transportation of the person to a physician, surgeon, or  
29 hospital for medical treatment.

30           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2012.