

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 627

(Senator Middleton)

Judicial Proceedings

Vehicle Laws - Dangerous Accumulations of Snow and Ice - Removal From
Exposed Vehicle Surfaces

This bill prohibits a person from operating or towing a vehicle before removing accumulated ice and snow that poses a threat to persons and property from exposed vehicle surfaces. The prohibition applies to both commercial and noncommercial vehicles.

Fiscal Summary

State Effect: General fund revenues increase from additional fines received for this offense. The magnitude of the increase cannot be reliably estimated. Enforcement can be handled with existing resources.

Local Effect: Enforcement can be handled with existing resources. No effect on revenues.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: A violation in a noncommercial vehicle is a misdemeanor and is subject to a progressively higher maximum fine, depending on whether it is a first or subsequent offense. Thus, the maximum fine for a first offense is \$25; for a second offense, it is \$50; for a third offense, it is \$100; and for a fourth or subsequent offense, it is \$200.

A violation in a commercial vehicle is a misdemeanor and is, likewise, subject to a progressively higher maximum fine, depending on whether it is a first or subsequent offense. Thus, the maximum fine for a first offense is \$75; for a second offense, it is \$150;

for a third offense, it is \$300; for a fourth offense, it is \$600; and for a fifth or subsequent offense, it is \$1,000.

Penalties increase if a violation contributes to an accident that results in property damage, death, or serious bodily injury of another, as specified. If the damage, death, or injury is caused by a noncommercial vehicle, a fine of at least \$200 but no more than \$1,000 applies. If the damage, death, or injury is caused by a commercial vehicle, a fine of at least \$500 but no more than \$1,500 applies.

Current Law: “Serious bodily injury” 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 any bodily part, organ, or mental faculty; or (4) causes serious permanent or serious protracted impairment of the function of any bodily member or organ.

With specified exceptions, the Maryland Vehicle Law prohibits driving a vehicle on a highway with any object, material, or obstruction located in or on the vehicle in such a way as to interfere with the clear view of the driver through the windshield. A violation of this provision is a misdemeanor, subject to a maximum fine of \$500. The prepayment penalty established by the District Court is \$110 and one point against the license. If the violation contributes to an accident, however, the prepayment penalty increases to \$150 and three points assessed against the driver’s license.

Duty to Stop – Accident Resulting in Death: The driver of each vehicle involved in an accident that results in death to another person must immediately stop the vehicle as close as possible to the scene of the accident, without obstructing traffic more than necessary; return to and remain at the scene of the accident until the driver has rendered reasonable assistance, including arranging transportation for medical treatment; and provide driver’s license and registration information to the parties involved.

A violation of the “duty to stop” provision which results in death to another, if the driver knew or reasonably should have known that death to another might occur, is guilty of a felony. The maximum applicable penalties are 10 years imprisonment and/or a \$10,000 fine. The violation is a “must appear” offense, which means that the driver cannot prepay any fine and must appear in court to answer the charge. Upon conviction the Motor Vehicle Administration (MVA) must assess 12 points against the driver’s license, and the driver is subject to license revocation.

Otherwise, a driver who is involved in an accident resulting in death to another who violates the “duty to stop” provision is guilty of a misdemeanor and is subject to maximum penalties of five years imprisonment and/or a \$5,000 fine. The violation is a “must appear” offense.

Upon conviction, MVA must assess 12 points against the driver's license, and the driver is subject to license revocation.

Additional penalties apply for the failure to return and remain at the scene of an accident involving death and the failure to render aid, as specified.

Duty to Stop – Accident Resulting in Bodily Injury: The driver of each vehicle involved in an accident that results in bodily injury to another person must immediately stop the vehicle as close as possible to the scene of the accident, without obstructing traffic more than necessary; return to and remain at the scene of the accident until the driver has rendered reasonable assistance, including arranging transportation for medical treatment; and provide driver's license and registration information to the parties involved.

A violation of the "duty to stop" provision which results in serious bodily injury to another, if the driver knew or reasonably should have known that serious bodily injury to another might occur, is guilty of a felony. The maximum applicable penalties are five years imprisonment and/or a \$5,000 fine. The violation is a "must appear" offense. Upon conviction the MVA must assess 12 points against the driver's license, and the driver is subject to license revocation.

Otherwise, a driver who is involved in an accident resulting in bodily injury to another who violates the "duty to stop" provision is guilty of a misdemeanor and is subject to maximum penalties of one year imprisonment and/or a \$3,000 fine. The violation is a "must appear" offense. Upon conviction, MVA must assess 12 points against the driver's license, and the driver is subject to license revocation.

Additional penalties apply for the failure to return and remain at the scene of an accident involving bodily injury and the failure to render aid, as specified.

Duty to Stop – Accident Resulting in Property Damage: The driver of a vehicle involved in an accident resulting in damage to another vehicle or property is required to stop as closely as possible to the scene of the accident, without obstructing traffic more than necessary. Whether the damage occurred to an attended or unattended vehicle or property, a violation is a misdemeanor, with maximum penalties of two months imprisonment and/or a \$500 fine. A violation involving an attended or unattended vehicle is a "must appear" offense. Upon conviction, MVA is required to assess eight points against the driver's license, and the driver is subject to license suspension.

Additional penalties apply for the failure to return and remain at the scene of an accident involving vehicle or property damage, and the failure to give information to the driver of an attended vehicle and the failure to provide notice to the driver of an unattended vehicle, as specified.

State Revenues: The magnitude of the increase in general fund revenues cannot be reliably estimated as it depends on enforcement. The Department of State Police advised that there is no data available on the number of accidents causing property damage or bodily injury as a result of the failure to remove accumulated snow or ice from the exposed surfaces of a vehicle.

Although the bill establishes additional fines, the magnitude of additional revenues from this change depends on the prepayment penalty set by the District Court and the number of citations issued.

Additional Information

Prior Introductions: HB 1454 of 2014, a similar bill, was referred to the House Rules and Executive Nominations Committee, but no further action was taken.

Cross File: HB 1284 (Delegate Patterson, *et al*) – 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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min/kdm

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