

Department of Legislative Services
 Maryland General Assembly
 2018 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

House Bill 1099

(Delegate Lafferty)

Environment and Transportation

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 operating a motor vehicle in a careless or distracted manner, or in violation of any other rules of the road as specified in the Maryland Vehicle Law. A violation of this provision is a misdemeanor, and a violator is subject to a maximum fine of \$2,000. A person charged with this offense must appear in court and may not prepay the fine. In addition to the fine, a court may order the violator to (1) participate in a motor vehicle safety course and (2) perform up to 150 hours of community service.

Fiscal Summary

State Effect: Minimal increase in general fund revenues to the extent additional drivers receive citations under the bill’s provisions. General fund expenditures increase by \$11,200 in FY 2019 for software programming changes. Enforcement can be handled with existing resources.

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
GF Revenue	-	-	-	-	-
GF Expenditure	\$11,200	\$0	\$0	\$0	\$0
Net Effect	(\$11,200)	-	-	-	-

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

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

Small Business Effect: None.

Analysis

Bill Summary: “Vulnerable individual” means:

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

The Motor Vehicle Administration (MVA) must suspend the driver’s license of a person convicted of this violation for *at least* seven days, up to a maximum of six months.

Current Law: 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 horn of the vehicle. In addition, the driver of a vehicle must exercise proper precaution on observing any child or any obviously confused or incapacitated individual. A violation is a misdemeanor with a maximum fine of \$500. The prepayment penalty established by the District Court is \$70, and one point must be assessed against the driver’s license by MVA. If the violation contributes to an accident, the prepayment penalty is \$110, and three points must be assessed against the license.

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

An “EPAMD” is a pedestrian device that has two nontandem wheels, is self-balancing, is powered by an electric propulsion system, and is designed to transport one person at a maximum speed of 15 miles per hour.

“Farm equipment” generally means a vehicle that is designed and adapted only for agricultural, horticultural, or livestock raising operations, as specified. A “farm tractor” is a motor vehicle that is designed and used as a farm implement for drawing farm equipment.

A “motorcycle” generally means a motor vehicle that has motive power, has a seat or saddle for the rider, and is designed to travel on not more than three wheels in contact with the ground at speeds exceeding 35 miles per hour.

A “motor scooter” is a nonpedal vehicle that has a seat for the operator and has two wheels, one of which is 10 inches or more in diameter. A motor scooter has a step-through chassis, with a motor with a rating of up to 2.7 brake horsepower, or an engine with 50 cubic centimeters displacement. A motor scooter has an automatic transmission.

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

A “wheelchair” is a mobility aid in any class of three- or four-wheeled devices that is usable indoors and does not exceed 30 inches in width and 48 inches in length, when measured two inches above the ground. It is designed for and used by a mobility-impaired individual, whether operated manually or by power.

While “serious physical injury” is not defined in the Transportation Article, under § 3-201 of the Criminal Law Article, “serious physical injury” is defined as a physical injury that creates a substantial risk of death or causes permanent or protracted serious disfigurement, or loss of the function, or impairment of any bodily member or organ.

Background: The Maryland Department of Transportation’s (MDOT) 2017 Strategic Highway Safety Plan indicates that an average of 232 individuals in the State are killed each year, and 2,348 are seriously injured, in crashes involving distracted drivers. The plan defines “distracted driving” as an instance when a driver shifts attention away from the driving task due to a number of things, including adjusting a radio, attending to a child, or using a cell phone.

State Fiscal Effect: General fund expenditures for the Administrative Office of the Courts increase by \$11,200 in fiscal 2019 only for programming changes to the Judiciary’s case management system. The District Court can handle any increases in caseload with existing resources.

General fund revenues increase minimally as a result of the bill’s monetary penalty provision from cases heard in the District Court.

MDOT can handle software programming changes with existing resources. Any additional suspensions of driver’s licenses likely have no material impact on MDOT finances or operations.

Additional Information

Prior Introductions: None.

Cross File: SB 868 (Senator Lee) - Judicial Proceedings.

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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