

MarylandAGC_FAV_SB512

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Position: FAV



SB 512
Vehicle Laws – Injury or Death of Vulnerable Individual - Penalties
Judiciary Committee
Position: Favorable

Maryland AGC, the Maryland Chapter of the Associated General Contractors of America, provides professional education, business development, and advocacy for commercial construction companies and vendors, including highway, road, and bridge constructors. While the overwhelming majority of our members are open shop, we welcome union contractors and are the bargaining agent with four of the basic trades. AGC of America is the nation’s largest and oldest trade association for the construction industry. AGC of America represents more than 26,000 firms, including over 6,500 of America’s leading general contractors, and over 9,000 specialty-contracting firms. Maryland AGC supports SB 512 and respectfully urges the bill be given a favorable report.

The principal impact of SB 512 on the construction industry would be to enhance safety for workers in highway work zones. Work zones are inherently dangerous for both workers and motorists: normal traffic patterns are disrupted; lanes may be squeezed closer together; reflective barrels, cones, and signage are distracting; and space and time to react are reduced. In recognition of the danger to highway workers and motorists alike, Maryland has enacted work zone speed control law (Transportation Article, §21-810). This has had a measurable effect in reducing injuries and fatalities. However, speed zones are only used in limited circumstances, and the vast majority of highway, road, and bridge work takes place without the protection of work zone speed cameras.

SB 512 extends the protection of highway workers under current law by imposing both higher penalties and additional requirements, including mandatory court appearance, license suspension, and the possibility of community service. The overwhelming majority of drivers are attentive to the special circumstances of work zones and will not be affected by SB 512. However, for the minority of reckless drivers who ignore the hazard their indifference poses to highway workers and other vulnerable individuals, not to mention to themselves, SB 512 would send a direct message with meaningful consequences for their behavior. This additional step will further the protection for highway workers and other vulnerable individuals.

Accordingly, Maryland AGC respectfully urges the Committee to give SB 512 a favorable report.

Champe C. McCulloch
McCulloch Government Relations, Inc.
Lobbyist for Maryland AGC

BaltimoreCounty_FAV_SB0512

Uploaded by: Olszewski, John

Position: FAV



JOHN A. OLSZEWSKI, JR.
County Executive

CHARLES R. CONNER III, ESQ.
Chief Legislative Officer

KIMBERLY S. ROUTSON
Deputy Legislative Officer

JOEL N. BELLER
Assistant Legislative Officer

BILL NO.: **SB 512**

TITLE: Vehicle Laws – Injury or Death of Vulnerable Individual – Penalties

SPONSOR: Senator Waldstreicher

COMMITTEE: Judicial Proceedings

POSITION: **SUPPORT**

DATE: February 21, 2020

Baltimore County **SUPPORTS** Senate Bill 512 – Vehicle Laws – Injury or Death of Vulnerable Individual – Penalties. This legislation would establish specific penalties for an individual causing the serious physical injury or death of a vulnerable individual through distracted driving.

In 2019, the Maryland Highway Safety Office reported that distracted driving contributed to 58% of all crashes in the State. Baltimore County is home to a number of high-congestion highways, meaning that distracted driving has an even greater impact here.

SB 512 seeks to address this problem by creating a new civil penalty in vehicle laws that specifically addresses the consequences of careless or distracted driving. Holding distracted drivers accountable for the damage that is done to pedestrians, highway work crews, and emergency service providers will lead to a safer Maryland. Baltimore County considers safety of our public safety personnel a critical issue of concern, and therefore considers this a high priority piece of legislation.

Accordingly, Baltimore County requests a **FAVORABLE** report on SB 512. For more information, please contact Chuck Conner, Chief Legislative Officer, at 443-900-6582.

MD Sierra Club_FWA_SB512

Uploaded by: Tulkin, Josh

Position: FWA



Maryland Chapter

7338 Baltimore Avenue, Suite 102
College Park, MD 20740-3211

Committee: Judicial Proceedings
Testimony on: SB512 - "Vehicle Laws – Injury or Death of Vulnerable Individual - Penalties"
Position: Favorable with Amendments
Hearing Date: February 21, 2020

The Maryland Sierra Club supports SB512 with an amendment. The bill would impose penalties when a vehicle driver is convicted of causing serious physical injury or death to a "vulnerable individual" when operating a vehicle in a "careless or distracted manner." The bill defines a vulnerable individual as one who is on a sidewalk, footpath, crosswalk, or highway shoulder or who is providing emergency services on a highway. A vulnerable individual also would include someone who is lawfully operating a bicycle, motorcycle, motor scooter, farm equipment, an animal-driven vehicle, or a wheelchair on a highway, shoulder, crosswalk or sidewalk.

Transportation is now the primary contributor to greenhouse gas emissions in our state. Tailpipe emissions from cars and trucks are also a major source of health-damaging air pollution. This means there is growing need to get individuals out of their cars, taking transit, riding bikes, and walking more.

We live in a car-centric culture where transportation planning, road infrastructure, and vehicle laws are largely focused on enabling vehicles to get to their destinations as swiftly as possible. Unfortunately, this has resulted in some drivers feeling they have priority on the road, and that pedestrians and bicyclists have less priority. As a consequence, too many pedestrians, bicyclists and others lawfully operating on the side of the road are seriously injured or killed.

This bill could help bring about needed change. Our concern, however, is that the bill does not define what constitutes driving in a "careless or distracted manner"; this language may be too vague and ambiguous to give fair warning to drivers as to what is prohibited, and thus a court may decline to enforce the prohibition.

For these reasons, we urge the Committee to issue a favorable report with an amendment.

Brian Ditzler
Transportation Committee Chair
Brian.Ditzler@MDSierra.org

Josh Tulkin
Chapter Director
Josh.Tulkin@MDSierra.org

MDJudiciary_UNF_SB512

Uploaded by: Jones, Tyler

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 512
Vehicle Laws – Injury or Death of Vulnerable Individual -
Penalties
DATE: February 5, 2020
(2/21)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 512. This bill provides an individual must appear and cannot comply with prepayment of a fine for certain violations.

The Judiciary is concerned with the language that takes away the discretion of the Chief Judge of the District Court to set prepayable fees. While the bill adds additional penalties in addition to a fine, the offense remains non-incarcerable. The ability of the court to accept guilty pleas by means of prepayment of the citation in non-incarcerated citations inures to the benefit of the individual who has been cited, but also saves the witnesses from having to rearrange their schedules and take time off of work to attend court. The same is true for police officers.

In addition, if the citation is a “must appear” non-incarcerable offense but the individual fails to appear, a bench warrant may issue resulting in the incarceration of the individual. This results in a legally contradictory situation where a non-incarcerable offense becomes an incarcerable offense.

cc. Hon. Jeff Waldstreicher
Judicial Council
Legislative Committee
Kelley O’Connor