

HOUSE BILL 1071

R7, E2

7lr2775

By: ~~Delegates Valentino-Smith, Holmes, Kramer, McComas, McCray, and Sanchez~~
Sanchez, and Fraser-Hidalgo

Introduced and read first time: February 8, 2017

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2017

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Victim’s Representative Notification – License Suspension**
3 **Hearing**

4 FOR the purpose of requiring the Maryland Police Training and Standards Commission to
5 ~~develop and, as necessary, update~~ distribute a certain form; requiring a law
6 enforcement officer to provide certain information and a certain form to a victim’s
7 representative in certain situations ~~and within a certain period of time after a certain~~
8 ~~event; requiring a law enforcement officer to certify certain facts to the Motor Vehicle~~
9 ~~Administration under certain circumstances; requiring the Administration to~~
10 ~~contact a certain State’s Attorney in certain situations in order to obtain certain~~
11 ~~information; altering the period of time during which a victim’s representative may~~
12 file a certain form; altering the circumstances under which the Motor Vehicle
13 Administration is required to provide notice of a certain hearing to a victim’s
14 representative; requiring the Administration to notify the Office of Administrative
15 Hearings if a certain form is filed; requiring the Administration to provide certain
16 materials to a certain individual without cost; providing that a certain individual
17 ~~must only provide certain notice to the Administration when it is practicable to do~~
18 ~~so; requiring the Administration to make certain materials available on the~~
19 ~~Administration’s Web site; requiring the Administration to track certain statistics;~~
20 requiring the Governor’s Office of Crime Control and Prevention to develop and, as
21 necessary, update a certain form; and generally relating to a victim’s representative
22 notification.

23 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Public Safety
Section 3–207(h)
Annotated Code of Maryland
(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 12–206.1
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 16–206(a)(5)(i) and (f)
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

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

Article – Public Safety

3–207.

~~(H) THE COMMISSION, IN CONSULTATION WITH THE OFFICE OF
ADMINISTRATIVE HEARINGS, THE GOVERNOR’S OFFICE OF CRIME CONTROL AND
PREVENTION, AND THE MOTOR VEHICLE ADMINISTRATION, SHALL DEVELOP AND,
AS NECESSARY, UPDATE A UNIFORM VICTIM’S REPRESENTATION NOTIFICATION
FORM THAT MAY BE FILED BY A VICTIM’S REPRESENTATIVE UNDER § 12–206.1 OF
THE TRANSPORTATION ARTICLE~~ THE COMMISSION SHALL DISTRIBUTE THE
VICTIM’S REPRESENTATION NOTIFICATION FORM DEVELOPED BY THE GOVERNOR’S
OFFICE OF CRIME CONTROL AND PREVENTION UNDER § 12–206.1(E) OF THE
TRANSPORTATION ARTICLE TO EACH LAW ENFORCEMENT AGENCY IN THE STATE.

Article – Transportation

12–206.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “Victim” means a person who dies as the result of the commission of a
moving violation by another person.

(3) “Victim’s representative” means a member of the family of a victim or a
guardian or personal representative of a victim.

(b) (1) [During the investigation of a moving violation] ~~WITHIN 5 DAYS AFTER A CONVICTION OF A MOVING VIOLATION~~ ON FIRST CONTACT WITH A VICTIM'S REPRESENTATIVE, a law enforcement officer shall ~~inform~~:

(I) INFORM ~~THE~~ victim's representative of the right to file a victim's representation notification form with the Administration to request to be notified of a hearing under § 16-206(f) of this article; AND

(II) PROVIDE THE VICTIM'S REPRESENTATIVE WITH A COPY OF THE VICTIM'S REPRESENTATION NOTIFICATION FORM DEVELOPED BY THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION UNDER SUBSECTION (E) OF THIS SECTION.

(2) A victim's representation notification form under this subsection may only be filed ~~within 20 days after the conviction of the moving violation~~ AT LEAST 30 DAYS BEFORE A HEARING UNDER § 16-206(F) OF THIS ARTICLE.

~~(3) (I) A LAW ENFORCEMENT OFFICER WHO COMPLIES WITH OR ATTEMPTS TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION SHALL CERTIFY TO THE ADMINISTRATION THAT THE OFFICER:~~

~~1. INFORMED A VICTIM'S REPRESENTATIVE OF THE RIGHT TO FILE A VICTIM'S REPRESENTATION NOTIFICATION FORM UNDER THIS SUBSECTION; OR~~

~~2. WAS UNABLE TO IDENTIFY A VICTIM'S REPRESENTATIVE.~~

~~(II) IF THE ADMINISTRATION DOES NOT RECEIVE A CERTIFICATION FROM A LAW ENFORCEMENT OFFICER UNDER THIS PARAGRAPH, THE ADMINISTRATION SHALL CONTACT THE STATE'S ATTORNEY THAT SERVES THE COUNTY IN WHICH THE VICTIM DIED TO IDENTIFY A VICTIM'S REPRESENTATIVE.~~

(c) (1) If a victim's representative files a victim's representation notification form under subsection (b) of this section AND THE PERSON WHO COMMITTED THE MOVING VIOLATION THAT RESULTED IN THE VICTIM'S DEATH REQUESTS A HEARING UNDER § 16-206(F) OF THIS ARTICLE, the Administration shall ~~give the~~ NOTIFY:

(I) THE victim's representative ~~notice~~ OF THE HEARING in accordance with § 12-114 of this title at least 21 days before ~~a hearing under § 16-206(f) of this article~~ THE HEARING; AND

(II) THE OFFICE OF ADMINISTRATIVE HEARINGS THAT THE VICTIM'S REPRESENTATIVE HAS FILED A VICTIM'S REPRESENTATION NOTIFICATION FORM UNDER SUBSECTION (B) OF THIS SECTION.

(2) Notice provided under this subsection shall state:

(i) The date, time, place, and nature of the hearing;

(ii) The legal authority and jurisdiction of the Administration to hear the matter;

(iii) The nature of the proposed action that the Administration is to consider;

(iv) That a copy of the hearing procedures is available on request and [the cost to obtain a copy] **WITHOUT COST TO THE VICTIM'S REPRESENTATIVE;**

(v) The right of the victim's representative to be present at the hearing;

(vi) The right of the victim's representative to submit a written statement for consideration by the Administration at the hearing; and

(vii) The right of the victim's representative to make an oral statement for consideration by the Administration at the hearing.

(3) (i) If a victim's representative intends to make an oral statement, the victim's representative shall, ~~IF PRACTICABLE~~, notify the Administration at least 10 days before the hearing.

(ii) If a victim's representative intends to submit a written statement, the statement shall, ~~IF PRACTICABLE~~, be submitted to the Administration at least 10 days before the hearing.

~~(4) (i) THE ADMINISTRATION SHALL MAKE AN ELECTRONIC VERSION OF THE ADMINISTRATIVE HEARING PROCEDURES AVAILABLE ON THE ADMINISTRATION'S WEB SITE.~~

~~(ii) THE ADMINISTRATION SHALL UPDATE THE ELECTRONIC VERSION OF THE ADMINISTRATIVE HEARING PROCEDURES TO REFLECT CHANGES IN PROCEDURES.~~

(d) (1) If a victim's representative provides notice in accordance with subsection (c)(3)(i) of this section, the Administration shall allow the victim's representative to make an oral statement for consideration by the Administration at the hearing.

(2) If a victim's representative submits a written statement in accordance with subsection (c)(3)(ii) of this section, the Administration shall:

(i) Provide a copy of the written statement to the licensee before the hearing begins; and

(ii) Consider the written statement at the hearing.

~~(E) THE ADMINISTRATION SHALL MAINTAIN A RECORD OF THE NUMBER OF:~~

~~(1) CERTIFICATIONS RECEIVED FROM LAW ENFORCEMENT OFFICERS UNDER SUBSECTION (B) OF THIS SECTION AND WHETHER A CERTIFICATION INDICATED THAT A LAW ENFORCEMENT OFFICER WAS ABLE TO INFORM A VICTIM'S REPRESENTATIVE OF THE RIGHT TO FILE A VICTIM'S REPRESENTATION NOTIFICATION FORM;~~

~~(2) ORAL STATEMENTS OFFERED BY VICTIMS' REPRESENTATIVES AT HEARINGS HELD UNDER § 16-206(F) OF THIS ARTICLE; AND~~

~~(3) WRITTEN STATEMENTS OFFERED BY VICTIMS' REPRESENTATIVES AT HEARINGS HELD UNDER § 16-206(F) OF THIS ARTICLE.~~

(E) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL DEVELOP AND, AS NECESSARY, UPDATE A UNIFORM VICTIM'S REPRESENTATION NOTIFICATION FORM THAT MAY BE FILED BY A VICTIM'S REPRESENTATIVE UNDER THIS SECTION.

16-206.

(a) (5) (i) The Administration may suspend the license of a person who is convicted of a moving violation that contributed to an accident resulting in the death of another person.

(f) In accordance with Title 12, Subtitle 2 of this article, the Administration shall provide notice of a suspension under subsection (a)(5) of this section and the licensee may request a hearing.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.