

HOUSE BILL 1071

R7, E2

7lr2775

By: **Delegates Valentino–Smith, Holmes, Kramer, McComas, McCray, and Sanchez**
Introduced and read first time: February 8, 2017
Assigned to: Judiciary

A BILL ENTITLED

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 a certain form; requiring a law enforcement officer
6 to provide certain information to a victim’s representative in certain situations and
7 within a certain period of time after a certain event; requiring a law enforcement
8 officer to certify certain facts to the Motor Vehicle Administration under certain
9 circumstances; requiring the Administration to contact a certain State’s Attorney in
10 certain situations in order to obtain certain information; requiring the
11 Administration to provide certain materials to a certain individual without cost;
12 providing that a certain individual must only provide certain notice to the
13 Administration when it is practicable to do so; requiring the Administration to make
14 certain materials available on the Administration’s Web site; requiring the
15 Administration to track certain statistics; and generally relating to a victim’s
16 representative notification.

17 BY adding to
18 Article – Public Safety
19 Section 3–207(h)
20 Annotated Code of Maryland
21 (2011 Replacement Volume and 2016 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Transportation
24 Section 12–206.1
25 Annotated Code of Maryland
26 (2012 Replacement Volume and 2016 Supplement)

27 BY repealing and reenacting, without amendments,
28 Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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.

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**, a law enforcement officer shall inform a 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.

(2) A victim’s representation notification form under this subsection may only be filed within 20 days after the conviction of the moving violation.

(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

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

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

7 (c) (1) If a victim's representative files a victim's representation notification
8 form under subsection (b) of this section, the Administration shall give the victim's
9 representative notice in accordance with § 12-114 of this title at least 21 days before a
10 hearing under § 16-206(f) of this article.

11 (2) Notice provided under this subsection shall state:

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

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

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

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

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

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

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

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

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

31 (4) (I) THE ADMINISTRATION SHALL MAKE AN ELECTRONIC
32 VERSION OF THE ADMINISTRATIVE HEARING PROCEDURES AVAILABLE ON THE
33 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.

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.