

HB 2753 -- HOSPITAL SPEED ZONES

SPONSOR: Warwick

This bill authorizes counties and municipalities to establish hospital zones for streets surrounding a hospital as areas where hospital activities are occurring. If a county or municipality determines the boundaries for a hospital speed zone and erects signs reading "Hospital Zone - Fines Doubled", the court may double the amount of a fine for a traffic violation in the hospital zone. The maximum speed limit in a hospital zone is 30 miles per hour.

The bill creates the offenses of "endangerment of a pedestrian in a hospital zone" and "aggravated endangerment of a pedestrian in a hospital zone. A person commits endangerment of a pedestrian in a hospital zone if the person commits one of the following in a hospital speed zone, except in cases of mechanical failure or negligence by a pedestrian:

- (1) Exceeding the posted speed limit by 15 miles per hour or more;
- (2) Leaving the scene of an accident;
- (3) Careless and imprudent driving;
- (4) Operating without a valid license;
- (5) Operating with a suspended or revoked license
- (6) Driving while intoxicated; or
- (7) Any felony involving the use of a motor vehicle.

A person who commits endangerment of a pedestrian in a hospital speed zone will have four points assessed to their license and be subject to a fine of up to \$1,000. Aggravated endangerment of a pedestrian in a hospital speed zone occurs when a pedestrian is injured or killed, and a person committing this offense will have 12 points assessed to their driver's license, and their license will be revoked. If a pedestrian is injured, the person will be subject to a fine of not more than \$5,000. If a pedestrian is killed, the person will be subject to a fine of not more than \$10,000.

The bill requires the Department of Revenue to revoke the license of any driver who negligently strikes a pedestrian in a hospital speed zone where proper signage has been posted. The Department will make its determination based on the report of a law enforcement officer investigating the incident, and that determination will be final, unless a hearing is requested and held on the matter. A driver can petition for a hearing before a circuit division or associate division of the court in which the hospital zone accident occurred. In the petition, a driver can request a court stay the revocation of their license until the petition can be heard, and the court can grant the stay at its discretion, pending a hearing. If the court grants the stay, it will enter the order on a form prescribed by the Director of Revenue and send a copy to the Director. The Director will keep the driver's license of the driver, and the driver will have the ability to drive, using the order from the court staying the suspension as their proof of privilege to operate a motor vehicle.

At the hearing, the prosecuting attorney of the county will appear on behalf of the Department, and the court will determine only:

- (1) Whether the person was involved in a physical accident where his or her vehicle struck a pedestrian within a designated hospital zone;
- (2) Whether guidelines involving notice and signage were properly implemented in such hospital zone; and
- (3) Whether the investigating officer had probable cause to believe the person's negligent acts or omissions contributed to his or her vehicle striking a pedestrian.

If the court determines any of the answers to these three determinations is in the negative, the court must order the Director to reinstate the license or permit to drive. Otherwise, and if the driver does not request or is not granted a hearing, the driver's license or permit will be reinstated upon taking and passing the written and driving portions of the driver's license examination.

This administrative adjudication to reinstate a license revoked by this bill, any evidence provided to the Department, the court's determinations, and the evidence provided to the court relating to such determinations will all be unavailable by

subpoena or any other means and made available in other administrative actions, civil cases, or criminal prosecutions.