

(2) A CLAIMANT FILING FOR INJURIES INCURRED AS THE OCCUPANT OF A MOTOR VEHICLE OR A DEPENDENT OF AN OCCUPANT OF A MOTOR VEHICLE OPERATED IN VIOLATION OF § 21-902 OF THE TRANSPORTATION ARTICLE MAY NOT RECEIVE AN AWARD UNLESS THE CLAIMANT PROVES THAT THE OCCUPANT DID NOT KNOW OR COULD NOT HAVE KNOWN OF THE CONDITION OF THE OPERATOR OF THE VEHICLE.

(3) A CLAIMANT MAY NOT RECEIVE AN AWARD IF:

(I) THE VICTIM INITIATED, CONSENTED TO, PROVOKED, OR UNREASONABLY FAILED TO AVOID A PHYSICAL CONFRONTATION WITH THE OFFENDER; OR

(II) THE VICTIM WAS PARTICIPATING IN A CRIME OR DELINQUENT ACT WHEN THE INJURY WAS INFLICTED.

(E) FAMILY AND HOUSEHOLD MEMBERS.

(1) A VICTIM OR DEPENDENT MAY NOT BE DENIED COMPENSATION SOLELY BECAUSE THE VICTIM:

(I) IS A RELATIVE OF THE OFFENDER; OR

(II) WAS LIVING WITH THE OFFENDER AS A FAMILY MEMBER OR HOUSEHOLD MEMBER AT THE TIME OF THE INJURY OR DEATH.

(2) IF THE BOARD CAN REASONABLY DETERMINE THAT THE OFFENDER WILL NOT RECEIVE ANY ECONOMIC BENEFIT OR UNDUE ENRICHMENT FROM THE COMPENSATION, THE BOARD MAY AWARD COMPENSATION TO A VICTIM OR DEPENDENT WHO IS A RELATIVE, FAMILY MEMBER, OR HOUSEHOLD MEMBER OF THE OFFENDER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, §§ 819(b)(2) and (3), 821, 825(a)(1) and (2), (e), and (f).

In subsection (b)(1)(i) of this section, the former requirement that the Board "shall deny an award [if the Board finds the claimant will *not* suffer] serious financial hardship" is restated as a requirement that the Board "may make an award ... only if the Board [finds that] the claimant *will* suffer serious financial hardship" (*italics added*) for clarity.

Also in subsection (b)(1)(i) of this section, the phrase "medical and other expenses incurred as a result of the injury or death" is substituted for the former phrase "out-of-pocket expenses" for clarity.

In subsections (b)(1)(ii)2 and (e) of this section, the term "family", formerly defined in Art. 27, § 815(e) for purposes of the subheading that included Art. 27, §§ 819(b) and 825(f)(1), is now used as an undefined term. The context in which the term "family member" was used in former Art. 27, §§ 819(b) and 825(f)(1) clearly indicated a more narrow definition than the