

(PRE-FILED)

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**By: Senator Middleton**

Requested: November 15, 1995

Introduced and read first time: January 10, 1996

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 16, 1996

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CHAPTER \_\_\_\_

1 AN ACT concerning

**2 Vehicle Laws - Speeding Violations by Minors - Notification of Parent or Guardian**

3 FOR the purpose of requiring the Motor Vehicle Administration to notify the parent,  
4 guardian, or other cosigner of a minor's driver's license application if a citation is  
5 issued to the minor charging the minor with driving a motor vehicle at a certain  
6 speed in excess of the maximum lawful speed; requiring the Chief Judge of the  
7 District Court, in conjunction with the Motor Vehicle Administrator, to establish  
8 procedures for notifying the Administration of each citation issued to a minor  
9 licensed in the State charging that the minor committed a certain speeding offense;  
10 requiring an individual who cosigns a minor's application for a driver's license to  
11 provide the individual's mailing address to the Administration and to notify the  
12 Administration of any change of address occurring within a certain time; requiring  
13 the notice provided by the Administration under this Act to be mailed to a certain  
14 address and contain certain information; providing that certain evidence is not  
15 admissible in certain proceedings; making a stylistic change; requiring the  
16 Administration to report to certain committees of the General Assembly before a  
17 certain date on the implementation of this Act; providing for a delayed effective  
18 date for certain provisions of this Act; and generally relating to procedures for  
19 notifying the parent, guardian, or other cosigner of a minor's driver's license  
20 application that a citation alleging a certain speeding violation was issued to the  
21 minor.

22 BY repealing and reenacting, with amendments,  
23 Article - Courts and Judicial Proceedings  
24 Section 1-605(d)  
25 Annotated Code of Maryland  
26 (1995 Replacement Volume and 1995 Supplement)

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1 BY repealing and reenacting, with amendments,  
2 Article - Transportation  
3 Section 16-107  
4 Annotated Code of Maryland  
5 (1992 Replacement Volume and 1995 Supplement)

6 BY adding to  
7 Article - Transportation  
8 Section 21-808  
9 Annotated Code of Maryland  
10 (1992 Replacement Volume and 1995 Supplement)

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

13 **Article - Courts and Judicial Proceedings**

14 1-605.

15 (d) In addition to the powers and duties granted and imposed in subsections (a),  
16 (b), and (c) of this section, or elsewhere by law or rule, the Chief Judge of the District  
17 Court shall:

18 (1) Appoint a chief clerk of the District Court, a chief administrative clerk  
19 for each district, and other personnel of the Court pursuant to Article IV, § 41F of the  
20 Constitution;

21 (2) Approve the appointments of commissioners of the District Court  
22 pursuant to Article IV, § 41G of the Constitution;

23 (3) Establish uniform record-keeping procedures for the Court;

24 (4) In conjunction with the motor vehicle administrator, establish uniform  
25 procedures for reporting traffic cases in the District Court, INCLUDING PROCEDURES  
26 FOR PROMPTLY NOTIFYING THE MOTOR VEHICLE ADMINISTRATION OF EACH  
27 CITATION ISSUED TO A MINOR LICENSED IN THE STATE CHARGING THE MINOR  
28 WITH DRIVING A MOTOR VEHICLE AT LEAST 20 MILES PER HOUR ABOVE THE  
29 MAXIMUM LAWFUL SPEED;

30 (5) In conjunction with the State Comptroller, establish a system for the  
31 collection and remittance of costs, fines, penalties, and forfeitures collected by the  
32 District Court;

33 (6) Approve in writing the destruction of pleadings, papers, or files  
34 proposed for destruction pursuant to § 2-206 of this article;

35 (7) On the recommendation of the administrative judge of any district,  
36 approve in writing the invalidation and destruction of certain warrants for arrest, if the  
37 administrative judge certifies to the Chief Judge that:

38 (i) Each of the warrants is more than 3 years old;

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1 (ii) The warrant was properly delivered to an authorized law  
2 enforcement agency for execution and service, which was not effected;

3 (iii) Each of the warrants was issued by a judicial officer of the Court  
4 for:

5 1. The arrest of the defendant in order that the defendant  
6 might stand trial on a misdemeanor offense;

7 2. The failure of the defendant to appear for trial for a  
8 misdemeanor offense, as directed by the Court;

9 3. The failure of the defendant to make a deferred payment of  
10 a fine or costs as ordered by the Court for a misdemeanor offense; or

11 4. A violation of a probation order of the Court entered in a  
12 misdemeanor offense; and

13 (iv) The administrative judge believes that the invalidation and  
14 destruction of the arrest warrant is consistent with the ends of justice; and

15 (8) After consultation with police administrators and the Motor Vehicle  
16 Administrator, design arrest - citation forms that shall be used by all law enforcement  
17 agencies in the State when charging a person with a criminal, civil, or traffic offense,  
18 excepting violations of parking ordinances or regulations adopted under Subtitle 3 of  
19 Title 26 of the Transportation Article.

20 **Article - Transportation**

21 16-107.

22 (a) The application of a minor for a license shall be cosigned by:

23 (1) A parent or guardian of the applicant; or

24 (2) If the applicant has no parent or guardian or is married, an adult  
25 employer of the applicant or any other responsible adult.

26 (b) The individual cosigning the application of a minor shall [certify]:

27 (1) (I) PROVIDE THE COSIGNER'S MAILING ADDRESS TO THE  
28 ADMINISTRATION; AND

29 (II) NOTIFY THE ADMINISTRATION OF ANY CHANGE IN THE  
30 MAILING ADDRESS OCCURRING WHILE THE APPLICANT OR LICENSEE IS A MINOR;  
31 AND

32 (2) CERTIFY that the statements made in the application are true to the  
33 best of [his] THE COSIGNER'S knowledge, information, and belief.

34 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
35 read as follows:

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1           **Article - Transportation**

2 21-808.

3           (A) UPON RECEIPT OF NOTIFICATION FROM THE DISTRICT COURT UNDER §  
4 1-605(D)(4) OF THE COURTS ARTICLE THAT A CITATION WAS ISSUED TO A MINOR  
5 CHARGING THE MINOR WITH DRIVING A MOTOR VEHICLE AT LEAST 20 MILES PER  
6 HOUR ABOVE THE MAXIMUM LAWFUL SPEED, THE ADMINISTRATION PROMPTLY  
7 SHALL NOTIFY THE COSIGNER OF THE MINOR'S DRIVER'S LICENSE APPLICATION  
8 THAT THE CITATION WAS ISSUED TO THE MINOR.

9           (B) THE NOTIFICATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION  
10 SHALL:

11                   (1) BE MAILED BY THE ADMINISTRATION TO THE MOST RECENT  
12 ADDRESS PROVIDED BY THE COSIGNER IN ACCORDANCE WITH § 16-107 (B) OF THIS  
13 ARTICLE; AND

14                   (2) CONTAIN THE FOLLOWING INFORMATION:

15                           (I) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE MINOR  
16 CHARGED WITH THE VIOLATION;

17                           (II) THE SPEED AT WHICH THE MINOR IS ALLEGED TO HAVE  
18 DRIVEN;

19                           (III) THE MAXIMUM LAWFUL SPEED AT THE LOCATION OF THE  
20 ALLEGED VIOLATION;

21                           (IV) THE AMOUNT OF THE FINE SPECIFIED IN THE CITATION; AND

22                           (V) THE NUMBER OF POINTS THAT MAY BE ASSESSED AGAINST  
23 THE MINOR.

24           (C) EVIDENCE OF THE RECEIPT OR LACK OF RECEIPT OF THE NOTICE  
25 REQUIRED BY THIS SECTION IS NOT ADMISSIBLE IN ANY CIVIL OR CRIMINAL ACTION  
26 AGAINST A COSIGNER.

27           SECTION 3. AND BE IT FURTHER ENACTED, That, before November 1, 1996,  
28 the Motor Vehicle Administration shall report to the Senate Judicial Proceedings  
29 Committee and the House Commerce and Government Matters Committee, in  
30 accordance with § 2-1312 of the State Government Article, on the implementation of this  
31 Act, including the status of the Administration's Digital Imaging Of Documents (DIOD)  
32 System and the capability of the DIOD System to facilitate the retrieval of mailing  
33 addresses and other data necessary to comply with this Act.

34           SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
35 take effect January 1, 1997.

36           SECTION 5. AND BE IT FURTHER ENACTED, That, subject to Section 4 of  
37 this Act, this Act shall take effect July 1, 1996.

