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2000 Regular Session (0lr1989)

ENROLLED BILL

-- Commerce and Government Matters/Judicial Proceedings --

Introduced by **Delegate Minnick (Baltimore County Administration) and Delegate Marriott (Baltimore City Administration)**

	Read and Examined by Proofreaders:	
		Proofreader.
Seale	ed with the Great Seal and presented to the Governor, for his approval this day of at o'clock,M.	Proofreader.
		Speaker.
	CHAPTER	
1 4	AN ACT concerning	
2	Vehicle Laws - Licenses and Registration - Outstanding Arrest Warrants	
3 I 4 5 6 7 8 9 10	FOR the purpose of requiring the Motor Vehicle Administration, under certain circumstances, to suspend an individual's driver's license or privilege to drive and refuse to register or transfer the registration of the individual's vehicle if the individual is named in an outstanding arrest warrant; requiring the Administration to follow certain procedures before suspending the driver's license or privilege to drive of an individual or refusing to register the individual's vehicle under this Act; establishing certain notice and hearing requirements; providing that an individual shall be referred to the law enforcement agency that notified the Administration of an outstanding warrant	

for the resolution of certain matters; requiring the Administration to reinstate a suspended continue the suspension of a license or privilege to drive or allow the

the refusal to register or transfer a registration of a certain individual's vehicle

under certain circumstances; requiring the Administration, in consultation with certain entities law enforcement officers, to adopt certain regulations; requiring

1 2 3 4 5 6 7 8 9 10	the regulations to include certain criteria and procedures; requiring the Administration to enter into a certain agreement with a certain law enforcement officer if certain criteria are met; providing that certain files and documents identifying information relating to the arrest warrants may be released to the Administration; requiring the payment of a certain fee and the retention by the Administration of certain revenues; providing for the construction of certain provisions of this Act; declaring the intent of the General Assembly; defining certain terms; making a stylistic change; requiring the Administration to submit certain reports to the General Assembly; and generally relating to drivers' licenses, vehicle registration, and outstanding arrest warrants.
11 12 13 14 15	BY repealing and reenacting, with amendments, Article - State Government Section 10-616(q) Annotated Code of Maryland (1999 Replacement Volume)
16 17 18 19 20	BY repealing and reenacting, without amendments, Article - Transportation Section 11-102 and 11-128 Annotated Code of Maryland (1999 Replacement Volume and 1999 Supplement)
21 22 23 24 25	BY repealing and reenacting, with amendments, Article - Transportation Section 13-406 Annotated Code of Maryland (1999 Replacement Volume and 1999 Supplement)
26 27 28 29 30	BY adding to Article - Transportation Section 13-406.1 and 16-204 Annotated Code of Maryland (1999 Replacement Volume and 1999 Supplement)
31 32	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
33	Article - State Government
34	<u>10-616.</u>
37	(q) (1) [Subject] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION AND SUBJECT to the provisions of paragraph [(4)] (5) of this subsection, unless otherwise ordered by the court, files and records of the court pertaining to an arrest warrant issued pursuant to Maryland Rule 4-212(d)(1) or (2) and the charging

	document upon which until either:	the arres	t warrant was issued may not be open to inspection
3			the arrest warrant has been served and a return of service has Maryland Rule 4-212(g); or
5		<u>(ii)</u>	90 days have elapsed since the arrest warrant was issued.
8 9 10 11	SUBSECTION AND unless otherwise order arrest warrant issued pand the charging docuopen to inspection until	SUBJEC ed by the sursuant t ment upout til all arre	EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS To the provisions of paragraph [(4)] (5) of this subsection, court, files and records of the court pertaining to an o a grand jury indictment or conspiracy investigation on which the arrest warrant was issued may not be est warrants for any co-conspirators have been served been filed in compliance with Maryland Rule 4-212(g).
			o the provisions of paragraphs (1) and (2) of this subsection, land Rule 4-201(d), the files and records shall be open
18 19 20 21 22	TO SUBPARAGRAPH DRIVER'S LICENSE : CONTAINED IN AN 4-212(D)(1) OR (2) C CONSPIRACY INVE	NUMBE ARREST OR ISSUI ESTIGAT FOR US	FILES AND RECORDS OF THE COURT PERTAINING TO SUBJECT THIS PARAGRAPH, THE NAME, ADDRESS, BIRTH DATE, R. SEX, HEIGHT, AND WEIGHT OF AN INDIVIDUAL WARRANT ISSUED PURSUANT TO MARYLAND RULE ED PURSUANT TO A GRAND JURY INDICTMENT OR TON MAY BE RELEASED TO THE MOTOR VEHICLE E BY THE ADMINISTRATION FOR PURPOSES OF § 13-406.1 OR RETATION ARTICLE.
24 25		<u>(II)</u> RMATIO	EXCEPT AS PROVIDED IN SUBPARAGRAPH (I) OF THIS N CONTAINED IN A CHARGING DOCUMENT THAT
			L MAY NOT BE RELEASED TO THE MOTOR VEHICLE
	ADMINISTRATION.		
28		The prov	risions of paragraphs (1) and (2) of this subsection may not be
30 31	warrants;	<u>(i)</u>	the release of statistical information concerning unserved arrest
	concerning an unserve		the release of information by a State's Attorney or peace officer warrant and the charging document upon which the
			inspection of files and records, of a court pertaining to an e charging document upon which the arrest warrant
38			1. a judicial officer;

A commercial driver's license.

(vi)

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1	13-406.									
2 3	The Administration shall refuse to register or transfer the registration of any vehicle if:									
4		(1)	The app	The application contains any false or fraudulent statement;						
5 6	(2) The applicant has failed to furnish information or documents required or requested by the Administration;									
7		(3)	Any req	Any required fee has not been paid;						
8 9	Maryland Ve	(4) chicle La	The applicant is not entitled to registration of the vehicle under the w;							
10 11	highways;	(5)	The vehicle is mechanically unfit or unsafe to be operated on the							
12		(6)	The regi	The registration of the vehicle is suspended or revoked;						
	3 (7) A warrant for a motor vehicle violation under the Maryland Vehicle 4 Law has been issued against the applicant and has not been served on [him] THE 5 APPLICANT;									
16 17	6 (8) SUBJECT TO § 13-406.1 OF THIS SUBTITLE, THE APPLICANT IS NAMEI 7 IN AN OUTSTANDING ARREST WARRANT;									
18		[(8)]	(9)	The Administration has reasonable grounds to believe:						
19			(i)	That the vehicle is stolen;						
20 21	against anoth	her perso	(ii) n; or	That the grant or transfer of registration would be a fraud						
22 23		t Article	(iii) or any re	That the vehicle does not comply with Title 2, Subtitle 7 of the gulation adopted under that subtitle; or						
		[(9)] s failed to	(10) o furnish	The gross vehicle weight is 55,000 pounds or over and the proof of payment of the Federal Heavy Vehicle Use Tax.						
27 28	(A) INDICATE	(1) D.	IN THIS	S SECTION THE FOLLOWING WORDS HAVE THE MEANINGS						
29		(2)	"LAW I	ENFORCEMENT AGENCY" MEANS:						
30 31	AGENCY;	OR	(I)	A STATE, COUNTY, OR MUNICIPAL POLICE DEPARTMENT OR						
32			(II)	A SHERIFF'S OFFICE.						

- 1 (3) "OUTSTANDING WARRANT" MEANS AN ARREST WARRANT THAT:

 2 (I) A LAW ENFORCEMENT AGENCY HAS ATTEMPTED, BUT FAILED,

 3 TO SERVE ON THE INDIVIDUAL NAMED IN THE WARRANT DUE TO THE INABILITY TO

 4 LOCATE THE INDIVIDUAL; AND
- 5 (II) IS AT LEAST 31 DAYS OLD.
- 6 (4) "PRIMARY LAW ENFORCEMENT OFFICER" MEANS:
- 7 (I) IN A MUNICIPAL CORPORATION, THE CHIEF OF POLICE, IF ANY, 8 OR THE CHIEF'S DESIGNEE;
- 9 (II) IN A COUNTY THAT HAS A COUNTY POLICE DEPARTMENT, THE 10 CHIEF OF POLICE OR THE CHIEF'S DESIGNEE;
- 11 (III) IN A COUNTY WITHOUT A POLICE DEPARTMENT, THE SHERIFF 12 OR THE SHERIFF'S DESIGNEE;
- 13 (IV) IN BALTIMORE CITY, THE POLICE COMMISSIONER OR THE 14 POLICE COMMISSIONER'S DESIGNEE; OR
- 15 (V) THE SECRETARY OF STATE POLICE.
- 16 (B) SUBJECT TO SUBSECTION (G) (H) OF THIS SECTION, ON NOTIFICATION BY
- 17 A LAW ENFORCEMENT AGENCY THAT AN APPLICANT FOR VEHICLE REGISTRATION IS
- 18 NAMED IN AN OUTSTANDING WARRANT, THE ADMINISTRATION SHALL REFUSE TO
- 19 REGISTER OR TRANSFER THE REGISTRATION OF ANY VEHICLE OWNED BY THE
- 20 APPLICANT.
- 21 (C) (1) BEFORE REFUSING TO REGISTER OR TRANSFER THE REGISTRATION
- 22 OF A VEHICLE UNDER SUBSECTION (B) OF THIS SECTION, THE ADMINISTRATION
- 23 SHALL SEND WRITTEN NOTICE NOTIFY THE APPLICANT OF THE PROPOSED ACTION
- 24 TO THE APPLICANT, INCLUDING NOTICE AND INFORM THE APPLICANT OF THE
- 25 APPLICANT'S RIGHT TO CONTEST THE ACCURACY OF THE INFORMATION ON WHICH
- 26 THE REFUSAL IS BASED.
- 27 (2) ANY CONTEST UNDER THIS SUBSECTION SHALL BE LIMITED TO
- 28 WHETHER THE ADMINISTRATION HAS MISTAKEN THE IDENTITY OF THE INDIVIDUAL
- 29 NAMED IN THE OUTSTANDING WARRANT OR THE INDIVIDUAL WHOSE REGISTRATION
- 30 OR TRANSFER OF REGISTRATION HAS BEEN REFUSED.
- 31 (D) (1) AN INDIVIDUAL NAMED IN AN OUTSTANDING WARRANT MAY APPEAL
- 32 A DECISION OF THE ADMINISTRATION UNDER THIS SECTION TO REFUSE TO
- 33 REGISTER OR TRANSFER THE REGISTRATION OF THE INDIVIDUAL'S VEHICLE.
- 34 (2) AT A HEARING UNDER THIS SUBSECTION, THE ONLY ISSUE SHALL BE
- 35 WHETHER THE ADMINISTRATION HAS MISTAKEN THE IDENTITY OF THE INDIVIDUAL
- 36 NAMED IN THE OUTSTANDING WARRANT OR THE INDIVIDUAL WHOSE REGISTRATION
- 37 OR TRANSFER OF REGISTRATION HAS BEEN REFUSED.

3	(E) THAT NOTI RESOLVE A SATISFIED.	FIED TH NY QUI	E ADM	INISTRA	TION OF T	HE OUTS	STANDI	NG WAR	RANT TO		
	(E) REGISTER (INDIVIDUA	OR TRA	NSFER 1	THE REG		N OF A V	EHICLE	OWNED		FUSAL TO	
8 9	OR TRANSF	(1) ER THE						ED BY A	COURT	TO REGISTE	R
10 11	ADMINISTI	(2) RATION		A LAW	ENFORCE	MENT AC	GENCY I	NOTIFIES	S THE		
12 13	WARRANT	HAS BE			THE INDIV	IDUAL N	NAMED	IN THE (OUTSTA	NDING	
14 15	SATISFIED		(II)	<u>2.</u>	THE OUTS	TANDIN	G WARI	RANT HA	AS BEEN	OTHERWISE	E
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23	(F) ADMINISTI ENFORCEM IMPLEMEN	RATIVE MENT O	HEARIN FFICERS	NGS ANI S OF THE	IN CONS	JLTATIO	N WITH	I THE PR	IMARY I	HE OFFICE C LAW)F
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31 32	REGISTRA	ΓΙΟΝ ΟΙ	THE IN		THAT THE					OF THE	
33 34	CONTEST (OR RESO	OLVE TH		OF THE M SAL;	ANNER I	N WHIC	CH THE II	<u>NDIVIDU</u>	JAL MAY	
	ENFORCEM STATUS OF		GENCY '	TO NOT	IFY THE AI	OMINIST:				WED BY A L. N THE	AW

- 1 (IV) A PROCEDURE FOR THE ADMINISTRATION TO CARRY OUT THE 2 REFUSAL OF REGISTRATION AS AUTHORIZED UNDER THIS SECTION.
- 3 (G) (H) IF A LAW ENFORCEMENT AGENCY MEETS THE CRITERIA
- 4 ESTABLISHED UNDER SUBSECTION (F) (G) OF THIS SECTION, THE ADMINISTRATION
- 5 SHALL ENTER INTO AN AGREEMENT WITH THE APPROPRIATE PRIMARY LAW
- 6 ENFORCEMENT OFFICER THAT PROVIDES FOR THE NOTIFICATION TO THE
- 7 ADMINISTRATION OF PERSONS NAMED IN OUTSTANDING WARRANTS.
- 8 (I) (1) IN ADDITION TO ANY OTHER FEE OR PENALTY PROVIDED BY LAW,
- 9 THE OWNER OF A VEHICLE REFUSED REGISTRATION UNDER THIS SECTION SHALL
- 10 PAY A FEE ESTABLISHED BY THE ADMINISTRATION BEFORE RENEWAL OF THE
- 11 <u>REGISTRATION OF THE VEHICLE.</u>
- 12 (2) THE FEE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE
- 13 RETAINED BY THE ADMINISTRATION AND MAY NOT BE CREDITED TO THE GASOLINE
- 14 AND MOTOR VEHICLE REVENUE ACCOUNT FOR DISTRIBUTION UNDER § 8-403 OR §
- 15 8-404 OF THIS ARTICLE.
- 16 (H) (J) THE PROCEDURES SPECIFIED IN THIS SECTION ARE IN ADDITION TO
- 17 ANY OTHER PENALTY PROVIDED BY LAW FOR THE FAILURE TO MEET THE DEMANDS
- 18 SPECIFIED IN A WARRANT.
- 19 (K) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE
- 20 ADMINISTRATION TO ARREST A PERSON NAMED IN AN OUTSTANDING WARRANT.
- 21 16-204.
- 22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
- 23 INDICATED.
- 24 (2) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN §
- 25 13-406.1(A)(2) OF THIS ARTICLE.
- 26 (3) "OUTSTANDING WARRANT" HAS THE MEANING STATED IN §
- 27 13-406.1(A)(3) OF THIS ARTICLE.
- 28 (4) "PRIMARY LAW ENFORCEMENT OFFICER" HAS THE MEANING
- 29 STATED IN § 13-406.1(A)(4) OF THIS ARTICLE.
- 30 (B) SUBJECT TO SUBSECTION (G) (H) OF THIS SECTION, ON NOTIFICATION BY
- 31 A LAW ENFORCEMENT AGENCY THAT AN INDIVIDUAL IS NAMED IN AN
- 32 OUTSTANDING WARRANT, THE ADMINISTRATION SHALL SUSPEND THE INDIVIDUAL'S
- 33 LICENSE OR PRIVILEGE TO DRIVE IN THE STATE.
- 34 (C) (1) BEFORE SUSPENDING A LICENSE OR PRIVILEGE TO DRIVE UNDER
- 35 SUBSECTION (B) OF THIS SECTION, THE ADMINISTRATION SHALL SEND WRITTEN
- 36 NOTICE OF THE PROPOSED ACTION TO THE INDIVIDUAL NAMED IN THE
- 37 OUTSTANDING WARRANT, INCLUDING NOTICE OF THE INDIVIDUAL'S RIGHT TO

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(2)

HOUSE BILL 1259

1 CONTEST THE ACCURACY OF THE INFORMATION ON WHICH THE SUSPENSION IS 2 BASED. ANY CONTEST UNDER THIS SUBSECTION SHALL BE LIMITED TO 4 WHETHER THE ADMINISTRATION HAS MISTAKEN THE IDENTITY OF THE INDIVIDUAL 5 NAMED IN THE OUTSTANDING WARRANT OR THE INDIVIDUAL WHOSE LICENSE OR 6 PRIVILEGE TO DRIVE HAS BEEN SUSPENDED. AN INDIVIDUAL NAMED IN AN OUTSTANDING WARRANT MAY APPEAL (D) (1) 8 A DECISION OF THE ADMINISTRATION UNDER THIS SECTION TO SUSPEND THE 9 INDIVIDUAL'S LICENSE OR PRIVILEGE TO DRIVE. AT A HEARING UNDER THIS SUBSECTION. THE ONLY ISSUE SHALL BE 11 WHETHER THE ADMINISTRATION HAS MISTAKEN THE IDENTITY OF THE INDIVIDUAL 12 NAMED IN THE OUTSTANDING WARRANT OR THE INDIVIDUAL WHOSE LICENSE OR 13 PRIVILEGE TO DRIVE HAS BEEN SUSPENDED. AN INDIVIDUAL SHALL BE REFERRED TO THE LAW ENFORCEMENT 14 15 AGENCY THAT NOTIFIED THE ADMINISTRATION OF THE OUTSTANDING WARRANT TO 16 RESOLVE ANY QUESTION OF WHETHER THE WARRANT HAS BEEN SATISFIED. THE ADMINISTRATION SHALL REINSTATE CONTINUE THE 17 18 SUSPENSION OF A LICENSE OR PRIVILEGE TO DRIVE THAT WAS SUSPENDED UNDER 19 THIS SECTION # UNTIL: THE ADMINISTRATION IS ORDERED BY A COURT TO REINSTATE 21 THE LICENSE OR PRIVILEGE TO DRIVE; OR A LAW ENFORCEMENT AGENCY NOTIFIES THE (II)23 ADMINISTRATION THAT: THE INDIVIDUAL NAMED IN THE OUTSTANDING 24 25 WARRANT HAS BEEN ARRESTED: OR <u>2.</u> THE OUTSTANDING WARRANT HAS BEEN OTHERWISE 26 $\frac{(II)}{(II)}$ 27 SATISFIED. ON RECEIPT OF AN ORDER OR NOTICE UNDER PARAGRAPH (1) OF 29 THIS SUBSECTION, THE ADMINISTRATION SHALL REINSTATE A LICENSE OR 30 PRIVILEGE TO DRIVE UNLESS THE LICENSE OR PRIVILEGE HAS BEEN REFUSED, 31 REVOKED, SUSPENDED, OR CANCELED UNDER ANY OTHER PROVISION OF THE 32 MARYLAND VEHICLE LAW. 33 (1) THE ADMINISTRATION. IN COOPERATION WITH THE OFFICE OF 34 ADMINISTRATIVE HEARINGS AND IN CONSULTATION WITH THE PRIMARY LAW 35 ENFORCEMENT OFFICERS OF THE STATE, SHALL ADOPT REGULATIONS TO 36 IMPLEMENT THIS SECTION.

THE REGULATIONS SHALL INCLUDE:

- 1 CRITERIA THAT A LAW ENFORCEMENT AGENCY MUST MEET (I)2 PRIOR TO NOTIFYING THE ADMINISTRATION THAT AN INDIVIDUAL IS NAMED IN AN 3 OUTSTANDING WARRANT: (II) A PROCEDURE FOR INFORMING AN INDIVIDUAL NAMED IN AN 5 OUTSTANDING WARRANT: THAT THE INDIVIDUAL'S LICENSE OR PRIVILEGE TO 6 7 DRIVE HAS BEEN SUSPENDED; AND 8 OF THE MANNER IN WHICH THE INDIVIDUAL MAY CONTEST OR RESOLVE THE SUSPENSION: 10 (III)A PROCEDURE AND FORM WHICH MUST BE FOLLOWED BY THE 11 LAW ENFORCEMENT AGENCY TO NOTIFY THE ADMINISTRATION OF CHANGES IN THE 12 STATUS OF AN OUTSTANDING WARRANT; AND A PROCEDURE FOR THE ADMINISTRATION TO CARRY OUT THE 13 14 SUSPENSION OF A LICENSE OR PRIVILEGE TO DRIVE AS AUTHORIZED UNDER THIS 15 SECTION. IF A LAW ENFORCEMENT AGENCY MEETS THE CRITERIA 16 (G) 17 ESTABLISHED UNDER SUBSECTION (F) (G) OF THIS SECTION, THE ADMINISTRATION 18 SHALL ENTER INTO AN AGREEMENT WITH THE APPROPRIATE PRIMARY LAW 19 ENFORCEMENT OFFICER THAT PROVIDES FOR THE NOTIFICATION TO THE 20 ADMINISTRATION OF INDIVIDUALS NAMED IN OUTSTANDING WARRANTS. THE PROCEDURES SPECIFIED IN THIS SECTION ARE IN ADDITION TO ANY 21 <u>(I)</u> 22 OTHER PENALTY PROVIDED BY LAW FOR THE FAILURE TO MEET THE DEMANDS 23 SPECIFIED IN A WARRANT. 24 (H)THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE 25 ADMINISTRATION TO ARREST AN INDIVIDUAL NAMED IN AN OUTSTANDING 26 WARRANT. 27 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the 28 General Assembly that the Motor Vehicle Administration shall work in consultation 29 with the primary law enforcement officers, as defined under Section 1 of this Act, on 30 the implementation of this Act and that the Administration provide for full 31 implementation of this Act at the earliest date practicable, but not later than 32 <u>December 1, 2001.</u> 33 SECTION 3. AND BE IT FURTHER ENACTED, That the Motor Vehicle 34 Administration, in consultation with the primary law enforcement officers in the
- 35 State that provide information to the Administration under Section 1 of this Act
- 36 regarding individuals named in outstanding arrest warrants, shall report to the
- 37 General Assembly pursuant to § 2-1246 of the State Government Article by October 1,
- 38 2001 2002 and each year thereafter on the effectiveness of this Act in reducing the
- 39 number of outstanding arrest warrants in those jurisdictions that provide arrest
- 40 warrant information to the Administration.

1 SECTION 3. $\underline{4}$. AND BE IT FURTHER ENACTED, That this Act shall take 2 effect October 1, 2000.