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By: Delegate Minnick (Baltimore County Administration) and Delegate Marriott (Baltimore City Administration)

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2000

CHAPTER____

1 AN ACT concerning

2

Vehicle Laws - Licenses and Registration - Outstanding Arrest Warrants

- 3 FOR the purpose of requiring the Motor Vehicle Administration, under certain
- 4 circumstances, to suspend an individual's driver's license or privilege to drive
- 5 and refuse to register or transfer the registration of the individual's vehicle if
- 6 the individual is named in an outstanding arrest warrant; requiring the
- Administration to follow certain procedures before suspending the driver's
- 8 license or privilege to drive of an individual or refusing to register the
- 9 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
- 12 <u>for the resolution of certain matters;</u> 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
- 16 certain entities <u>law enforcement officers</u>, to adopt certain regulations; requiring
- 17 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
- 20 relating to the arrest warrants may be released to the Administration; requiring
- 21 the payment of a certain fee and the retention by the Administration of certain
- 22 revenues; providing for the construction of certain provisions of this Act;
- 23 declaring the intent of the General Assembly; defining certain terms; making a
- 24 stylistic change; requiring the Administration to submit certain reports to the
- 25 General Assembly; and generally relating to drivers' licenses, vehicle

1	registration, and outstanding arrest warrants.
	BY repealing and reenacting, with amendments,
3	Article - State Government
4	<u>Section 10-616(q)</u>
5	Annotated Code of Maryland
6	(1999 Replacement Volume)
7	BY repealing and reenacting, without amendments,
8	Article - Transportation
9	Section 11-102 and 11-128
10	Annotated Code of Maryland
11	(1999 Replacement Volume and 1999 Supplement)
12	BY repealing and reenacting, with amendments,
13	Article - Transportation
14	Section 13-406
15	Annotated Code of Maryland
16	(1999 Replacement Volume and 1999 Supplement)
17	BY adding to
18	Article - Transportation
19	Section 13-406.1 and 16-204
20	Annotated Code of Maryland
21	(1999 Replacement Volume and 1999 Supplement)
22	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23	MARYLAND, That the Laws of Maryland read as follows:
24	Article - State Government
25	<u>10-616.</u>
26	(q) (1) [Subject] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS
	SUBSECTION AND SUBJECT to the provisions of paragraph [(4)] (5) of this subsection,
28	unless otherwise ordered by the court, files and records of the court pertaining to an
29	arrest warrant issued pursuant to Maryland Rule 4-212(d)(1) or (2) and the charging
30	document upon which the arrest warrant was issued may not be open to inspection
	until either:
32	(i) the arrest warrant has been served and a return of service ha
33	been filed in compliance with Maryland Rule 4-212(g); or
34	(ii) 90 days have elapsed since the arrest warrant was issued.

1	<u>(2)</u>	[Subject]	EXCEF	T AS PROVIDED IN PARAGRAPH (4) OF THIS
2	SUBSECTION AND S	SUBJEC	T to the 1	provisions of paragraph [(4)] (5) of this subsection,
3	unless otherwise order	ed by the	e court, fi	les and records of the court pertaining to an
				l jury indictment or conspiracy investigation
				the arrest warrant was issued may not be
				its for any co-conspirators have been served
				l in compliance with Maryland Rule 4-212(g).
,	and an returns or servi	ce nave i	occii iiicc	i in comphance with Maryland Rule 4-212(g).
0	(2)	G 1	1	6 1 (1) 1(2) 641 1 (1)
8				ovisions of paragraphs (1) and (2) of this subsection,
		to Mary	land Rule	e 4-201(d), the files and records shall be open
10	to inspection.			
11				CORDS OF THE COURT PERTAINING TO AN ARREST
12	WARRANT ISSUED	PURSU	ANT TO	MARYLAND RULE 4-212(D)(1) OR (2) OR ISSUED
13	PURSUANT TO A G	RAND J	URY IN	DICTMENT OR CONSPIRACY INVESTIGATION MAY BE
				CLE ADMINISTRATION FOR USE BY THE
				S OF § 13-406.1 OR § 16-204 OF THE TRANSPORTATION
	ARTICLE.	101(10	THE OBER	y or , is took or , to so to the transfer or the
10	MITCEL.			
17	(5)	The prov	ricione of	paragraphs (1) and (2) of this subsection may not be
	construed to prohibit:	The prov	/1510115 01	paragraphs (1) and (2) of this subsection may not be
10	construed to promote.			
10		(*)	.1 1	
19		<u>(i)</u>	the relea	se of statistical information concerning unserved arrest
20	warrants;			
21				se of information by a State's Attorney or peace officer
22	concerning an unserve	ed arrest	warrant a	and the charging document upon which the
23	arrest warrant was issu	ued; or		
24		(iii)	inspectio	on of files and records, of a court pertaining to an
25	unserved arrest warrar			g document upon which the arrest warrant
	was issued, by:			
27			<u>1.</u>	a judicial officer;
_,				<u>a judiciai officer,</u>
28			<u>2.</u>	any authorized court personnel;
20			<u>2.</u>	any addiorized court personner,
29			2	a Statala Attamazu
29			<u>3.</u>	a State's Attorney;
20			4	cc
30			<u>4.</u>	a peace officer;
31			<u>5.</u>	a correctional officer who is authorized by law to serve an
32	arrest warrant;			
33			6.	a bail bondsman, surety insurer, or surety who executes
	bail bonds who execut	ted a bai		r the individual who is subject to arrest under
	the arrest warrant;			
36			7.	an attorney authorized by the individual who is subject to
	arrest under the arrest	warrant		
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	or the Department of the provisions of Arti-		8. the Department of Public Safety and Correctional Services Justice for the purpose of notification of a victim under 788 of the Code; or			
4 5	under Article 27, Sub	title V (C	9. a federal, State, or local criminal justice agency described riminal Justice Information System) of the Code.			
6			Article - Transportation			
7	11-102.					
8	"Administration" means the Motor Vehicle Administration.					
9	11-128.					
10	"License", as use	d in refer	ence to the operation of a motor vehicle, means any:			
11	(1)	Driver's	license; and			
12 13	(2) under or granted by t	•	er license or permit to drive a motor vehicle that is issued f this State, including:			
14		(i)	Any temporary license;			
15		(ii)	A learner's instructional permit;			
16		(iii)	A provisional license;			
17 18	or not that individual	(iv) is formal	The privilege of any individual to drive a motor vehicle, whether lly licensed by this or any other jurisdiction;			
19 20	and	(v)	Any nonresident's privilege to drive, as defined in this subtitle;			
21		(vi)	A commercial driver's license.			
22	13-406.					
23 24	The Administration shall refuse to register or transfer the registration of any vehicle if:					
25	(1)	The app	lication contains any false or fraudulent statement;			
26 27	(2) required or requested		licant has failed to furnish information or documents dministration;			
28	(3)	Any requ	uired fee has not been paid;			
29 30	(4) Maryland Vehicle La		licant is not entitled to registration of the vehicle under the			

1 2	highways;	(5)	The veh	icle is mechanically unfit or unsafe to be operated on the
3		(6)	The regi	stration of the vehicle is suspended or revoked;
	Law has beer APPLICANT			nt for a motor vehicle violation under the Maryland Vehicle e applicant and has not been served on [him] THE
7 8	IN AN OUT:	(8) STANDI		CT TO § 13-406.1 OF THIS SUBTITLE, THE APPLICANT IS NAMED EST WARRANT;
9		[(8)]	(9)	The Administration has reasonable grounds to believe:
10			(i)	That the vehicle is stolen;
11 12	against anotl	ner perso	(ii) n; or	That the grant or transfer of registration would be a fraud
13 14	Environmen	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
	applicant has	[(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.
18 19	(A) INDICATEI	(1) O.	IN THIS	S SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
20		(2)	"LAW E	ENFORCEMENT AGENCY" MEANS:
21 22	AGENCY; O	OR	(I)	A STATE, COUNTY, OR MUNICIPAL POLICE DEPARTMENT OR
23			(II)	A SHERIFF'S OFFICE.
24		(3)	"OUTST	TANDING WARRANT" MEANS AN ARREST WARRANT THAT:
	TO SERVE LOCATE T	ON THE		A LAW ENFORCEMENT AGENCY HAS ATTEMPTED, BUT FAILED DUAL NAMED IN THE WARRANT DUE TO THE INABILITY TO ;; AND
28			(II)	IS AT LEAST 31 DAYS OLD.
29		(4)	"PRIMA	ARY LAW ENFORCEMENT OFFICER" MEANS:
30 31	OR THE CH	HEF'S D		IN A MUNICIPAL CORPORATION, THE CHIEF OF POLICE, IF ANY, E;

6 **HOUSE BILL 1259** (II)IN A COUNTY THAT HAS A COUNTY POLICE DEPARTMENT, THE 2 CHIEF OF POLICE OR THE CHIEF'S DESIGNEE: (III)IN A COUNTY WITHOUT A POLICE DEPARTMENT, THE SHERIFF 4 OR THE SHERIFF'S DESIGNEE; (IV) IN BALTIMORE CITY, THE POLICE COMMISSIONER OR THE 6 POLICE COMMISSIONER'S DESIGNEE; OR 7 THE SECRETARY OF STATE POLICE. (V) 8 SUBJECT TO SUBSECTION (G) (H) OF THIS SECTION, ON NOTIFICATION BY (B) 9 A LAW ENFORCEMENT AGENCY THAT AN APPLICANT FOR VEHICLE REGISTRATION IS 10 NAMED IN AN OUTSTANDING WARRANT, THE ADMINISTRATION SHALL REFUSE TO 11 REGISTER OR TRANSFER THE REGISTRATION OF ANY VEHICLE OWNED BY THE 12 APPLICANT. 13 (C) BEFORE REFUSING TO REGISTER OR TRANSFER THE REGISTRATION 14 OF A VEHICLE UNDER SUBSECTION (B) OF THIS SECTION, THE ADMINISTRATION 15 SHALL SEND WRITTEN NOTICE OF THE PROPOSED ACTION TO THE APPLICANT, 16 INCLUDING NOTICE OF THE APPLICANT'S RIGHT TO CONTEST THE ACCURACY OF 17 THE INFORMATION ON WHICH THE REFUSAL IS BASED. ANY CONTEST UNDER THIS SUBSECTION SHALL BE LIMITED TO 19 WHETHER THE ADMINISTRATION HAS MISTAKEN THE IDENTITY OF THE INDIVIDUAL 20 NAMED IN THE OUTSTANDING WARRANT OR THE INDIVIDUAL WHOSE REGISTRATION 21 OR TRANSFER OF REGISTRATION HAS BEEN REFUSED. 22 AN INDIVIDUAL NAMED IN AN OUTSTANDING WARRANT MAY APPEAL 23 A DECISION OF THE ADMINISTRATION UNDER THIS SECTION TO REFUSE TO 24 REGISTER OR TRANSFER THE REGISTRATION OF THE INDIVIDUAL'S VEHICLE. AT A HEARING UNDER THIS SUBSECTION. THE ONLY ISSUE SHALL BE 26 WHETHER THE ADMINISTRATION HAS MISTAKEN THE IDENTITY OF THE INDIVIDUAL 27 NAMED IN THE OUTSTANDING WARRANT OR THE INDIVIDUAL WHOSE REGISTRATION 28 OR TRANSFER OF REGISTRATION HAS BEEN REFUSED. AN APPLICANT SHALL BE REFERRED TO THE LAW ENFORCEMENT AGENCY 30 THAT NOTIFIED THE ADMINISTRATION OF THE OUTSTANDING WARRANT TO 31 RESOLVE ANY QUESTION OF WHETHER THE OUTSTANDING WARRANT HAS BEEN 32 SATISFIED. 33 (E) THE ADMINISTRATION SHALL CONTINUE THE REFUSAL TO 34 REGISTER OR TRANSFER THE REGISTRATION OF A VEHICLE OWNED BY AN 35 INDIVIDUAL NAMED IN AN OUTSTANDING WARRANT #F UNTIL: THE ADMINISTRATION IS ORDERED BY A COURT TO REGISTER (I)37 OR TRANSFER THE REGISTRATION OF THE VEHICLE; OR

(II)A LAW ENFORCEMENT AGENCY NOTIFIES THE 2 ADMINISTRATION THAT: THE INDIVIDUAL NAMED IN THE OUTSTANDING 4 WARRANT HAS BEEN ARRESTED: OR <u>2.</u> THE OUTSTANDING WARRANT HAS BEEN OTHERWISE $\frac{(H)}{(H)}$ 6 SATISFIED. ON RECEIPT OF AN ORDER OR NOTICE UNDER PARAGRAPH (1) OF 7 8 THIS SUBSECTION, THE ADMINISTRATION SHALL ALLOW THE APPLICANT TO 9 REGISTER THE VEHICLE OR TRANSFER THE REGISTRATION UNLESS THE 10 REGISTRATION OR TRANSFER HAS BEEN RESTRICTED UNDER ANY OTHER PROVISION 11 OF THE MARYLAND VEHICLE LAW. (G) (1) THE ADMINISTRATION. IN COOPERATION WITH THE OFFICE OF 13 ADMINISTRATIVE HEARINGS AND IN CONSULTATION WITH THE PRIMARY LAW 14 ENFORCEMENT OFFICERS OF THE STATE, SHALL ADOPT REGULATIONS TO 15 IMPLEMENT THIS SECTION. THE REGULATIONS SHALL INCLUDE: 16 (2) CRITERIA THAT A LAW ENFORCEMENT AGENCY MUST MEET 17 (I) 18 PRIOR TO NOTIFYING THE ADMINISTRATION THAT AN INDIVIDUAL IS NAMED IN AN 19 OUTSTANDING WARRANT: (II)A PROCEDURE FOR INFORMING AN INDIVIDUAL NAMED IN AN 21 OUTSTANDING WARRANT: 22 THAT THE REGISTRATION OR TRANSFER OF THE 1. 23 REGISTRATION OF THE INDIVIDUAL'S VEHICLE HAS BEEN REFUSED; AND 24 OF THE MANNER IN WHICH THE INDIVIDUAL MAY 25 CONTEST OR RESOLVE THE REFUSAL; A PROCEDURE AND FORM THAT MUST BE FOLLOWED BY A LAW 26 (III)27 ENFORCEMENT AGENCY TO NOTIFY THE ADMINISTRATION OF CHANGES IN THE 28 STATUS OF AN OUTSTANDING WARRANT; AND A PROCEDURE FOR THE ADMINISTRATION TO CARRY OUT THE 29 (IV) 30 REFUSAL OF REGISTRATION AS AUTHORIZED UNDER THIS SECTION. IF A LAW ENFORCEMENT AGENCY MEETS THE CRITERIA 31 (G) 32 ESTABLISHED UNDER SUBSECTION (F) (G) OF THIS SECTION, THE ADMINISTRATION 33 SHALL ENTER INTO AN AGREEMENT WITH THE APPROPRIATE PRIMARY LAW 34 ENFORCEMENT OFFICER THAT PROVIDES FOR THE NOTIFICATION TO THE 35 ADMINISTRATION OF PERSONS NAMED IN OUTSTANDING WARRANTS. IN ADDITION TO ANY OTHER FEE OR PENALTY PROVIDED BY LAW, 37 THE OWNER OF A VEHICLE REFUSED REGISTRATION UNDER THIS SECTION SHALL

- 1 PAY A FEE ESTABLISHED BY THE ADMINISTRATION BEFORE RENEWAL OF THE
- 2 REGISTRATION OF THE VEHICLE.
- 3 (2) THE FEE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE
- 4 RETAINED BY THE ADMINISTRATION AND MAY NOT BE CREDITED TO THE GASOLINE
- 5 AND MOTOR VEHICLE REVENUE ACCOUNT FOR DISTRIBUTION UNDER § 8-403 OR §
- 6 8-404 OF THIS ARTICLE.
- 7 (H) (J) THE PROCEDURES SPECIFIED IN THIS SECTION ARE IN ADDITION TO
- 8 ANY OTHER PENALTY PROVIDED BY LAW FOR THE FAILURE TO MEET THE DEMANDS
- 9 SPECIFIED IN A WARRANT.
- 10 (K) THIS SECTION MAY NOT BE CONSTRUED TO REOUIRE THE
- 11 ADMINISTRATION TO ARREST A PERSON NAMED IN AN OUTSTANDING WARRANT.
- 12 16-204.
- 13 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS 14 INDICATED.
- 15 (2) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN § 16 13-406.1(A)(2) OF THIS ARTICLE.
- 17 (3) "OUTSTANDING WARRANT" HAS THE MEANING STATED IN §
- 18 13-406.1(A)(3) OF THIS ARTICLE.
- 19 (4) "PRIMARY LAW ENFORCEMENT OFFICER" HAS THE MEANING 20 STATED IN § 13-406.1(A)(4) OF THIS ARTICLE.
- 22 A LAW ENFORCEMENT AGENCY THAT AN INDIVIDUAL IS NAMED IN AN
- 23 OUTSTANDING WARRANT, THE ADMINISTRATION SHALL SUSPEND THE INDIVIDUAL'S

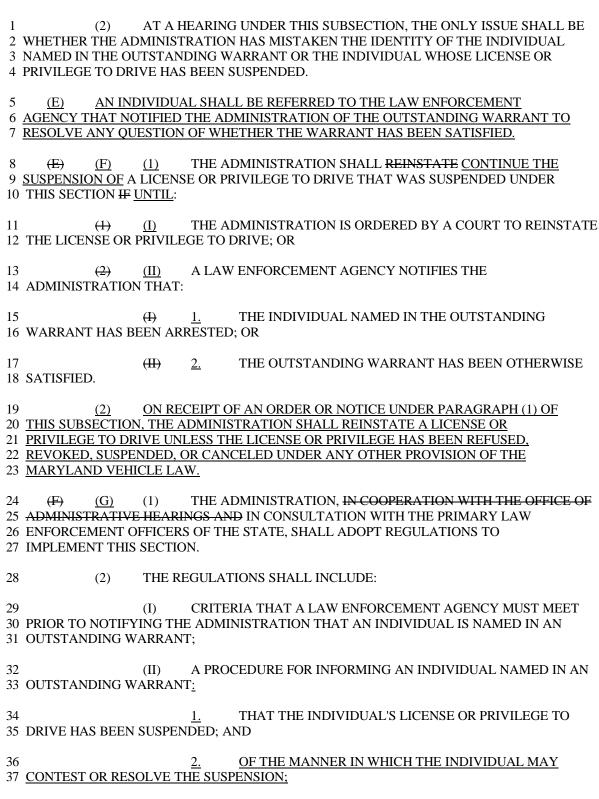
SUBJECT TO SUBSECTION (G) (H) OF THIS SECTION, ON NOTIFICATION BY

- 24 LICENSE OR PRIVILEGE TO DRIVE IN THE STATE.
- 25 (C) (1) BEFORE SUSPENDING A LICENSE OR PRIVILEGE TO DRIVE UNDER
- 26 SUBSECTION (B) OF THIS SECTION, THE ADMINISTRATION SHALL SEND WRITTEN
- 27 NOTICE OF THE PROPOSED ACTION TO THE INDIVIDUAL NAMED IN THE
- 28 OUTSTANDING WARRANT, INCLUDING NOTICE OF THE INDIVIDUAL'S RIGHT TO
- 29 CONTEST THE ACCURACY OF THE INFORMATION ON WHICH THE SUSPENSION IS
- 30 BASED.

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(B)

- 31 (2) ANY CONTEST UNDER THIS SUBSECTION SHALL BE LIMITED TO
- 32 WHETHER THE ADMINISTRATION HAS MISTAKEN THE IDENTITY OF THE INDIVIDUAL
- 33 NAMED IN THE OUTSTANDING WARRANT OR THE INDIVIDUAL WHOSE LICENSE OR
- 34 PRIVILEGE TO DRIVE HAS BEEN SUSPENDED.
- 35 (D) (1) AN INDIVIDUAL NAMED IN AN OUTSTANDING WARRANT MAY APPEAL
- 36 A DECISION OF THE ADMINISTRATION UNDER THIS SECTION TO SUSPEND THE
- 37 INDIVIDUAL' S LICENSE OR PRIVILEGE TO DRIVE.



- 1 (III) A PROCEDURE AND FORM WHICH MUST BE FOLLOWED BY THE
- 2 LAW ENFORCEMENT AGENCY TO NOTIFY THE ADMINISTRATION OF CHANGES IN THE
- 3 STATUS OF AN OUTSTANDING WARRANT; AND
- 4 (IV) A PROCEDURE FOR THE ADMINISTRATION TO CARRY OUT THE
- 5 SUSPENSION OF A LICENSE OR PRIVILEGE TO DRIVE AS AUTHORIZED UNDER THIS
- 6 SECTION.
- 7 (G) (H) IF A LAW ENFORCEMENT AGENCY MEETS THE CRITERIA
- 8 ESTABLISHED UNDER SUBSECTION (F) (G) OF THIS SECTION, THE ADMINISTRATION
- 9 SHALL ENTER INTO AN AGREEMENT WITH THE APPROPRIATE PRIMARY LAW
- 10 ENFORCEMENT OFFICER THAT PROVIDES FOR THE NOTIFICATION TO THE
- 11 ADMINISTRATION OF INDIVIDUALS NAMED IN OUTSTANDING WARRANTS.
- 12 (I) THE PROCEDURES SPECIFIED IN THIS SECTION ARE IN ADDITION TO ANY
- 13 OTHER PENALTY PROVIDED BY LAW FOR THE FAILURE TO MEET THE DEMANDS
- 14 SPECIFIED IN A WARRANT.
- 15 (H) (J) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE
- 16 ADMINISTRATION TO ARREST AN INDIVIDUAL NAMED IN AN OUTSTANDING
- 17 WARRANT.
- 18 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
- 19 General Assembly that the Motor Vehicle Administration shall work in consultation
- 20 with the primary law enforcement officers, as defined under Section 1 of this Act, on
- 21 the implementation of this Act and that the Administration provide for full
- 22 implementation of this Act at the earliest date practicable, but not later than
- 23 December 1, 2001.
- 24 SECTION 3. AND BE IT FURTHER ENACTED, That the Motor Vehicle
- 25 Administration, in consultation with the primary law enforcement officers in the
- 26 State that provide information to the Administration under Section 1 of this Act
- 27 regarding individuals named in outstanding arrest warrants, shall report to the
- 28 General Assembly pursuant to § 2-1246 of the State Government Article by October 1,
- 29 2001 2002 and each year thereafter on the effectiveness of this Act in reducing the
- 30 number of outstanding arrest warrants in those jurisdictions that provide arrest
- 31 warrant information to the Administration.
- 32 SECTION 3. 4. AND BE IT FURTHER ENACTED, That this Act shall take
- 33 effect October 1, 2000.