
By: **Delegate Bates**

Introduced and read first time: February 3, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Reckless and Negligent Driving - Bodily Injury or Death - Notice to Appear**

3 FOR the purpose of providing that a person issued a traffic citation for reckless or
4 negligent driving contributing to an accident that results in bodily injury to or
5 the death of another person may not comply with a notice to appear in court by
6 prepayment of a fine and must appear in person; providing that, if a person who
7 receives a certain citation fails to appear in court, the court may issue a warrant
8 for the person's arrest or notify the Motor Vehicle Administration of the
9 noncompliance within a certain period of time; requiring a police officer who
10 issues a certain citation to indicate on the citation that the person to whom the
11 citation is issued must appear for trial when notified by the court; and generally
12 relating to reckless and negligent driving contributing to accidents resulting in
13 bodily injury or death.

14 BY repealing and reenacting, without amendments,
15 Article - Transportation
16 Section 21-901.1
17 Annotated Code of Maryland
18 (2002 Replacement Volume and 2004 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Transportation
21 Section 26-201 and 26-204
22 Annotated Code of Maryland
23 (2002 Replacement Volume and 2004 Supplement)

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

26 **Article - Transportation**

27 21-901.1.

28 (a) A person is guilty of reckless driving if he drives a motor vehicle:

- 1 (1) In wanton or willful disregard for the safety of persons or property; or
- 2 (2) In a manner that indicates a wanton or willful disregard for the
3 safety of persons or property.
- 4 (b) A person is guilty of negligent driving if he drives a motor vehicle in a
5 careless or imprudent manner that endangers any property or the life or person of
6 any individual.
- 7 26-201.
- 8 (a) A police officer may charge a person with a violation of any of the following,
9 if the officer has probable cause to believe that the person has committed or is
10 committing the violation:
- 11 (1) The Maryland Vehicle Law, including any rule or regulation adopted
12 under any of its provisions;
- 13 (2) A traffic law or ordinance of any local authority;
- 14 (3) Title 9, Subtitle 2 of the Tax - General Article;
- 15 (4) Title 9, Subtitle 3 of the Tax - General Article; or
- 16 (5) Title 10, Subtitle 4 of the Business Regulation Article.
- 17 (b) A police officer who charges a person under this section shall issue a
18 written traffic citation to the person charged.
- 19 (c) A traffic citation issued to a person under this section shall contain:
- 20 (1) A notice to appear in court, including a notice that, if the offense is
21 not punishable by incarceration, the person may request a hearing regarding
22 sentencing and disposition in lieu of a trial as provided in § 26-204(b)(2) of this
23 subtitle;
- 24 (2) The name and address of the person;
- 25 (3) The number of the person's license to drive, if applicable;
- 26 (4) The State registration number of the vehicle, if applicable;
- 27 (5) The violation charged;
- 28 (6) Unless otherwise to be determined by the court, the time when and
29 place where the person is required to appear in court;
- 30 (7) A statement acknowledging receipt of the citation, to be signed by the
31 person;

1 (8) On the side of the citation to be signed by the person, a clear and
2 conspicuous statement that:

3 (i) The signing of the citation by the person does not constitute an
4 admission of guilt; and

5 (ii) The failure to sign may subject the person to arrest; and

6 (9) Any other necessary information.

7 (d) A POLICE OFFICER WHO ISSUES A TRAFFIC CITATION FOR A VIOLATION OF
8 § 21-901.1 OF THIS ARTICLE THAT CONTRIBUTES TO AN ACCIDENT THAT RESULTS IN
9 BODILY INJURY TO OR THE DEATH OF ANOTHER PERSON SHALL CHECK THE
10 APPROPRIATE BOX ON THE CITATION INDICATING THAT THE PERSON TO WHOM THE
11 CITATION IS ISSUED MUST APPEAR FOR TRIAL WHEN NOTIFIED BY THE COURT.

12 (E) Unless the person charged demands an earlier hearing, a time specified in
13 the notice to appear shall be at least 5 days after the alleged violation.

14 [(e)] (F) A place specified in the notice to appear shall be before a judge of the
15 District Court, as specified in § 26-401 of this title.

16 [(f)] (G) An officer who discovers a vehicle stopped, standing, or parked in
17 violation of § 21-1003 of this article shall:

18 (1) Deliver a citation to the driver or, if the vehicle is unattended, attach
19 a citation to the vehicle in a conspicuous place; and

20 (2) Keep a copy of the citation, bearing his certification under penalty of
21 perjury that the facts stated in the citation are true.

22 [(g)] (H) (1) A law enforcement officer who discovers a motor vehicle parked
23 in violation of § 13-402 of this article shall:

24 (i) Deliver a citation to the driver or, if the motor vehicle is
25 unattended, attach a citation to the motor vehicle in a conspicuous place; and

26 (ii) Keep a copy of the citation, bearing the law enforcement
27 officer's certification under penalty of perjury that the facts stated in the citation are
28 true.

29 (2) In the absence of the driver, the owner of the motor vehicle is
30 presumed to be the person receiving the citation or warning.

31 26-204.

32 (a) A person shall comply with the notice to appear contained:

33 (1) In a traffic citation issued to the person under this subtitle; or

1 (2) In a summons, other writ, or a trial notice issued by either the
2 District Court or a circuit court in an action on a traffic citation.

3 (b) (1) For purposes of this section AND SUBJECT TO PARAGRAPH (3) OF THIS
4 SUBSECTION, the person may comply with the notice to appear by:

5 (i) Appearance in person;

6 (ii) Appearance by counsel; or

7 (iii) Payment of the fine, if provided for in the citation.

8 (2) (i) Subject to the provisions of subparagraph (iii) of this paragraph,
9 a person who intends to comply with the notice to appear contained in a traffic
10 citation by appearance in person or by counsel may return a copy of the citation to the
11 District Court within the time allowed for payment of the fine indicating in the
12 appropriate space on the citation that the person:

13 1. Does not dispute the truth of the facts as alleged in the
14 citation; and

15 2. Requests, in lieu of a trial, a hearing before the Court
16 regarding sentencing and disposition.

17 (ii) A person who requests a hearing under the provisions of
18 subparagraph (i) of this paragraph waives:

19 1. Any right to a trial of the facts as alleged in the citation;
20 and

21 2. Any right to compel the appearance of the law
22 enforcement officer who issued the citation.

23 (iii) A person may request a hearing under the provisions of
24 subparagraph (i) of this paragraph only if the traffic citation is for an offense that is
25 not punishable by incarceration.

26 (3) IF A TRAFFIC CITATION IS ISSUED FOR A VIOLATION OF § 21-901.1 OF
27 THIS ARTICLE THAT CONTRIBUTES TO AN ACCIDENT THAT RESULTS IN BODILY
28 INJURY TO OR THE DEATH OF ANOTHER PERSON, THE PERSON ISSUED THE
29 CITATION:

30 (I) MAY NOT COMPLY WITH THE NOTICE TO APPEAR BY
31 PREPAYMENT OF A FINE UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION; AND

32 (II) SHALL APPEAR IN COURT IN PERSON.

33 (c) If a person fails to comply with the notice to appear, the District Court or a
34 circuit court may:

1 (1) Except as provided in subsection (f) of this section, issue a warrant
2 for the person's arrest; or

3 (2) After 5 days, notify the Administration of the person's
4 noncompliance.

5 (d) On receipt of a notice of noncompliance from the District Court or a circuit
6 court, the Administration shall notify the person that the person's driving privileges
7 shall be suspended unless, by the end of the 15th day after the date on which the
8 notice is mailed, the person:

9 (1) Pays the fine on the original charge as provided for in the original
10 citations; or

11 (2) Posts bond or a penalty deposit and requests a new date for a trial or
12 a hearing on sentencing and disposition.

13 (e) If a person fails to pay the fine or post the bond or penalty deposit under
14 subsection (d) of this section, the Administration may suspend the driving privileges
15 of the person.

16 (f) (1) [When] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
17 SUBSECTION, WHEN the offense is not punishable by incarceration, if the court
18 notifies the Administration of the person's noncompliance under subsection (c) of this
19 section, a warrant may not be issued for the person under this section until 20 days
20 after the original trial date.

21 (2) THIS SUBSECTION DOES NOT APPLY WHEN THE OFFENSE IS A
22 VIOLATION OF § 21-901.1 OF THIS ARTICLE THAT CONTRIBUTES TO AN ACCIDENT
23 THAT RESULTS IN BODILY INJURY TO OR THE DEATH OF ANOTHER PERSON.

24 (g) With the cooperation of the District Court and circuit courts, the
25 Administration shall develop procedures to carry out those provisions of this section
26 that relate to the suspension of driving privileges.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2005.