

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 559
Judiciary

(Delegate Bates)

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

This bill provides that if a traffic citation is issued to a person for reckless or negligent driving that contributes to an accident and results in bodily injury or death to another person, that person may not comply with the notice to appear by prepayment of a fine. Instead, the person must appear in court. A police officer who issues a traffic citation for any of these violations must check the appropriate box on the citation indicating that the person who receives the citation must appear for trial when notified by the court. If a person commits any of these offenses, but does not appear in court, and the court notifies the Motor Vehicle Administration (MVA) of the failure to appear, the requirement that a court must wait 20 days after the original trial date before issuing a warrant does not apply.

Fiscal Summary

State Effect: The bill's requirements could be met with existing resources.

Local Effect: The bill's requirements could be met with existing resources.

Small Business Effect: None.

Analysis

Current Law: A person is guilty of reckless driving if a motor vehicle is driven in wanton or willful disregard for the safety of persons or property. A violation is a misdemeanor, subject to a fine up to \$1,000. The MVA is also required to assess six points against the driver's license. The District Court currently assesses a fine of \$575 for this offense.

A person is guilty of negligent driving if a motor vehicle is driven in a careless or imprudent manner that endangers any property or the life or safety of any individual. This violation is a misdemeanor, subject to a maximum fine of \$500. The MVA must assess one point against the driver's license. The District Court currently assesses a fine of \$275 for this offense.

A traffic citation must contain: (1) a notice to appear in court; (2) the name and mailing address of the person cited; (3) the number of the person's driver's license and vehicle registration number, if applicable; (4) the violation charged; (5) the time and place for the required court appearance; and (6) a statement acknowledging receipt of the citation. In addition to any other necessary information, the citation must contain a clear and conspicuous statement that signing the citation does not constitute an admission of guilt, and that failure to sign the citation may subject the person to arrest.

Unless the person cited demands an earlier hearing, the notice to appear must be at least five days after the alleged violation. The appearance must be before a judge of the District Court.

A person may comply with a notice to appear by appearing in court in person, by appearance by counsel, or by payment of the fine, if provided for in the citation. A person may request, in lieu of trial, a hearing before the court on sentencing and disposition, if the person does not dispute the alleged facts and returns a copy of the citation to the District Court in the time allowed for payment of the fine. A person who requests a hearing on sentencing and disposition waives any right to a trial of the alleged facts and any right to compel the appearance of the law enforcement officer who issued the citation. Such a hearing may be requested only if the traffic citation is for an offense that is not punishable by incarceration.

If a person fails to comply with a notice to appear, the District Court or a circuit court may issue a warrant for the person's arrest, or after five days, notify the MVA of the person's noncompliance. If the MVA receives a notice of noncompliance from the District Court or a circuit court, the MVA must notify the person that his or her driving privileges will be suspended unless, by the end of the fifteenth day after the date on which the notice is mailed, the person pays the fine, or posts bond or a penalty deposit, and requests a new trial or hearing date. If the person fails to pay the fine, post the bond, or a penalty deposit, the MVA is authorized to suspend the driving privileges of that person.

When the offense is not punishable by incarceration, if a court notifies the MVA of a person's failure to appear, a warrant may not be issued until 20 days after the original trial date.

State Expenditures: In fiscal 2004, the District Court processed 712 citations for reckless driving and 2,357 citations for negligent driving. Some computer programming changes would be required under the bill. However, because a large number of citations are not anticipated under this bill's provisions, the Department of Legislative Services advises that the District Court can handle the bill's requirements using existing resources. It is also expected that the State Police and the MVA can meet the bill's requirements with existing resources.

Additional Information

Prior Introductions: A similar bill, HB 902 of 2004, passed the House but was not reported from the Judicial Proceedings Committee.

Cross File: None.

Information Source(s): Washington County, Montgomery County, Prince George's County, Kent County, Worcester County, Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Department of Legislative Services

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mp/jr

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