

HOUSE BILL 1265

R7

11r2826

By: **Chair, Baltimore County Delegation (By Request – Baltimore County Administration)**

Introduced and read first time: February 22, 2011

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Parking Violations – Administrative Enforcement by**
3 **Baltimore County**

4 FOR the purpose of authorizing Baltimore County, by ordinance, to establish an
5 alternative enforcement program for the issuance of civil parking citations for
6 violations of certain restrictions on the stopping, standing, or parking of
7 vehicles; establishing certain requirements for an ordinance adopted under this
8 Act; requiring an ordinance adopted under this Act to provide for a certain
9 judicial review in the Circuit Court for Baltimore County; requiring an
10 ordinance adopted under this Act to provide for certain remedies; requiring an
11 ordinance adopted under this Act to require a certain agency or board to provide
12 a certain notification to the Motor Vehicle Administration; requiring the
13 Administration to treat the failure to pay a certain fine, request a certain
14 adjudication, or appear at a certain adjudication in a certain manner;
15 establishing that a civil parking citation issued under a certain ordinance is not
16 a civil citation subject to the jurisdiction of the District Court; establishing that
17 an adjudication of a certain civil parking citation is not a criminal conviction
18 and does not impose certain liabilities; establishing that a certain person may
19 appeal to the Circuit Court for Baltimore County in a certain manner from
20 certain civil parking citations; establishing the evidence admissible on appeal;
21 authorizing the court to order the presiding officers of the board or agency or
22 take additional evidence under certain circumstances; authorizing the board or
23 agency to modify a certain decision under certain circumstances; requiring the
24 board or agency to file certain information with the reviewing court; authorizing
25 the administrative judge of the Circuit Court for Baltimore County to adopt
26 certain procedures for the appeal of civil parking citations issued in accordance
27 with an ordinance adopted under this Act; establishing that the owner of a
28 rental vehicle is not liable for a certain penalty under certain circumstances;
29 providing that a certain provision of law relating to actions a person receiving a
30 citation may take does not apply to citations issued in accordance with an

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 ordinance adopted under this Act; prohibiting the Administration from
 2 registering or transferring the registration of a vehicle under certain
 3 circumstances; authorizing the Administration to suspend the registration of a
 4 vehicle under certain circumstances; establishing that certain provisions
 5 relating to the disposition and records of traffic citations do not affect or modify
 6 certain procedures established under an ordinance adopted in accordance with
 7 this Act; providing that certain provisions relating to violations of license
 8 restrictions or rules or regulations adopted under the Maryland Vehicle Law do
 9 not apply to an ordinance adopted in accordance with this Act; providing for the
 10 application of an ordinance adopted under this Act; and generally relating to
 11 the enforcement of parking violations in Baltimore County.

12 BY adding to
 13 Article – Courts and Judicial Proceedings
 14 Section 4–402(g); and 12–801 to be under the new subtitle “Subtitle 8. Review of
 15 Decisions of Local Adjudicatory Board”
 16 Annotated Code of Maryland
 17 (2006 Replacement Volume and 2010 Supplement)

18 BY repealing and reenacting, without amendments,
 19 Article – Transportation
 20 Section 21–1003, 25–102(a)(1), and 26–301(b)
 21 Annotated Code of Maryland
 22 (2009 Replacement Volume and 2010 Supplement)

23 BY repealing and reenacting, with amendments,
 24 Article – Transportation
 25 Section 26–301(d), 26–303, 26–305(a) and (b), 26–407(a), and 27–102
 26 Annotated Code of Maryland
 27 (2009 Replacement Volume and 2010 Supplement)

28 BY adding to
 29 Article – Transportation
 30 Section 26–301.1
 31 Annotated Code of Maryland
 32 (2009 Replacement Volume and 2010 Supplement)

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

35 **Article – Courts and Judicial Proceedings**

36 4–402.

37 **(G) THE DISTRICT COURT DOES NOT HAVE JURISDICTION OVER A CIVIL**
 38 **PARKING CITATION ISSUED IN ACCORDANCE WITH A BALTIMORE COUNTY**
 39 **ORDINANCE ADOPTED UNDER § 26–301.1 OF THE TRANSPORTATION ARTICLE.**

1 **2. ANY MODIFICATION OF THE DECISION OF THE**
2 **BOARD OR AGENCY.**

3 **(C) THE ADMINISTRATIVE JUDGE OF THE CIRCUIT COURT FOR**
4 **BALTIMORE COUNTY MAY ADOPT PROCEDURES FOR TAKING THE APPEAL.**

5 **Article – Transportation**

6 21–1003.

7 (a) The provisions of this section apply except as necessary to avoid conflict
8 with other traffic or in compliance with law or the directions of a police officer or
9 traffic control device.

10 (b) A person may not stop, stand, or park a vehicle in front of a public
11 driveway.

12 (c) A person may not stop, stand, or park a vehicle on a sidewalk.

13 (d) A person may not stop, stand, or park a vehicle in an intersection.

14 (e) A person may not stop, stand, or park a vehicle on a crosswalk.

15 (f) A person may not stop, stand, or park a vehicle between a safety zone and
16 the adjacent curb or within 30 feet of points on the curb immediately opposite the ends
17 of a safety zone, unless the State Highway Administration or local authority indicates
18 a different length by signs or markings.

19 (g) A person may not stop, stand, or park a vehicle alongside or opposite any
20 highway excavation or obstruction if to do so would obstruct traffic.

21 (h) A person may not stop, stand, or park a vehicle on any bridge or other
22 elevated structure on a highway.

23 (i) A person may not stop, stand, or park a vehicle in a highway tunnel.

24 (j) A person may not stop, stand, or park a vehicle at any place where
25 stopping is prohibited by an official sign.

26 (k) A person may not stop, stand, or park a vehicle on any entrance or exit
27 ramp of any highway with two or more lanes for traffic moving in the same direction.

28 (l) A person may not stand or park a vehicle in front of a private driveway
29 without the consent of the owner or occupant of the premises.

30 (m) A person may not stand or park a vehicle within 15 feet of a fire hydrant.

1 (n) (1) This subsection does not apply in Baltimore City.

2 (2) A person may not stand or park a vehicle within 20 feet of a
3 crosswalk at an intersection.

4 (o) A person may not stand or park a vehicle within 30 feet on the approach
5 to any flashing signal, stop sign, yield sign, or traffic control signal located at the side
6 of a roadway.

7 (p) A person may not stand or park a vehicle within 20 feet of the driveway
8 entrance to any fire station or on the side of a highway opposite the entrance to any
9 fire station within 75 feet of the entrance, if properly signposted.

10 (q) A person may not stand or park a vehicle at any place where standing is
11 prohibited by an official sign.

12 (r) A person may not stand or park a vehicle on the roadway side of any
13 other vehicle that is stopped or parked at the edge or curb of a highway.

14 (s) A person may not stand or park a vehicle on a curve or hill where solid
15 lines on the surface of the roadway indicate a zone in which passing is prohibited.

16 (t) A person may not park a vehicle within 50 feet of the nearest rail in a
17 railroad grade crossing.

18 (u) A person may not stop, stand, or park a vehicle unless for the use of an
19 individual with a disability, in a space or zone marked as restricted for the use of
20 individuals with disabilities.

21 (v) A person may not park a vehicle on any property owned by the Board of
22 Education of Montgomery County or Montgomery College where parking is prohibited
23 by an official sign.

24 (w) A person may not park a vehicle on any property owned by the Board of
25 Education of Baltimore County or the community colleges of Baltimore County where
26 parking is prohibited by an official sign.

27 (x) A person may not park a vehicle on any property owned by the Board of
28 Education of Wicomico County or the community colleges of Wicomico County where
29 parking is prohibited by an official sign.

30 (y) A person may not park a vehicle on any property owned by the Board of
31 Education of Prince George's County where parking is prohibited by an official sign.

32 (z) A person may not park a vehicle on any property owned by the Board of
33 Education of Calvert County, Charles County, or St. Mary's County or the community
34 colleges of Calvert County, Charles County, or St. Mary's County where parking is
35 prohibited by an official sign.

1 (aa) A person may not park a vehicle at any other place where parking is
2 prohibited by an official sign.

3 (bb) A person may not move a vehicle that he does not lawfully control into
4 any prohibited area.

5 (cc) A person may not move a vehicle that the person does not lawfully control
6 away from a curb for an unlawful distance.

7 (dd) A person may not stop, stand, or park a vehicle in front of a curb ramp
8 designed for the use of individuals with disabilities.

9 (ee) A person may not stop, stand, or park a vehicle in front of or on a
10 passenger loading zone designed or marked for the use of individuals with disabilities.

11 25–102.

12 (a) The provisions of the Maryland Vehicle Law do not prevent a local
13 authority, in the reasonable exercise of its police power, from exercising the following
14 powers as to highways under its jurisdiction:

15 (1) Subject to the provisions of § 21–1003.1 of this article, regulating
16 or prohibiting the stopping, standing, or parking of vehicles;

17 26–301.

18 (b) Subject to subsection (c) of this section, any State agency authorized by
19 law and any political subdivision of this State may adopt ordinances or regulations
20 that:

21 (1) Regulate the parking of vehicles;

22 (2) Provide for the impounding of vehicles parked in violation of the
23 ordinances or regulations;

24 (3) Regulate the towing of vehicles from publicly owned and privately
25 owned parking lots; and

26 (4) Provide for the issuance of a citation by an officer for a violation of
27 an ordinance or regulation that is adopted under this section.

28 (d) (1) In this subsection, “rental vehicle” means a vehicle that is rented
29 or leased for a period not exceeding 180 days.

30 (2) If a parking citation is issued for a rental vehicle, the owner is not
31 liable for any penalty in excess of the original fine for a parking violation unless the

1 owner fails to pay the fine [or], file a notice of intention to stand trial for the violation,
2 **OR REQUEST A HEARING IN ACCORDANCE WITH AN ORDINANCE ADOPTED**
3 **UNDER § 26-301.1 OF THIS SUBTITLE** within the time specified in a notice of the
4 infraction mailed to the business address of the owner.

5 (3) If a political subdivision or State agency receives payment for a
6 parking violation from both the owner of the vehicle and the person who had
7 possession of the rental vehicle at the time the parking citation was issued, the
8 political subdivision or State agency shall reimburse the owner of the vehicle for the
9 amount paid by the owner for the violation.

10 **26-301.1.**

11 (A) **BY ORDINANCE, BALTIMORE COUNTY MAY PROVIDE FOR AN**
12 **ALTERNATIVE ENFORCEMENT PROGRAM FOR THE ISSUANCE OF CIVIL PARKING**
13 **CITATIONS FOR VIOLATIONS OF § 21-1003 OF THIS ARTICLE OR AN ORDINANCE**
14 **ADOPTED BY THE COUNTY TO REGULATE OR PROHIBIT THE STOPPING,**
15 **STANDING, OR PARKING OF VEHICLES.**

16 (B) **AN ORDINANCE ADOPTED UNDER THIS SECTION SHALL:**

17 (1) **PROVIDE FOR THE CONTENTS OF CIVIL PARKING CITATIONS;**

18 (2) **DETERMINE THE AMOUNT OF THE FINES FOR PARKING**
19 **VIOLATIONS ENFORCED BY CIVIL PARKING CITATIONS;**

20 (3) **IDENTIFY THE INDIVIDUALS AUTHORIZED TO ISSUE CIVIL**
21 **PARKING CITATIONS;**

22 (4) **ESTABLISH AN AGENCY OR BOARD TO PROCESS CIVIL**
23 **PARKING CITATIONS, COLLECT FINES, AND ADJUDICATE CONTESTED**
24 **CITATIONS;**

25 (5) **PROVIDE THAT A PERSON ISSUED A CITATION HAS THE RIGHT**
26 **TO AN IN-PERSON HEARING BEFORE THE AGENCY OR BOARD ADJUDICATING**
27 **CITATIONS;**

28 (6) **SPECIFY THAT THE STANDARD OF PROOF IN CONTESTED**
29 **CASES IS THE PREPONDERANCE OF EVIDENCE STANDARD; AND**

30 (7) **INCORPORATE THE PROVISIONS OF § 26-301(D) OF THIS**
31 **SUBTITLE.**

1 **(C) AN ORDINANCE ADOPTED UNDER THIS SECTION SHALL PROVIDE**
2 **THAT A PERSON AGGRIEVED BY A FINAL DECISION OF AN ADJUDICATING**
3 **AGENCY OR BOARD ON THE DISPOSITION OF A CIVIL PARKING CITATION MAY**
4 **SEEK JUDICIAL REVIEW IN THE CIRCUIT COURT FOR BALTIMORE COUNTY IN**
5 **ACCORDANCE WITH § 12-801 OF THE COURTS ARTICLE.**

6 **(D) (1) AN ORDINANCE ADOPTED UNDER THIS SECTION SHALL**
7 **PROVIDE THAT THE ONLY REMEDIES FOR THE FAILURE TO PAY THE FINE ON A**
8 **CIVIL PARKING CITATION, REQUEST AN ADJUDICATION OF A CIVIL PARKING**
9 **CITATION, OR APPEAR AT AN ADJUDICATION OF A CIVIL PARKING CITATION**
10 **ARE:**

11 **(I) THE ACTIONS SPECIFIED IN § 26-305 OF THIS**
12 **SUBTITLE; AND**

13 **(II) ANY ACTION TAKEN UNDER A LOCAL ORDINANCE**
14 **RELATING TO TOWING, BOOTING, OR IMPOUNDING VEHICLES.**

15 **(2) AN ORDINANCE ADOPTED UNDER THIS SECTION SHALL**
16 **REQUIRE THE AGENCY OR BOARD ESTABLISHED TO ADMINISTER CIVIL PARKING**
17 **CITATIONS TO NOTIFY THE ADMINISTRATION OF A PERSON'S FAILURE TO PAY A**
18 **FINE ON A CIVIL PARKING CITATION, REQUEST AN ADJUDICATION OF A CIVIL**
19 **PARKING CITATION, OR APPEAR AT AN ADJUDICATION OF A CIVIL PARKING**
20 **CITATION.**

21 **(3) THE ADMINISTRATION SHALL TREAT THE FAILURE TO PAY A**
22 **FINE ON A CIVIL PARKING CITATION, REQUEST AN ADJUDICATION OF A CIVIL**
23 **PARKING CITATION, OR APPEAR AT AN ADJUDICATION OF A CIVIL PARKING**
24 **CITATION IN THE SAME MANNER AS OTHER PARKING CITATIONS FOR PURPOSES**
25 **OF § 26-305 OF THIS SUBTITLE.**

26 **(E) (1) A CIVIL PARKING CITATION ISSUED IN ACCORDANCE WITH AN**
27 **ORDINANCE ADOPTED UNDER THIS SECTION IS NOT A CIVIL CITATION SUBJECT**
28 **TO THE ORIGINAL JURISDICTION OF THE DISTRICT COURT.**

29 **(2) THE ADJUDICATION OF A CIVIL PARKING VIOLATION IN**
30 **ACCORDANCE WITH AN ORDINANCE ADOPTED UNDER THIS SECTION IS NOT A**
31 **CRIMINAL CONVICTION FOR ANY PURPOSE AND DOES NOT IMPOSE ANY OF THE**
32 **CIVIL DISABILITIES ORDINARILY IMPOSED BY A CRIMINAL CONVICTION.**

33 26-303.

34 (a) (1) The person receiving a citation under this subtitle shall:

1 (i) Pay for the parking violation directly to the political
2 subdivision or State agency serving the citation; or

3 (ii) Elect to stand trial for the violation.

4 (2) An election to stand trial shall be made by sending a notice of
5 intention to stand trial to the political subdivision or State agency at least 5 days
6 before the payment date specified in the citation.

7 (b) (1) If a person elects to stand trial and desires the presence at trial of
8 the officer who issued the citation, he shall so notify the political subdivision or State
9 agency at the time the notice of intention to stand trial is given.

10 (2) If proper notification is not given, the officer need not appear at the
11 trial, and the copy of the citation bearing the certification of the officer is prima facie
12 evidence of the facts stated in it.

13 (c) **THIS SECTION DOES NOT APPLY TO CITATIONS FOR CIVIL PARKING**
14 **VIOLATIONS ISSUED IN ACCORDANCE WITH AN ORDINANCE ADOPTED UNDER §**
15 **26-301.1 OF THIS SUBTITLE.**

16 26-305.

17 (a) The Administration may not register or transfer the registration of any
18 vehicle involved in a parking violation under this subtitle, **A PARKING VIOLATION**
19 **ENFORCED BY A CIVIL PARKING CITATION UNDER AN ORDINANCE ADOPTED IN**
20 **ACCORDANCE WITH § 26-301.1 OF THIS SUBTITLE**, a violation under any federal
21 parking regulation that applies to property in this State under the jurisdiction of the
22 U.S. government, a violation of § 21-202(h) of this article as determined under §
23 21-202.1 of this article or Title 21, Subtitle 8 of this article as determined under §
24 21-809 or § 21-810 of this article, or a violation of the State litter control law or a local
25 law or ordinance adopted by Baltimore City relating to the unlawful disposal of litter
26 as determined under § 10-112 of the Criminal Law Article, if:

27 (1) It is notified by a political subdivision or authorized State agency
28 that the person cited for the violation under this subtitle, § 21-202.1, § 21-809, or §
29 21-810 of this article, or § 10-112 of the Criminal Law Article has failed to either:

30 (i) Pay the fine for the violation by the date specified in the
31 citation; or

32 (ii) File a notice of his intention to stand trial for the violation;

33 (2) It is notified by the District Court that a person who has elected to
34 stand trial for the violation under this subtitle, under § 21-202.1, § 21-809, or §
35 21-810 of this article, or under § 10-112 of the Criminal Law Article has failed to
36 appear for trial; [or]

1 (3) It is notified by a U.S. District Court that a person cited for a
2 violation under a federal parking regulation:

3 (i) Has failed to pay the fine for the violation by the date
4 specified in the federal citation; or

5 (ii) Either has failed to file a notice of the person's intention to
6 stand trial for the violation, or, if electing to stand trial, has failed to appear for trial;
7 **OR**

8 (4) **IT IS NOTIFIED BY BALTIMORE COUNTY THAT A PERSON**
9 **GIVEN A CIVIL PARKING CITATION ISSUED IN ACCORDANCE WITH AN**
10 **ORDINANCE ADOPTED UNDER § 26-301.1 OF THIS SUBTITLE:**

11 (I) **HAS FAILED TO PAY THE FINE FOR THE VIOLATION BY**
12 **THE DATE SPECIFIED IN THE CIVIL PARKING CITATION; OR**

13 (II) 1. **HAS FAILED TO REQUEST ADJUDICATION OF THE**
14 **CIVIL PARKING CITATION; OR**

15 2. **IF REQUESTING ADJUDICATION, HAS FAILED TO**
16 **APPEAR AT THE SCHEDULED ADJUDICATION.**

17 (b) (1) Notwithstanding the provisions of subsection (a) of this section, the
18 Administration may suspend the registration of a vehicle involved in a parking
19 violation under this subtitle, **A CIVIL PARKING CITATION ISSUED IN ACCORDANCE**
20 **WITH AN ORDINANCE ADOPTED UNDER § 26-301.1 OF THIS SUBTITLE**, or a
21 violation under any federal parking regulation that applies to property in this State
22 under the jurisdiction of the U.S. government if notified in accordance with subsection
23 (a) of this section that the violator is a chronic offender.

24 (2) The Administration may adopt rules and regulations to define
25 chronic offender and develop procedures to carry out the suspension of registration as
26 authorized by this subsection.

27 26-407.

28 (a) This section does not affect or modify [the]:

29 (1) **THE** procedures established under Subtitle 3 of this title as to
30 violations of parking ordinances or regulations adopted under that subtitle; **OR**

1 **(2) THE PROCEDURES ESTABLISHED BY AN ORDINANCE ADOPTED**
2 **UNDER § 26-301.1 OF THIS TITLE, INCLUDING PROCEDURES REQUIRING THE**
3 **ADMINISTRATIVE ADJUDICATION OF CIVIL PARKING CITATIONS.**

4 27-102.

5 Except as provided in §§ 21-1207.1 AND 26-301.1 of this article, any person
6 who violates a restriction imposed on any license under the Maryland Vehicle Law or
7 who violates any rule or regulation adopted under any provision of the Maryland
8 Vehicle Law is guilty of a misdemeanor and, in addition to any administrative penalty
9 provided for in the Maryland Vehicle Law, is subject to the penalties provided for in §
10 27-101(b) or (c) of this title or, if greater, to the same penalties as are provided for a
11 violation of the statute for or under which the restriction is imposed or the rule or
12 regulation adopted.

13 SECTION 2. AND BE IT FURTHER ENACTED, That any ordinance adopted
14 under this Act shall be construed to apply only prospectively and may not be applied
15 or interpreted to have any effect on or application to any parking citation issued before
16 the effective date of the ordinance.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2011.