

SB0234/328673/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 234
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Young” and substitute “Young, Carter, and Hettleman”; strike beginning with “repealing” in line 12 down through “circumstances;” in line 15; and strike beginning with “requiring” in line 17 down through “information” in line 18 and substitute “altering certain procedures for a State court when a driver fails to pay a fine or fails to enter into certain programs that authorize installment plan payments for certain motor vehicle traffic citations”.

On page 2, in line 6, after “17–207” insert “and 27–103”; in line 11, after the second comma insert “and”; in the same line, strike “, and 27–103”; and after line 13, insert:

“BY adding to

Article – Transportation

Section 27–103

Annotated Code of Maryland

(2012 Replacement Volume and 2019 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 19, strike “**HAS FAILED**” and substitute “**IS REQUIRED**”; in line 22, after “(b)” insert “**(1)**”; in line 24, after “of” insert “**:**”

**(I) ONE OR MORE CITATIONS FOR A PAYABLE VIOLATION
ISSUED UNDER § 26–201 OF THE TRANSPORTATION ARTICLE; OR**

(II)”;

(Over)

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in the same line, strike “one” and substitute “ONE”; in the same line, after “imposed” insert “AT A HEARING OR TRIAL”; after line 24, insert:

“(2) A DEFENDANT WHO AGREES TO ENTER INTO AN INSTALLMENT PLAN AGREEMENT FOR THE PAYMENT OF ONE OR MORE CITATIONS UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION CONSENTS TO CONVICTION AT THE TIME OF THE AGREEMENT.”;

and in line 26, strike “\$300” and substitute “\$150”.

On page 3, strike in their entirety lines 5 through 19, inclusive, and substitute:

“(4) (I) IF A DEFENDANT FAILS TO PAY A FINE IN ACCORDANCE WITH AN INSTALLMENT PLAN AGREEMENT UNDER THIS SECTION, THE CLERK OF THE COURT MAY:

1. REFER THE AMOUNT OF THE UNPAID OUTSTANDING FINE TO THE CENTRAL COLLECTION UNIT OF THE DEPARTMENT OF BUDGET AND MANAGEMENT; OR

2. PROCESS THE UNPAID OUTSTANDING FINE AS IT WOULD OTHER OUTSTANDING FINES OWED THE COURT.

(II) THE CLERK OF THE COURT SHALL PROVIDE NOTICE TO THE DEFENDANT OF THE DISPOSITION OF THE UNPAID OUTSTANDING FINE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IN THE SAME MANNER REQUIRED FOR OTHER OUTSTANDING FINES PROCESSED IN THE SAME MANNER.”.

On page 7, in line 11, strike “APPLICABLE” and substitute “THE DEFENDANT HAS AT LEAST \$150 IN TOTAL OUTSTANDING FINES AND IS OTHERWISE”.

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QUALIFIED TO ENTER INTO A PAYMENT PLAN"; in lines 16, 17, and 20, in each instance, strike the bracket; and strike beginning with "INITIATE" in line 20 down through "PERSON;" in line 21.

On page 8, in line 16, strike "APPLICABLE" and substitute "THE DEFENDANT HAS AT LEAST \$150 IN TOTAL OUTSTANDING FINES AND IS OTHERWISE QUALIFIED TO ENTER INTO A PAYMENT PLAN".

On page 9, in line 17, strike "or"; and in line 19, after "offense" insert "; **OR**

(IV) ENTERING INTO A PAYMENT PLAN UNDER § 7-504.1 OF THE COURTS ARTICLE, IF APPLICABLE".

On page 10, in lines 16 and 17, in each instance, strike the bracket; strike beginning with "ADMINISTRATION" in line 17 down through "FINE" in line 18; in line 24, strike "Posts bond or a penalty deposit and requests" and substitute "REQUESTS"; in line 26, after "(e)" insert "(1)"; strike beginning with "post" in line 26 down through "deposit" in line 27 and substitute "REQUEST A NEW DATE FOR A TRIAL OR HEARING"; in line 28, strike the brackets; strike beginning with "INITIATE" in line 28 down through "FINE" in line 29; and after line 29, insert:

"(2) ON NOTICE FROM THE DISTRICT COURT OR A CIRCUIT COURT THAT A PERSON HAS PAID THE FINE, ENTERED INTO A PAYMENT PLAN, OR REQUESTED A NEW DATE FOR A TRIAL OR HEARING, THE ADMINISTRATION SHALL WITHDRAW THE SUSPENSION OF THE DRIVER'S LICENSE OR DRIVING PRIVILEGES OF THE PERSON.

(3) ON NOTICE FROM THE DISTRICT COURT OR A CIRCUIT COURT THAT A PERSON WHO REQUESTED A NEW DATE FOR A TRIAL OR A HEARING UNDER PARAGRAPH (2) OF THIS SUBSECTION FAILED TO ATTEND THE NEW TRIAL

(Over)

OR HEARING, THE ADMINISTRATION SHALL SUSPEND THE DRIVER'S LICENSE OR DRIVING PRIVILEGES OF THE PERSON UNTIL THE PERSON:

- (I) APPEARS BEFORE THE COURT AT A TRIAL OR HEARING;
- (II) PAYS THE FINE, IF PROVIDED FOR IN THE ORIGINAL CHARGE; OR
- (III) ENTERS INTO A PAYMENT PLAN UNDER § 5-504.1 OF THE COURTS ARTICLE, IF APPLICABLE.”.

On page 11, in line 7, strike in their entirety lines 6 through 20, inclusive, and substitute:

“27-103.

(A) IF A PERSON FINED UNDER THE MARYLAND VEHICLE LAW DOES NOT PAY THE FINE OR ENTER INTO A PAYMENT PLAN UNDER § 7-504.1 OF THE COURTS ARTICLE, THE COURT MAY:

(1) REFER THE AMOUNT OF THE UNPAID OUTSTANDING FINE TO THE CENTRAL COLLECTION UNIT OF THE DEPARTMENT OF BUDGET AND MANAGEMENT; OR

(2) PROCESS THE UNPAID OUTSTANDING FINE AS IT WOULD OTHERWISE PROCESS OUTSTANDING FINES OWED THE COURT.

(B) THE COURT SHALL PROVIDE NOTICE TO THE PERSON OF THE DISPOSITION OF THE UNPAID OUTSTANDING FINE UNDER SUBSECTION (A) OF

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THIS SECTION IN THE SAME MANNER REQUIRED FOR OTHER OUTSTANDING FINES PROCESSED IN THE SAME MANNER.”.

AMENDMENT NO. 3

On page 11, in line 21, strike “this” and substitute “:

(a) This”;

after line 24 insert:

“(b) For a driver’s license or driving privilege suspended due to a defendant’s failure to pay a fine imposed by the court following a trial or hearing or for the failure of a defendant to make a payment in accordance with a payment plan, the Motor Vehicle Administration shall withdraw the suspension of the driver’s license or driving privileges of the defendant and the court shall process the outstanding debt owed in accordance with the requirements of § 7–504.1 of the Courts Article, as enacted by Section 1 of this Act.

“(c) For a driver’s license or driving privilege suspended due to a defendant’s failure to respond to the notice provided in a traffic citation under § 26–201 of the Transportation Article, the Motor Vehicle Administration shall withdraw the suspension of the driver’s license or driving privilege and follow the notice and procedural requirements of § 26-204(d) and (e) of the Transportation Article, as enacted by Section 1 of this Act.”;

and in line 25, strike “July” and substitute “October”.