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**By: Delegate T. Murphy**

Introduced and read first time: January 31, 1996

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

**2 Vehicle Laws - Obstruction of Traffic While Soliciting Prostitution**

3 FOR the purpose of prohibiting a person from obstructing traffic with a motor vehicle  
4 while soliciting an act of lewdness, prostitution, or assignation; authorizing the  
5 Motor Vehicle Administration to suspend the driver's license of a person convicted  
6 of a violation of this Act; requiring a court to notify the Motor Vehicle  
7 Administration when a person is convicted of a violation of this Act; providing for  
8 the length of a driver's license suspension under this Act; and generally relating to  
9 the offense of obstructing traffic with a motor vehicle while soliciting an act of  
10 lewdness, prostitution, or assignation.

11 BY repealing and reenacting, without amendments,  
12 Article 27 - Crimes and Punishments  
13 Section 16  
14 Annotated Code of Maryland  
15 (1992 Replacement Volume and 1995 Supplement)

16 BY adding to  
17 Article - Transportation  
18 Section 21-1121  
19 Annotated Code of Maryland  
20 (1992 Replacement Volume and 1995 Supplement)

21 BY repealing and reenacting, without amendments,  
22 Article - Transportation  
23 Section 26-201  
24 Annotated Code of Maryland  
25 (1992 Replacement Volume and 1995 Supplement)

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

28 **Article 27 - Crimes and Punishments**

29 16.

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1           The term "prostitution" shall be construed to mean the offering or receiving of the  
2 body for sexual intercourse for hire. The term "lewdness" shall be construed to mean any  
3 unnatural sexual practice. The term "assignation" shall be construed to include the  
4 making of any appointment, or engagement for prostitution or lewdness or any act in  
5 furtherance of such appointment or engagement.

6           **Article - Transportation**

7 21-1121.

8           (A) A PERSON MAY NOT OBSTRUCT TRAFFIC WITH A MOTOR VEHICLE WHILE  
9 SOLICITING AN ACT OF LEWDNESS, PROSTITUTION, OR ASSIGNATION AS DEFINED IN  
10 ARTICLE 27, § 16 OF THE CODE.

11           (B) IN ADDITION TO ANY OTHER PENALTIES IMPOSED FOR A VIOLATION OF  
12 THIS SECTION, THE ADMINISTRATION MAY SUSPEND THE LICENSE OF A PERSON  
13 WHO IS CONVICTED UNDER THIS SECTION OF OBSTRUCTING TRAFFIC WHILE  
14 SOLICITING AN ACT OF LEWDNESS, PROSTITUTION, OR ASSIGNATION.

15           (C) IF A PERSON IS CONVICTED OF A VIOLATION UNDER THIS SECTION, THE  
16 COURT PROMPTLY SHALL NOTIFY THE ADMINISTRATION OF THE VIOLATION.

17           (D) ON RECEIPT OF A NOTICE DESCRIBED IN SUBSECTION (C) OF THIS  
18 SECTION, THE ADMINISTRATION MAY SUSPEND THE LICENSE OF THE PERSON  
19 CONVICTED OF VIOLATING THIS SECTION:

20                   (1) FOR A FIRST OFFENSE, FOR 60 DAYS; AND

21                   (2) FOR A SECOND OR SUBSEQUENT OFFENSE, FOR 120 DAYS.

22           (E) A VIOLATION OF THIS SECTION IS NOT A MOVING VIOLATION FOR THE  
23 PURPOSE OF ASSESSING POINTS UNDER § 16-402 OF THIS ARTICLE.

24 26-201.

25           (a) A police officer may charge a person with a violation of any of the following,  
26 if the officer has probable cause to believe that the person has committed or is  
27 committing the violation:

28                   (1) The Maryland Vehicle Law, including any rule or regulation adopted  
29 under any of its provisions;

30                   (2) A traffic law or ordinance of any local authority;

31                   (3) Title 9, Subtitle 2 of the Tax - General Article;

32                   (4) Title 9, Subtitle 3 of the Tax - General Article; or

33                   (5) Title 10, Subtitle 4 of the Business Regulation Article.

34           (b) A police officer who charges a person under this section shall issue a written  
35 traffic citation to the person charged.

36           (c) A traffic citation issued to a person under this section shall contain:

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1 (1) A notice to appear in court, including a notice that, if the offense is not  
2 punishable by incarceration, the person may request a hearing regarding sentencing and  
3 disposition in lieu of a trial as provided in § 26-204(b)(2) of this subtitle;

4 (2) The name and address of the person;

5 (3) The number of the person's license to drive, if applicable;

6 (4) The State registration number of the vehicle, if applicable;

7 (5) The violation charged;

8 (6) Unless otherwise to be determined by the court, the time when and  
9 place where the person is required to appear in court;

10 (7) A statement acknowledging receipt of the citation, to be signed by the  
11 person;

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

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

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

17 (9) Any other necessary information.

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

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

22 (f) An officer who discovers a vehicle stopped, standing, or parked in violation of  
23 § 21-1003 of this article shall:

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

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

28 (g) (1) A law enforcement officer who discovers a motor vehicle parked in  
29 violation of § 13-402 of this article shall:

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

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

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

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 1996.