
By: Delegate Rudolph

Introduced and read first time: February 3, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles - Multiple Violations - Penalties**

3 FOR the purpose of requiring the Motor Vehicle Administration to assess a certain
4 number of points for a certain number of violations arising out of a single traffic
5 incident; imposing an additional penalty on a person who is convicted of a certain
6 number of violations arising out of a single traffic incident; specifying that this Act
7 applies to certain types of violations; requiring the State's Attorney who seeks
8 additional penalties under this Act to provide certain notice; requiring that certain
9 types of traffic citations include a notice to appear in court; and generally relating to
10 the penalties for motor vehicle violations.

11 BY repealing and reenacting, with amendments,
12 Article - Transportation
13 Section 16-402(b) and 26-201(c)
14 Annotated Code of Maryland
15 (1992 Replacement Volume and 1996 Supplement)

16 BY adding to
17 Article - Transportation
18 Section 16-402(a)(34) and 27-101(r)
19 Annotated Code of Maryland
20 (1992 Replacement Volume and 1996 Supplement)

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

23 **Article - Transportation**

24 16-402.

25 (a) After the conviction of an individual for a violation of Article 27, § 388, §
26 388A, or § 388B of the Code, or of the vehicle laws or regulations of this State or of any
27 local authority, points shall be assessed against the individual as of the date of violation
28 and as follows:

29 (34) THREE OR MORE MOVING VIOLATIONS ARISING OUT OF A SINGLE
30 TRAFFIC INCIDENT..... 8 POINTS

2

1 (b) [If] SUBJECT TO SUBSECTION (A)(34) OF THIS SECTION, IF a conviction
2 occurs on multiple charges based on offenses alleged to have been committed at the same
3 time or arising out of circumstances simultaneous in time and place, the Administration:

4 (1) Shall assess points against the individual convicted only on the charge
5 that has the highest point assessment; and

6 (2) May not assess points on the remainder of the multiple charges.

7 26-201.

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

9 (1) A notice to appear in court, including a notice that, if the offense is not
10 punishable by incarceration OR IS NOT SUBJECT TO ENHANCED PENALTIES UNDER §
11 27-101(R) OF THIS ARTICLE, the person may request a hearing regarding sentencing and
12 disposition in lieu of a trial as provided in § 26-204(b)(2) of this subtitle;

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

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

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

16 (5) The violation charged;

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

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

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

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

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

26 (9) Any other necessary information.

27 27-101.

28 (R) (1) IN THIS SUBSECTION, "SINGLE TRAFFIC INCIDENT" MEANS AN
29 INCIDENT THAT OCCURS WITHIN THE SAME COURSE OF CONDUCT AND DURING
30 THE CONTINUOUS OPERATION OF A MOTOR VEHICLE WITHOUT INTERRUPTION.

31 (2) ANY PERSON WHO IS CONVICTED OF THREE OR MORE OF THE
32 VIOLATIONS THAT ARE SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION ARISING
33 OUT OF A SINGLE TRAFFIC INCIDENT IS SUBJECT TO A FINE OF NOT MORE THAN
34 \$500.

35 (3) THIS SUBSECTION APPLIES TO ANY VIOLATION OF:

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1 (I) § 21-201 OF THIS ARTICLE (FAILURE TO OBEY TRAFFIC
2 CONTROL DEVICE);

3 (II) § 21-202 OF THIS ARTICLE (FAILURE TO STOP AT RED TRAFFIC
4 SIGNAL);

5 (III) § 21-303 OF THIS ARTICLE (IMPROPER PASSING);

6 (IV) § 21-307 OF THIS ARTICLE (PASSING IN A NO PASSING ZONE);

7 (V) § 21-309 OF THIS ARTICLE (CHANGING LANES WHEN UNSAFE);

8 (VI) § 21-310 OF THIS ARTICLE (FOLLOWING TOO CLOSELY);

9 (VII) § 21-401 OF THIS ARTICLE (FAILURE TO YIELD RIGHT-OF-WAY);

10 (VIII) § 21-801.1 OF THIS ARTICLE (EXCEEDING THE POSTED SPEED
11 LIMIT);

12 (IX) § 21-901.1 OF THIS ARTICLE (RECKLESS DRIVING);

13 (X) § 21-902(B) OF THIS ARTICLE (DRIVING UNDER THE INFLUENCE
14 OF ALCOHOL);

15 (XI) § 21-902(C) OF THIS ARTICLE (DRIVING UNDER THE INFLUENCE
16 OF DRUGS OR DRUGS AND ALCOHOL);

17 (XII) § 21-903 OF THIS ARTICLE (CONSUMING ALCOHOLIC BEVERAGE
18 WHILE DRIVING);

19 (XIII) § 21-1112 OF THIS ARTICLE (TURNING ON LIGHTS TO AVOID
20 IDENTIFICATION);

21 (XIV) § 21-1116 OF THIS ARTICLE (DRIVING IN SPEED CONTEST); AND

22 (XV) § 21-1117 OF THIS ARTICLE (SPINNING WHEELS).

23 (4) (I) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE
24 STATE'S ATTORNEY MAY NOT SEEK ADDITIONAL PENALTIES UNDER THIS SECTION
25 UNLESS THE STATE'S ATTORNEY SERVES WRITTEN NOTICE OF INTENT TO SEEK
26 ADDITIONAL PENALTIES UPON THE DEFENDANT OR THE DEFENDANT'S COUNSEL
27 AT LEAST 15 DAYS BEFORE TRIAL IN A CIRCUIT COURT OR 5 DAYS BEFORE TRIAL IN
28 DISTRICT COURT.

29 (II) A NOTICE OF INTENT TO SEEK ADDITIONAL PENALTIES SHALL
30 IDENTIFY EACH ALLEGED OFFENSE AND THE PENALTY SOUGHT FOR EACH
31 OFFENSE.

32 (III) IF THE STATE'S ATTORNEY FAILS TO GIVE TIMELY OR PROPER
33 NOTICE UNDER SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH, THE COURT
34 SHALL, UPON RECEIVING A WRITTEN REQUEST FROM THE STATE'S ATTORNEY,
35 POSTPONE TRIAL AT LEAST 15 DAYS UNLESS THE DEFENDANT WAIVES THE NOTICE
36 REQUIREMENT.

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1 (5) THE PENALTY ESTABLISHED BY THIS SECTION MAY BE IMPOSED
2 SEPARATE FROM ANY OTHER PENALTY THAT MAY BE IMPOSED FOR THE
3 UNDERLYING OFFENSES.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 1997.