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1997 Regular Session

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(PRE-FILED)

SB 86/96 - JPR

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**By: ~~Senator Middleton~~ Senators Middleton, Ferguson, and Forehand**

Requested: September 26, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 13, 1997

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## CHAPTER \_\_\_\_

1 AN ACT concerning

**2 Vehicle Laws - Speeding Violations by Minors - Notification of Parent or Guardian**

3 FOR the purpose of requiring the Motor Vehicle Administration to notify the parent,  
 4 guardian, or other cosigner of a minor's driver's license application if a citation is  
 5 issued to the minor charging the minor with driving a motor vehicle at a certain  
 6 speed in excess of the maximum lawful speed; requiring the Chief Judge of the  
 7 District Court, in conjunction with the Motor Vehicle Administrator, to establish  
 8 procedures for notifying the Administration of each citation within the jurisdiction  
 9 of the District Court that is issued to a minor licensed in the State charging that the  
 10 minor committed a certain speeding offense; requiring an individual who cosigns a  
 11 minor's application for a driver's license to provide the individual's mailing address  
 12 to the Administration and to notify the Administration of any change of address  
 13 occurring within a certain time; requiring the notice provided by the Administration  
 14 under this Act to be mailed to a certain address and contain certain information;  
 15 providing that certain evidence is not admissible in certain proceedings; making a  
 16 stylistic change; providing for the construction and applicability of this Act; and  
 17 generally relating to procedures for notifying the parent, guardian, or other cosigner  
 18 of a minor's driver's license application that a citation alleging a certain speeding  
 19 violation was issued to the minor.

20 BY repealing and reenacting, with amendments,  
 21 Article - Courts and Judicial Proceedings  
 22 Section 1-605(d)  
 23 Annotated Code of Maryland  
 24 (1995 Replacement Volume and 1996 Supplement)

25 BY repealing and reenacting, with amendments,

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1 Article - Transportation  
2 Section 16-107  
3 Annotated Code of Maryland  
4 (1992 Replacement Volume and 1996 Supplement)

5 BY adding to

6 Article - Transportation  
7 Section 21-808  
8 Annotated Code of Maryland  
9 (1992 Replacement Volume and 1996 Supplement)

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

12 **Article - Courts and Judicial Proceedings**

13 1-605.

14 (d) In addition to the powers and duties granted and imposed in subsections (a),  
15 (b), and (c) of this section, or elsewhere by law or rule, the Chief Judge of the District  
16 Court shall:

17 (1) Appoint a chief clerk of the District Court, a chief administrative clerk  
18 for each district, and other personnel of the District Court pursuant to Article IV, § 41F  
19 of the Constitution;

20 (2) Approve the appointments of commissioners of the District Court  
21 pursuant to Article IV, § 41G of the Constitution;

22 (3) Establish uniform record-keeping procedures for the District Court;

23 (4) In conjunction with the motor vehicle administrator, establish uniform  
24 procedures for reporting traffic cases in the District Court, INCLUDING PROCEDURES  
25 FOR PROMPTLY NOTIFYING THE MOTOR VEHICLE ADMINISTRATION OF EACH  
26 CITATION WITHIN THE JURISDICTION OF THE DISTRICT COURT THAT IS ISSUED TO A  
27 MINOR LICENSED IN THE STATE CHARGING THE MINOR WITH DRIVING A MOTOR  
28 VEHICLE AT LEAST 20 MILES PER HOUR ABOVE THE MAXIMUM LAWFUL SPEED;

29 (5) In conjunction with the State Comptroller, establish a system for the  
30 collection and remittance of costs, fines, penalties, and forfeitures collected by the  
31 District Court;

32 (6) Approve in writing the destruction of pleadings, papers, or files  
33 proposed for destruction pursuant to § 2-206 of this article;

34 (7) On the recommendation of the administrative judge of any district,  
35 approve in writing the invalidation and destruction of certain warrants for arrest, if the  
36 administrative judge certifies to the Chief Judge that:

37 (i) Each of the warrants is more than 3 years old;

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1 (ii) The warrant was properly delivered to an authorized law  
2 enforcement agency for execution and service, which was not effected;

3 (iii) Each of the warrants was issued by a judicial officer of the District  
4 Court for:

5 1. The arrest of the defendant in order that the defendant  
6 might stand trial on a misdemeanor offense;

7 2. The failure of the defendant to appear for trial for a  
8 misdemeanor offense, as directed by the District Court;

9 3. The failure of the defendant to make a deferred payment of  
10 a fine or costs as ordered by the District Court for a misdemeanor offense; or

11 4. A violation of a probation order of the District Court entered  
12 in a misdemeanor offense; and

13 (iv) The administrative judge believes that the invalidation and  
14 destruction of the arrest warrant is consistent with the ends of justice; and

15 (8) After consultation with police administrators and the Motor Vehicle  
16 Administrator, design arrest - citation forms that shall be used by all law enforcement  
17 agencies in the State when charging a person with a criminal, civil, or traffic offense,  
18 excepting violations of parking ordinances or regulations adopted under Subtitle 3 of  
19 Title 26 of the Transportation Article.

20 **Article - Transportation**

21 16-107.

22 (a) The application of a minor for a license shall be cosigned by:

23 (1) A parent or guardian of the applicant; or

24 (2) If the applicant has no parent or guardian or is married, an adult  
25 employer of the applicant or any other responsible adult.

26 (b) The individual cosigning the application of a minor shall [certify]:

27 (1) (I) PROVIDE THE COSIGNER'S MAILING ADDRESS TO THE  
28 ADMINISTRATION; AND

29 (II) ~~NOTIFY THE ADMINISTRATION~~ WITHIN 30 DAYS OF ANY  
30 CHANGE IN THE MAILING ADDRESS OCCURRING WHILE THE APPLICANT OR  
31 LICENSEE IS A MINOR, NOTIFY THE ADMINISTRATION OF THE CHANGE; AND

32 (2) CERTIFY that the statements made in the application are true to the  
33 best of [his] THE COSIGNER'S knowledge, information, and belief.

34 21-808.

35 (A) UPON RECEIPT OF NOTIFICATION FROM THE DISTRICT COURT UNDER §  
36 1-605(D)(4) OF THE COURTS ARTICLE THAT A CITATION WAS ISSUED TO A MINOR  
37 CHARGING THE MINOR WITH DRIVING A MOTOR VEHICLE AT LEAST 20 MILES PER

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1 HOUR ABOVE THE MAXIMUM LAWFUL SPEED, THE ADMINISTRATION PROMPTLY  
2 SHALL NOTIFY THE COSIGNER OF THE MINOR'S DRIVER'S LICENSE APPLICATION  
3 THAT THE CITATION WAS ISSUED TO THE MINOR.

4 (B) THE NOTIFICATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION  
5 SHALL:

6 (1) BE MAILED BY THE ADMINISTRATION TO THE MOST RECENT  
7 ADDRESS PROVIDED BY THE COSIGNER IN ACCORDANCE WITH § 16-107 (B) OF THIS  
8 ARTICLE; AND

9 (2) CONTAIN THE FOLLOWING INFORMATION:

10 (I) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE MINOR  
11 CHARGED WITH THE VIOLATION;

12 (II) THE SPEED AT WHICH THE MINOR IS ALLEGED TO HAVE  
13 DRIVEN;

14 (III) THE MAXIMUM LAWFUL SPEED AT THE LOCATION OF THE  
15 ALLEGED VIOLATION;

16 (IV) THE AMOUNT OF THE FINE SPECIFIED IN THE CITATION; AND

17 (V) THE NUMBER OF POINTS THAT MAY BE ASSESSED AGAINST  
18 THE MINOR.

19 (C) EVIDENCE OF THE RECEIPT OR LACK OF RECEIPT OF THE NOTICE  
20 REQUIRED BY THIS SECTION IS NOT ADMISSIBLE IN ANY CIVIL OR CRIMINAL ACTION  
21 AGAINST A COSIGNER.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed  
23 only prospectively and may be applied only to a minor whose application to the Motor  
24 Vehicle Administration for a driver's license was filed on or after the effective date of this  
25 Act.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 1997.