
By: **Delegate La Vay**
Introduced and read first time: February 13, 1998
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles - Parking Violations - Rental and Leasing Companies**

3 FOR the purpose of establishing that a renter or lessee of a motor vehicle is presumed
4 to be the person receiving a parking citation under certain circumstances;
5 creating an exception, for certain motor vehicles owned by a motor vehicle rental
6 or leasing company, to a prohibition against the Motor Vehicle Administration
7 registering or transferring the registration of a motor vehicle because of certain
8 types of parking violations under certain circumstances; and generally relating
9 to motor vehicles, parking violations, and rental and leasing companies.

10 BY repealing and reenacting, without amendments,
11 Article - Transportation
12 Section 26-301
13 Annotated Code of Maryland
14 (1992 Replacement Volume and 1997 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Transportation
17 Section 26-302 and 26-305
18 Annotated Code of Maryland
19 (1992 Replacement Volume and 1997 Supplement)

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

22 **Article - Transportation**

23 26-301.

24 (a) In this subtitle, "officer" means a police officer or a person other than a
25 police officer who is authorized to issue a citation for a violation of an ordinance or
26 regulation that is adopted under this section.

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

- 1 (1) Regulate the parking of vehicles;
- 2 (2) Provide for the impounding of vehicles parked in violation of the
3 ordinances or regulations;
- 4 (3) Regulate the towing of vehicles from publicly owned and privately
5 owned parking lots; and
- 6 (4) Provide for the issuance of a citation by an officer for a violation of an
7 ordinance or regulation that is adopted under this section.

8 (c) A political subdivision may not adopt or enforce an ordinance or regulation
9 that prohibits the parking of two motorcycles within a space served by a single
10 parking meter.

11 26-302.

12 (a) An officer who discovers a vehicle parked in violation of an ordinance or
13 regulation adopted under this subtitle shall:

- 14 (1) Deliver a citation to the driver or, if the vehicle is unattended, attach
15 a citation to the vehicle in a conspicuous place; and
- 16 (2) Keep a copy of the citation, bearing his certification under penalty of
17 perjury that the facts stated in the citation are true.

18 (b) (1) In the absence of the driver AND EXCEPT AS PROVIDED IN
19 PARAGRAPH (2) OF THIS SUBSECTION, the registered owner of the vehicle is presumed
20 to be the person receiving the citation.

21 (2) IF THE REGISTERED OWNER OF THE VEHICLE IS A MOTOR VEHICLE
22 RENTAL OR LEASING COMPANY, THE RENTER OR LESSEE, IF ANY, OF THE VEHICLE AT
23 THE TIME THE CITATION IS ISSUED IS PRESUMED TO BE THE PERSON RECEIVING
24 THE CITATION.

25 26-305.

26 (a) [The] EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, THE
27 Administration may not register or transfer the registration of any vehicle involved in
28 a parking violation under this subtitle, a violation under any federal parking
29 regulation that applies to property in this State under the jurisdiction of the U.S.
30 government, or a violation of § 21-202(h) of this article as determined under §
31 21-202.1 of this article, if:

32 (1) It is notified by a political subdivision or authorized State agency
33 that a person cited for a violation under this subtitle or § 22-202.1 of this article has
34 failed to either:

35 (i) Pay the fine for the violation by the date specified in the
36 citation; or

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

2 (2) It is notified by the District Court that a person who has elected to
3 stand trial for the violation under this subtitle or under § 22-202.1 of this article has
4 failed to appear for trial; or

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

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

9 (ii) Either has failed to file a notice of his intention to stand trial for
10 the violation, or, if electing to stand trial, has failed to appear for trial.

11 (b) (1) Notwithstanding the provisions of subsection (a) of this section, the
12 Administration may suspend the registration of a vehicle involved in a parking
13 violation under this subtitle or a violation under any federal parking regulation that
14 applies to property in this State under the jurisdiction of the U.S. government if
15 notified in accordance with subsection (a) of this section that the violator is a chronic
16 offender.

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

20 (c) The Administration shall continue the suspension and refusal to register
21 or transfer a registration of the vehicle until:

22 (1) If the suspension or refusal was required under subsection (a)(1) or
23 (b)(1) of this section, the political subdivision or State agency notifies the
24 Administration that the charge has been satisfied;

25 (2) If the suspension or refusal was required under subsection (a)(2) or
26 (b)(1) of this section, the District Court notifies the Administration that the person
27 cited has appeared for trial or has pleaded guilty and paid the fine for the violation; or

28 (3) If the suspension or refusal was required under subsection (a)(3) or
29 (b)(1) of this section, the U.S. District Court notifies the Administration that the
30 charge has been satisfied.

31 (d) (1) If the registration of the vehicle has been suspended in accordance
32 with subsection (b)(1) of this section, a person may not drive the vehicle on any
33 highway in this State.

34 (2) A person convicted under paragraph (1) of this subsection is subject
35 to the penalty set forth in § 27-101(b) of this article.

1 (e) The procedures specified in this section are in addition to any other
2 penalty provided by law for the failure to pay a fine or stand trial for a parking
3 violation.

4 (f) The Administration shall adopt procedures by which the political
5 subdivisions, State agencies, the District Court, and the U.S. District Court shall
6 notify it of any restrictions and any rescission of restrictions placed on the
7 registration of vehicles under this section.

8 (g) (1) In addition to any other fee or penalty provided by law, an owner of a
9 vehicle who is denied registration of the vehicle under the provisions of this section
10 shall pay a fee established by the Administration before renewal of the registration of
11 the vehicle.

12 (2) The fee described under paragraph (1) of this subsection:

13 (i) May be distributed in part to a political subdivision acting as an
14 agent of the Administration in the registration of a vehicle under § 13-404 of this
15 article if, based upon information provided to the Administration by the political
16 subdivision under this section, the vehicle's prior registration was suspended or the
17 vehicle's registration renewal was denied; and

18 (ii) Except as provided under item (i) of this paragraph, shall be
19 retained by the Administration and may not be credited to the Gasoline and Motor
20 Vehicle Revenue Account for distribution under § 8-403 or § 8-404 of this article.

21 (H) SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A MOTOR VEHICLE
22 THAT IS OWNED BY A MOTOR VEHICLE RENTAL OR LEASING COMPANY IF:

23 (1) AT THE TIME THE PARKING CITATION WAS ISSUED, THE VEHICLE
24 WAS RENTED OR LEASED TO A RENTER OR LESSEE UNDER A WRITTEN CONTRACT;
25 AND

26 (2) THE MOTOR VEHICLE RENTAL OR LEASING COMPANY PROVIDES, IN
27 A TIMELY MANNER FOLLOWING NOTICE OF THE CITATION, THE NAME, ADDRESS,
28 AND DRIVER'S LICENSE IDENTIFICATION NUMBER OF THE RENTER OR LESSEE TO
29 THE APPLICABLE STATE AGENCY OR POLITICAL SUBDIVISION.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 1998.