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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 29, 1998

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of ~~establishing that a renter or lessee of a motor vehicle is presumed~~
5 ~~to be the person receiving a parking citation under certain circumstances;~~
6 ~~creating an exception, for certain motor vehicles owned by a motor vehicle rental~~
7 ~~or leasing company, to a prohibition against the Motor Vehicle Administration~~
8 ~~registering or transferring the registration of a motor vehicle because of certain~~
9 ~~types of parking violations under certain circumstances providing that an~~
10 ~~alleged violation of a certain criminal provision relating to the abandonment or~~
11 ~~failure to return certain motor vehicles shall be considered a reportable theft for~~
12 ~~certain reporting purposes; limiting the liability of an owner of a rental vehicle~~
13 ~~for penalties relating to parking citations under specified circumstances;~~
14 ~~requiring reimbursement of an owner of a rental vehicle of the amount paid due~~
15 ~~to a parking citation under specified circumstances; defining a certain term;~~
16 ~~providing for a delayed effective date for certain provisions of this Act; stating~~
17 ~~the intent of the General Assembly that the Motor Vehicle Administration take~~
18 ~~certain action in relation to the implementation of certain provisions of this Act;~~
19 ~~and generally relating to motor vehieles, parking violations involving rental~~
20 ~~vehicles, and the reporting of certain alleged criminal violations pertaining to~~
21 ~~the failure to return motor vehicles owned by rental and leasing companies.~~

22 BY repealing and reenacting, without amendments,
23 Article 27 - Crimes and Punishments
24 Section 206
25 Annotated Code of Maryland
26 (1996 Volume and 1997 Supplement)

1 BY repealing and reenacting, ~~without~~ with amendments,
2 Article - Transportation
3 Section 14-105 and 26-301
4 Annotated Code of Maryland
5 (1992 Replacement Volume and 1997 Supplement)

6 BY repealing and reenacting, ~~with~~ without amendments,
7 Article - Transportation
8 Section 26-302 and 26-305
9 Annotated Code of Maryland
10 (1992 Replacement Volume and 1997 Supplement)

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

13 **Article 27 - Crimes and Punishments**

14 206.

15 Any person who, after hiring, leasing or renting a motor vehicle under
16 agreement to return such motor vehicle at the termination of the period for which
17 such motor vehicle is hired, leased or rented, shall abandon such motor vehicle, or
18 refuse or wilfully neglect to return the same, shall be deemed guilty of a misdemeanor
19 and, upon conviction, shall be subject to a fine of not more than five hundred (\$500)
20 dollars, or imprisonment for not more than one year, or to both fine and
21 imprisonment.

22 **Article - Transportation**

23 14-105.

24 (a) If a police officer receives reliable information that a vehicle has been
25 stolen, the police officer shall immediately report the theft to the Administration and
26 the Department of State Police, unless the police officer has received reliable
27 information of the recovery of the vehicle.

28 (b) AN ALLEGED VIOLATION UNDER ARTICLE 27, § 206 OF THE CODE SHALL BE
29 A REPORTABLE THEFT OF A VEHICLE FOR PURPOSES OF SUBSECTION (A) OF THIS
30 SECTION.

31 (C) If a police officer receives reliable information that a vehicle which he
32 previously reported stolen has been recovered, he shall immediately report the
33 recovery to the Administration and the Department of State Police.

34 [(c)] (D) If a vehicle titled or registered in this State has been stolen, the
35 owner or secured party may notify the Administration of the theft.

1 [(d)] (E) Every person who has given notice under subsection [(c)] (D) of this
 2 section shall notify the Administration of a recovery of the vehicle.

3 [(e)] (F) The Administration shall maintain and appropriately index
 4 cumulative public records of stolen vehicles reported to it under this section.

5 [(f)] (G) The Administration may suspend the registration of a vehicle whose
 6 theft is reported to it under this section.

7 [(g)] (H) Until the Administration learns of the recovery of the vehicle or that
 8 the report of its theft was erroneous, it may not issue a certificate of title for the
 9 vehicle.

10 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 11 read as follows:

12 **Article - Transportation**

13 26-301.

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

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

19 (1) Regulate the parking of vehicles;

20 (2) Provide for the impounding of vehicles parked in violation of the
 21 ordinances or regulations;

22 (3) Regulate the towing of vehicles from publicly owned and privately
 23 owned parking lots; and

24 (4) Provide for the issuance of a citation by an officer for a violation of an
 25 ordinance or regulation that is adopted under this section.

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

29 (D) (1) IN THIS SUBSECTION, "RENTAL VEHICLE" MEANS A VEHICLE THAT IS
 30 RENTED OR LEASED FOR A PERIOD NOT EXCEEDING 180 DAYS.

31 (2) IF A PARKING CITATION IS ISSUED FOR A RENTAL VEHICLE, THE
 32 OWNER IS NOT LIABLE FOR ANY PENALTY IN EXCESS OF THE ORIGINAL FINE FOR A
 33 PARKING VIOLATION UNLESS THE OWNER FAILS TO PAY THE FINE OR FILE A NOTICE
 34 OF INTENTION TO STAND TRIAL FOR THE VIOLATION WITHIN THE TIME SPECIFIED

1 IN A NOTICE OF THE INFRACTION MAILED TO THE BUSINESS ADDRESS OF THE
 2 OWNER.

3 (3) IF A POLITICAL SUBDIVISION OR STATE AGENCY RECEIVES
 4 PAYMENT FOR A PARKING VIOLATION FROM BOTH THE OWNER OF THE VEHICLE
 5 AND THE PERSON WHO HAD POSSESSION OF THE RENTAL VEHICLE AT THE TIME THE
 6 PARKING CITATION WAS ISSUED, THE POLITICAL SUBDIVISION OR STATE AGENCY
 7 SHALL REIMBURSE THE OWNER OF THE VEHICLE FOR THE AMOUNT PAID BY THE
 8 OWNER FOR THE VIOLATION.

9 26-302.

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

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

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

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

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

23 26-305.

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

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

33 (i) Pay the fine for the violation by the date specified in the
 34 citation; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 ~~(1) AT THE TIME THE PARKING CITATION WAS ISSUED, THE VEHICLE~~
21 ~~WAS RENTED OR LEASED TO A RENTER OR LESSEE UNDER A WRITTEN CONTRACT;~~
22 ~~AND~~

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

27 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the
28 General Assembly that, before January 1, 1999, the Motor Vehicle Administration
29 shall work with representatives of local governments and the rental vehicle industry
30 on the implementation of Section 2 of this Act, with the goal of minimizing the
31 flagging of rental vehicle registrations due to unpaid parking citations without notice
32 to the owners of rental vehicles.

33 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act
34 shall take effect January 1, 1999.

35 SECTION 2- 5. AND BE IT FURTHER ENACTED, That, subject to Section 4
36 of this Act, this Act shall take effect October 1, 1998.

