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By: **Senator Ruben**

Introduced and read first time: March 4, 1998

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Failure to Comply with a Notice to Appear - Guilty Plea**

3 FOR the purpose of providing that a person who fails to comply with a certain notice  
4 to appear contained in a citation issued for a certain traffic offense is deemed to  
5 have pleaded guilty to that traffic offense under certain circumstances;  
6 requiring a court to send a certain notice to a person who is deemed under this  
7 Act to have pleaded guilty to a traffic offense; authorizing a court to order  
8 suspension of a person's driver's license for failure to comply with certain  
9 notices; prohibiting a court from issuing an arrest warrant for failure to comply  
10 with a notice to appear under certain circumstances; requiring that vehicle  
11 citations notify a person about the consequences of failure to comply with a  
12 certain notice to appear; providing for a delayed effective date; and generally  
13 relating to failing to appear for traffic offenses.

14 BY repealing and reenacting, with amendments,  
15 Article - Transportation  
16 Section 26-201(c) and 26-204  
17 Annotated Code of Maryland  
18 (1992 Replacement Volume and 1997 Supplement)

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

21 **Article - Transportation**

22 26-201.

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

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

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

- 1 (3) The number of the person's license to drive, if applicable;
- 2 (4) The State registration number of the vehicle, if applicable;
- 3 (5) The violation charged;
- 4 (6) Unless otherwise to be determined by the court, the time when and  
5 place where the person is required to appear in court;
- 6 (7) A statement acknowledging receipt of the citation, to be signed by the  
7 person;
- 8 (8) On the side of the citation to be signed by the person, a clear and  
9 conspicuous statement that:
- 10 (i) The signing of the citation by the person does not constitute an  
11 admission of guilt; [and]
- 12 (ii) The failure to sign may subject the person to arrest; and
- 13 (III) THE FAILURE TO COMPLY WITH A NOTICE TO APPEAR IN COURT  
14 MAY BE DEEMED TO CONSTITUTE A GUILTY PLEA TO THE OFFENSE CHARGED IN THE  
15 TRAFFIC CITATION; AND
- 16 (9) Any other necessary information.

17 26-204.

18 (a) A person shall comply with the notice to appear contained:

- 19 (1) In a traffic citation issued to the person under this subtitle; or
- 20 (2) In a summons, other writ, or a trial notice issued by either the  
21 District Court or a circuit court in an action on a traffic citation.

22 (b) (1) For purposes of this section, the person may comply with the notice to  
23 appear by:

- 24 (i) Appearance in person;
- 25 (ii) Appearance by counsel; or
- 26 (iii) Payment of the fine, if provided for in the citation.
- 27 (2) (i) Subject to the provisions of subparagraph (iii) of this paragraph,  
28 a person who intends to comply with the notice to appear contained in a traffic  
29 citation by appearance in person or by counsel may return a copy of the citation to the  
30 District Court within the time allowed for payment of the fine indicating in the  
31 appropriate space on the citation that the person:

1 1. Does not dispute the truth of the facts as alleged in the  
2 citation; and

3 2. Requests, in lieu of a trial, a hearing before the court  
4 regarding sentencing and disposition.

5 (ii) A person who requests a hearing under the provisions of  
6 subparagraph (i) of this paragraph waives:

7 1. Any right to a trial of the facts as alleged in the citation;  
8 and

9 2. Any right to compel the appearance of the law  
10 enforcement officer who issued the citation.

11 (iii) A person may request a hearing under the provisions of  
12 subparagraph (i) of this paragraph only if the traffic citation is for an offense that is  
13 not punishable by incarceration.

14 (c) If a person fails to comply with the notice to appear, the District Court or a  
15 circuit court may:

16 (1) Except as provided in subsection (f) of this section, issue a warrant  
17 for the person's arrest; or

18 (2) After 5 days, notify the Administration of the person's  
19 noncompliance.

20 (d) On receipt of a notice of noncompliance from the District Court or a circuit  
21 court, the Administration shall notify the person that the person's driving privileges  
22 shall be suspended unless, by the end of the 15th day after the date on which the  
23 notice is mailed, the person:

24 (1) Pays the fine on the original charge as provided for in the original  
25 citations; or

26 (2) Posts bond or a penalty deposit and requests a new date for a trial or  
27 a hearing on sentencing and disposition.

28 (e) If a person fails to pay the fine or post the bond or penalty deposit under  
29 subsection (d) of this section, the Administration may suspend the driving privileges  
30 of the person.

31 (f) [When the offense is not punishable by incarceration, if the court notifies  
32 the Administration of the person's noncompliance under subsection (c) of this section,  
33 a warrant may not be issued for the person under this section until 20 days after the  
34 original trial date.]

35 (1) WHEN A PERSON CHARGED WITH AN OFFENSE THAT IS NOT  
36 PUNISHABLE BY INCARCERATION FAILS TO COMPLY WITH A NOTICE TO APPEAR

1 CONTAINED IN A TRAFFIC CITATION, THE PERSON SHALL BE DEEMED TO HAVE  
2 PLEADED GUILTY TO THE OFFENSE CHARGED IN THE CITATION.

3           (2)    (I)    1.    WHEN A PERSON IS DEEMED TO HAVE PLEADED GUILTY  
4 TO AN OFFENSE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COURT SHALL  
5 NOTIFY THE PERSON OF THE FINDING AND JUDGMENT OF GUILT AND THE  
6 ASSESSMENT OF PENALTIES BY THE COURT.

7                           2.    THE COURT SHALL SEND THE NOTICE REQUIRED UNDER  
8 THIS PARAGRAPH TO THE PERSON'S ADDRESS ON RECORD WITH THE  
9 ADMINISTRATION.

10                    (II)    THE NOTICE SHALL ADVISE THE PERSON THAT IF THE PERSON  
11 FAILS TO PAY THE PENALTIES IMPOSED BY THE COURT WITHIN 10 DAYS OF THE  
12 DATE OF THE NOTICE, THE COURT MAY ORDER SUSPENSION OF THE PERSON'S  
13 DRIVER'S LICENSE AS PROVIDED IN SUBSECTION (D) OF THIS SECTION.

14                    (III)   THE COURT MAY NOT ISSUE AN ARREST WARRANT FOR A  
15 PERSON WHO FAILS TO COMPLY WITH A NOTICE TO APPEAR UNDER THIS  
16 SUBSECTION.

17            (3)    A PERSON DEEMED TO HAVE PLEADED GUILTY UNDER THIS  
18 SUBSECTION SHALL HAVE THE RIGHT TO APPEAL FROM A FINAL JUDGMENT  
19 ENTERED IN THE DISTRICT COURT TO THE CIRCUIT COURT UNDER § 12-401 OF THE  
20 COURTS ARTICLE.

21    (g)    With the cooperation of the District Court and circuit courts, the  
22 Administration shall develop procedures to carry out those provisions of this section  
23 that relate to the suspension of driving privileges.

24    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 January 1, 1999.