

SENATE BILL 393

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R5  
SB 772/98 - JPR

1999 Regular Session  
9r1394

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By: **Senator Ruben**  
Introduced and read first time: February 5, 1999  
Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of providing that a person who fails to comply with a notice to  
4 appear for certain violations of the Maryland Vehicle Law shall be assessed  
5 certain points by the Motor Vehicle Administration; providing that if a failure to  
6 comply with a notice to appear occurs on multiple charges based on offenses  
7 alleged to have been committed at the same time the Motor Vehicle  
8 Administration may assess certain points; providing that a certain statement  
9 relating to the consequences of the failure to comply with a notice to appear be  
10 made on the back of a certain citation; and generally relating to a failure to  
11 comply with a notice to appear.

12 BY repealing and reenacting, with amendments,  
13 Article - Transportation  
14 Section 16-402 and 26-201  
15 Annotated Code of Maryland  
16 (1998 Replacement Volume and 1998 Supplement)

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

19 **Article - Transportation**

20 16-402.

21 (a) After A FAILURE TO COMPLY WITH A NOTICE TO APPEAR OR the conviction  
22 of an individual for a violation of Article 27, § 388, § 388A, or § 388B of the Code, or  
23 of the vehicle laws or regulations of this State or of any local authority, points shall be  
24 assessed against the individual as of the date of violation and as follows:

25 (1) Any moving violation not listed below and not contributing  
26 to an accident ..... 1 point

27 (2) Following another vehicle too closely.....2 points

- .....
- 1           (3)     Speeding in excess of the posted speed limit by 10 miles an  
2 hour or more .....2 points
  - 3           (4)     Driving with an improper class of license .....2 points
  - 4           (5)     Failing to stop for a school vehicle with alternately flashing  
5 red warning lights.....2 points
  - 6           (6)     Any violation of § 21-1111 of this article .....2 points
  - 7           (7)     Passing an emergency or police vehicle under the provisions  
8 of § 21-405(d) of this article .....2 points
  - 9           (8)     A violation of § 21-511(a) of this article .....2 points
  - 10          (9)     Any moving violation contributing to an accident.....3 points
  - 11          (10)    Driving after suspension of license under the provisions of §  
12 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic  
13 laws or regulations of another state as described in § 16-303(i) of this title .....3 points
  - 14          (11)    Any violation, except violations committed on the John F.  
15 Kennedy Memorial Highway, of § 21-1411 of this article .....3 points
  - 16          (12)    Reckless driving .....4 points
  - 17          (13)    Speeding in excess of the posted speed limit by 30 miles an  
18 hour or more .....5 points
  - 19          (14)    Driving while not licensed.....5 points
  - 20          (15)    Failure to report an accident .....5 points
  - 21          (16)    Driving on a learner's permit unaccompanied.....5 points
  - 22          (17)    Any violation of § 17-107 of this article .....5 points
  - 23          (18)    Participating in a race or speed contest on a highway .....5 points
  - 24          (19)    Any violation of § 16-304 or § 16-305 of this title .....5 points
  - 25          (20)    Any violation of § 22-404.5 of this article .....5 points
  - 26          (21)    Speeding in excess of a posted speed limit of 65 miles an  
27 hour by 20 miles an hour or more .....5 points
  - 28          (22)    Driving while under the influence of alcohol or while  
29 under influence of a drug, combination of drugs, or combination of drugs and  
30 alcohol .....8 points
  - 31          (23)    Turning off lights of a vehicle to avoid identification .....8 points

1 (24) Failing to stop after accident resulting in damage to  
2 attended vehicle or property.....8 points

3 (25) Failing to stop after accident resulting in damage to  
4 unattended vehicle or property.....8 points

5 (26) Any violation of § 16-815 or § 16-816 of this title .....8 points

6 (27) Failing to stop after an accident resulting in bodily  
7 injury or death..... 12 points

8 (28) Driving after refusal, suspension, cancellation, or  
9 revocation of license except for suspensions of license under the provisions of  
10 § 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic  
11 laws or regulations of another state as described in § 16-303(i) of this title ..... 12 points

12 (29) Any violation of § 16-301, § 16-302, § 16-804, or §  
13 16-808(1) through (9) of this title..... 12 points

14 (30) Homicide, life threatening injury under Article 27, §  
15 388B of the Code, or assault committed by means of a vehicle ..... 12 points

16 (31) Driving while intoxicated, while intoxicated per se, or  
17 while under the influence of illegally used controlled dangerous substance..... 12 points

18 (32) Any felony involving use of a vehicle..... 12 points

19 (33) Fleeing or attempting to elude a police officer ..... 12 points

20 (34) The making of a false affidavit or statement under oath,  
21 or falsely certifying to the truth of any fact or information to the  
22 Administration under the Maryland Vehicle Law or under any law relating  
23 to the ownership or operation of motor vehicles ..... 12 points

24 (35) Any violation involving an unlawful taking or unauthorized  
25 use of a motor vehicle under Article 27, § 342A or § 349, or § 14-102 of this  
26 article..... 12 points

27 (b) If a FAILURE TO COMPLY WITH A NOTICE TO APPEAR OR A conviction  
28 occurs on multiple charges based on offenses alleged to have been committed at the  
29 same time or arising out of circumstances simultaneous in time and place, the  
30 Administration:

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

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

1 26-201.

2 (a) A police officer may charge a person with a violation of any of the following,  
3 if the officer has probable cause to believe that the person has committed or is  
4 committing the violation:

5 (1) The Maryland Vehicle Law, including any rule or regulation adopted  
6 under any of its provisions;

7 (2) A traffic law or ordinance of any local authority;

8 (3) Title 9, Subtitle 2 of the Tax - General Article;

9 (4) Title 9, Subtitle 3 of the Tax - General Article; or

10 (5) Title 10, Subtitle 4 of the Business Regulation Article.

11 (b) A police officer who charges a person under this section shall issue a  
12 written traffic citation to the person charged.

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

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

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

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

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

21 (5) The violation charged;

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

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

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

28 (i) The signing of the citation by the person does not constitute an  
29 admission of guilt; [and]

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

1 (III) THE FAILURE TO COMPLY WITH A NOTICE TO APPEAR FOR A  
2 NONINCARCERABLE OFFENSE SHALL RESULT IN ASSESSMENT OF POINTS BY THE  
3 ADMINISTRATION; AND

4 (9) Any other necessary information.

5 (d) Unless the person charged demands an earlier hearing, a time specified in  
6 the notice to appear shall be at least 5 days after the alleged violation.

7 (e) A place specified in the notice to appear shall be before a judge of the  
8 District Court, as specified in § 26-401 of this title.

9 (f) An officer who discovers a vehicle stopped, standing, or parked in violation  
10 of § 21-1003 of this article shall:

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

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

15 (g) (1) A law enforcement officer who discovers a motor vehicle parked in  
16 violation of § 13-402 of this article shall:

17 (i) Deliver a citation to the driver or, if the motor vehicle is  
18 unattended, attach a citation to the motor vehicle in a conspicuous place; and

19 (ii) Keep a copy of the citation, bearing the law enforcement  
20 officer's certification under penalty of perjury that the facts stated in the citation are  
21 true.

22 (2) In the absence of the driver, the owner of the motor vehicle is  
23 presumed to be the person receiving the citation or warning.

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