

SENATE BILL 393

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R5
SB 772/98 - JPR

1999 Regular Session
9r1394

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

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 16, 1999

CHAPTER _____

1 AN ACT concerning

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

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

13 BY repealing and reenacting, with amendments,
14 Article - Transportation
15 Section 16-402 and 26-201
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 1998 Supplement)

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

20 **Article - Transportation**

21 16-402.

22 (a) After A FAILURE TO COMPLY WITH A NOTICE TO APPEAR FOR A
23 NONINCARCERABLE OFFENSE OR the conviction of an individual for a violation of

1 Article 27, § 388, § 388A, or § 388B of the Code, or of the vehicle laws or regulations
 2 of this State or of any local authority, points shall be assessed against the individual
 3 as of the date of violation and as follows:

- 4 (1) Any moving violation not listed below and not contributing
 5 to an accident 1 point
- 6 (2) Following another vehicle too closely.....2 points
- 7 (3) Speeding in excess of the posted speed limit by 10 miles an
 8 hour or more2 points
- 9 (4) Driving with an improper class of license2 points
- 10 (5) Failing to stop for a school vehicle with alternately flashing
 11 red warning lights.....2 points
- 12 (6) Any violation of § 21-1111 of this article2 points
- 13 (7) Passing an emergency or police vehicle under the provisions
 14 of § 21-405(d) of this article2 points
- 15 (8) A violation of § 21-511(a) of this article2 points
- 16 (9) Any moving violation contributing to an accident.....3 points
- 17 (10) Driving after suspension of license under the provisions of §
 18 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic
 19 laws or regulations of another state as described in § 16-303(i) of this title3 points
- 20 (11) Any violation, except violations committed on the John F.
 21 Kennedy Memorial Highway, of § 21-1411 of this article3 points
- 22 (12) Reckless driving4 points
- 23 (13) Speeding in excess of the posted speed limit by 30 miles an
 24 hour or more5 points
- 25 (14) Driving while not licensed.....5 points
- 26 (15) Failure to report an accident5 points
- 27 (16) Driving on a learner's permit unaccompanied.....5 points
- 28 (17) Any violation of § 17-107 of this article5 points
- 29 (18) Participating in a race or speed contest on a highway5 points
- 30 (19) Any violation of § 16-304 or § 16-305 of this title5 points
- 31 (20) Any violation of § 22-404.5 of this article5 points

1 (21) Speeding in excess of a posted speed limit of 65 miles an
2 hour by 20 miles an hour or more5 points

3 (22) Driving while under the influence of alcohol or while
4 under influence of a drug, combination of drugs, or combination of drugs and
5 alcohol8 points

6 (23) Turning off lights of a vehicle to avoid identification8 points

7 (24) Failing to stop after accident resulting in damage to
8 attended vehicle or property8 points

9 (25) Failing to stop after accident resulting in damage to
10 unattended vehicle or property8 points

11 (26) Any violation of § 16-815 or § 16-816 of this title8 points

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

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

18 (29) Any violation of § 16-301, § 16-302, § 16-804, or §
19 16-808(1) through (9) of this title 12 points

20 (30) Homicide, life threatening injury under Article 27, §
21 388B of the Code, or assault committed by means of a vehicle 12 points

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

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

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

26 (34) The making of a false affidavit or statement under oath,
27 or falsely certifying to the truth of any fact or information to the
28 Administration under the Maryland Vehicle Law or under any law relating
29 to the ownership or operation of motor vehicles 12 points

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

33 (b) If a FAILURE TO COMPLY WITH A NOTICE TO APPEAR FOR A
34 NONINCARCERABLE OFFENSE OR A conviction occurs on multiple charges based on
35 offenses alleged to have been committed at the same time or arising out of
36 circumstances simultaneous in time and place, the Administration:

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

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

4 26-201.

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

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

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

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

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

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

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

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

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

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

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

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

24 (5) The violation charged;

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

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

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

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

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

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

5 (9) Any other necessary information.

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

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

10 (f) An officer who discovers a vehicle stopped, standing, or parked in violation
11 of § 21-1003 of this article 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 (g) (1) A law enforcement officer who discovers a motor vehicle parked in
17 violation of § 13-402 of this article shall:

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

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

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

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