
By: **Delegates Menes, Vallario, Moe, and Frush**
Introduced and read first time: February 11, 2000
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Courts - Civil Citations - Parking and Other Related Traffic Infractions**

3 FOR the purpose of providing that vehicle parking and certain other vehicle
4 violations of law are civil traffic infractions; providing for certain procedures
5 and civil fines in adjudications of civil traffic infractions; providing for the
6 issuance of citations for civil traffic infractions; providing that the Chief Judge
7 of the District Court may adopt certain rules concerning the disposition of civil
8 traffic citations; defining a certain term; providing for the application of this
9 Act; and generally relating to establishing parking and certain other violations
10 as civil traffic infractions.

11 BY repealing and reenacting, with amendments,
12 Article 41 - Governor - Executive and Administrative Departments
13 Section 14-308(b)
14 Annotated Code of Maryland
15 (1997 Replacement Volume and 1999 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Courts and Judicial Proceedings
18 Section 4-401(14) and (15) and 12-401(d) and (f)
19 Annotated Code of Maryland
20 (1998 Replacement Volume and 1999 Supplement)

21 BY adding to
22 Article - Courts and Judicial Proceedings
23 Section 4-401(16)
24 Annotated Code of Maryland
25 (1998 Replacement Volume and 1999 Supplement)

26 BY repealing and reenacting, without amendments,
27 Article - Financial Institutions
28 Section 13-1008.1(a)
29 Annotated Code of Maryland

- 1 (1998 Replacement Volume and 1999 Supplement)
- 2 BY repealing and reenacting, without amendments,
3 Article - State Finance and Procurement
4 Section 4-604(8)
5 Annotated Code of Maryland
6 (1995 Replacement Volume and 1999 Supplement)
- 7 BY repealing and reenacting, with amendments,
8 Article - State Finance and Procurement
9 Section 4-607(c)
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1999 Supplement)
- 12 BY repealing and reenacting, without amendments,
13 Article - Transportation
14 Section 5-426(a)(1)
15 Annotated Code of Maryland
16 (1993 Replacement Volume and 1999 Supplement)
- 17 BY repealing and reenacting, with amendments,
18 Article - Transportation
19 Section 5-427(a)
20 Annotated Code of Maryland
21 (1993 Replacement Volume and 1999 Supplement)
- 22 BY repealing and reenacting, without amendments,
23 Article - Transportation
24 Section 13-616.2(d)(2), 21-1001, 21-1003, 21-1004(a) and (b), 21-1004.1(a),
25 21-1005(a), (d), and (m), 21-1006(b), and 21-1407
26 Annotated Code of Maryland
27 (1999 Replacement Volume and 1999 Supplement)
- 28 BY repealing and reenacting, with amendments,
29 Article - Transportation
30 Section 13-616(l), 13-616.1(i), 21-1004(e), 21-1009, 21-1119(e), 25-202(a),
31 26-201(a) and (f), 26-202(a), 26-203(a), 26-301(b), and 27-102
32 Annotated Code of Maryland
33 (1999 Replacement Volume and 1999 Supplement)
- 34 BY repealing
35 Article - Transportation
36 Section 26-407(a)
37 Annotated Code of Maryland

1 (1999 Replacement Volume and 1999 Supplement)

2 BY adding to

3 Article - Transportation

4 Section 26-407(a); 26-501 and 26-502, inclusive, to be under the new subtitle

5 "Subtitle 5. Traffic Infractions"

6 Annotated Code of Maryland

7 (1999 Replacement Volume and 1999 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article 41 - Governor - Executive and Administrative Departments**

11 14-308.

12 (b) Any violation of the rules and regulations adopted by an authority is:

13 (1) SUBJECT TO ITEM (2) OF THIS SUBSECTION, a misdemeanor and is
14 punishable by a fine not to exceed \$1,000 or imprisonment for not more than 180
15 days, or both; OR

16 (2) FOR A VIOLATION OF RULES AND REGULATIONS CONCERNING
17 PARKING, STANDING, OR STOPPING A VEHICLE, A TRAFFIC INFRACTION UNDER
18 TITLE 26, SUBTITLE 5 OF THE TRANSPORTATION ARTICLE.

19 **Article - Courts and Judicial Proceedings**

20 4-401.

21 Except as provided in § 4-402 of this subtitle, and subject to the venue
22 provisions of Title 6 of this article, the District Court has exclusive original civil
23 jurisdiction in:

24 (14) A proceeding for a temporary peace order or peace order under Title
25 3, Subtitle 15 of this article; [and]

26 (15) A proceeding for condemnation and immediate possession of and title
27 to abandoned, blighted, and deteriorated property under authority granted in the
28 Code of Public Local Laws of a county, including Baltimore City, where the estimated
29 value of the property does not exceed \$25,000; AND

30 (16) A PROCEEDING FOR A VIOLATION OF A TRAFFIC INFRACTION UNDER
31 TITLE 26, SUBTITLE 5 OF THE TRANSPORTATION ARTICLE.

32 12-401.

33 (d) (1) A defendant who has been found guilty of a municipal infraction, as
34 defined in Article 23A, § 3(b)(1) of the Code [or], a Code violation under Article 27, §

1 403 of the Code, OR A TRAFFIC INFRACTION UNDER TITLE 26, SUBTITLE 5 OF THE
2 TRANSPORTATION ARTICLE, may appeal from the final judgment entered in the
3 District Court.

4 (2) The costs and procedures for taking the appeal shall be as provided
5 for appeals from criminal cases in the District Court.

6 (3) Except[, however,] as provided in subsection (f) of this section, the
7 appellate court shall docket and hear the appeal as a civil appeal from the District
8 Court.

9 (f) (1) In a civil case in which the amount in controversy exceeds \$2,500
10 exclusive of interest, costs, and attorney's fees if attorney's fees are recoverable by law
11 or contract, in any matter arising under § 4-401(7)(ii) of this article, and in any case
12 in which the parties so agree, an appeal shall be heard on the record made in the
13 District Court.

14 (2) In every other case, including a criminal case in which sentence has
15 been imposed or suspended following a plea of nolo contendere or guilty, and an
16 appeal in a municipal infraction [or], Code violation case, OR CIVIL TRAFFIC
17 INFRACTION, an appeal shall be tried de novo.

18 **Article - Financial Institutions**

19 13-1008.1.

20 (a) The Authority may adopt and enforce regulations for the parking of motor
21 vehicles in and on any facilities or property the Authority owns or controls.

22 **Article - State Finance and Procurement**

23 4-604.

24 For all improvements, grounds, and multiservice centers under the jurisdiction
25 of the Department, the responsibilities of the Department include:

26 (8) controlling pedestrian and vehicular traffic, including establishing of
27 speed limits and parking and impoundment regulations for parking garages, surface
28 parking lots, roads, and sidewalks that are owned or leased by the State and that are
29 within the improvements, grounds, and multiservice centers.

30 4-607.

31 (c) (1) (I) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A
32 person who violates a regulation adopted under this section is guilty of a
33 misdemeanor and on conviction is subject to a fine not exceeding \$20 plus costs.

34 (II) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A
35 person who fails to pay any fine or costs imposed under this section may be
36 imprisoned in jail for a period not exceeding 30 days.

1 (2) A PERSON WHO VIOLATES A REGULATION ADOPTED UNDER THIS
2 SECTION CONCERNING PARKING, STANDING, OR STOPPING A VEHICLE IS GUILTY OF
3 A TRAFFIC INFRACTION UNDER TITLE 26, SUBTITLE 5 OF THE TRANSPORTATION
4 ARTICLE AND SUBJECT TO A CIVIL FINE OF NOT MORE \$20 AND COURT COSTS.

5 **Article - Transportation**

6 5-426.

7 (a) After holding a public hearing, the governing body of any publicly owned
8 airport in this State may adopt regulations for:

9 (1) The parking of motor vehicles at the airport, including provision of a
10 uniform system for accessible parking for individuals with disabilities to enhance the
11 safety of people with disabilities in conformity with:

12 (i) The "Uniform System for Parking for Persons With Disabilities"
13 (23 CFR Part 1235);

14 (ii) The "Americans with Disabilities Act Accessibility Guidelines
15 for Buildings and Facilities" (Appendix A to 28 CFR Part 36 and 36 CFR Part 1191.1);
16 and

17 (iii) 14 CFR Part 382.23(a);

18 5-427.

19 (a) Any person who violates a parking regulation adopted and posted under §
20 5-426 of this subtitle is GUILTY OF A TRAFFIC INFRACTION UNDER TITLE 26,
21 SUBTITLE 5 OF THIS ARTICLE AND subject to a CIVIL fine not exceeding \$50. [A
22 violation of a parking regulation is not a misdemeanor.]

23 13-616.

24 (l) (1) [Any] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A person
25 who violates the provisions of this section is guilty of a misdemeanor[, in accordance
26 with the terms of § 27-101 of this article].

27 (2) A PERSON WHO USES SPECIAL DISABILITY REGISTRATION PLATES
28 TO PARK A VEHICLE IN VIOLATION OF THIS SECTION IS GUILTY OF A TRAFFIC
29 INFRACTION UNDER TITLE 26, SUBTITLE 5 OF THIS ARTICLE.

30 13-616.1.

31 (i) (1) [Any] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A person
32 who violates the provisions of this section is guilty of a misdemeanor.

33 (2) A PERSON WHO USES A PARKING PLACARD TO PARK A VEHICLE IN
34 VIOLATION OF THIS SECTION IS GUILTY OF A TRAFFIC INFRACTION UNDER TITLE 26,
35 SUBTITLE 5 OF THIS ARTICLE.

1 13-616.2.

2 (d) (2) A person to whom a temporary parking placard is issued shall display
3 the placard described in this section in a vehicle described in § 13-616.1(e)(2) of this
4 subtitle.

5 21-1001.

6 (a) Except as otherwise provided in this section, on any highway outside of a
7 business district or a residential district, a person may not stop, park, or leave
8 standing on the roadway any vehicle, whether attended or unattended, if it is
9 practicable to stop, park, or leave the vehicle standing off the roadway.

10 (b) Except as otherwise provided in this section, on any highway outside of a
11 business district or a residential district, a person may not leave any vehicle standing,
12 without providing an unobstructed width of the roadway opposite the standing
13 vehicle for the free passage of other vehicles.

14 (c) Except as otherwise provided in this section, on any highway outside of a
15 business district or a residential district, a person may not stop any vehicle, unless it
16 can be seen clearly from 200 feet away in each direction on the roadway.

17 (d) This section does not apply to the driver of a vehicle that has become
18 unintentionally so disabled while on the roadway that he cannot avoid stopping and
19 temporarily leaving it there.

20 21-1003.

21 (a) The provisions of this section apply except as necessary to avoid conflict
22 with other traffic or in compliance with law or the directions of a police officer or
23 traffic control device.

24 (b) A person may not stop, stand, or park a vehicle in front of a public
25 driveway.

26 (c) A person may not stop, stand, or park a vehicle on a sidewalk.

27 (d) A person may not stop, stand, or park a vehicle in an intersection.

28 (e) A person may not stop, stand, or park a vehicle on a crosswalk.

29 (f) A person may not stop, stand, or park a vehicle between a safety zone and
30 the adjacent curb or within 30 feet of points on the curb immediately opposite the
31 ends of a safety zone, unless the State Highway Administration or local authority
32 indicates a different length by signs or markings.

33 (g) A person may not stop, stand, or park a vehicle alongside or opposite any
34 highway excavation or obstruction if to do so would obstruct traffic.

35 (h) A person may not stop, stand, or park a vehicle on any bridge or other
36 elevated structure on a highway.

- 1 (i) A person may not stop, stand, or park a vehicle in a highway tunnel.
- 2 (j) A person may not stop, stand, or park a vehicle at any place where
3 stopping is prohibited by an official sign.
- 4 (k) A person may not stop, stand, or park a vehicle on any entrance or exit
5 ramp of any highway with two or more lanes for traffic moving in the same direction.
- 6 (l) A person may not stand or park a vehicle in front of a private driveway
7 without the consent of the owner or occupant of the premises.
- 8 (m) A person may not stand or park a vehicle within 15 feet of a fire hydrant.
- 9 (n) A person may not stand or park a vehicle within 20 feet of a crosswalk at
10 an intersection.
- 11 (o) A person may not stand or park a vehicle within 30 feet on the approach to
12 any flashing signal, stop sign, yield sign, or traffic control signal located at the side of
13 a roadway.
- 14 (p) A person may not stand or park a vehicle within 20 feet of the driveway
15 entrance to any fire station or on the side of a highway opposite the entrance to any
16 fire station within 75 feet of the entrance, if properly signposted.
- 17 (q) A person may not stand or park a vehicle at any place where standing is
18 prohibited by an official sign.
- 19 (r) A person may not stand or park a vehicle on the roadway side of any other
20 vehicle that is stopped or parked at the edge or curb of a highway.
- 21 (s) A person may not stand or park a vehicle on a curve or hill where solid
22 lines on the surface of the roadway indicate a zone in which passing is prohibited.
- 23 (t) A person may not park a vehicle within 50 feet of the nearest rail in a
24 railroad grade crossing.
- 25 (u) A person may not stop, stand, or park a vehicle unless for the use of an
26 individual with a disability, in a space or zone marked as restricted for the use of
27 individuals with disabilities.
- 28 (v) A person may not park a vehicle on any property owned by the Board of
29 Education of Montgomery County or Montgomery College where parking is prohibited
30 by an official sign.
- 31 (w) A person may not park a vehicle on any property owned by the Board of
32 Education of Baltimore County or the community colleges of Baltimore County where
33 parking is prohibited by an official sign.
- 34 (x) A person may not park a vehicle on any property owned by the Board of
35 Education of Wicomico County or the community colleges of Wicomico County where
36 parking is prohibited by an official sign.

1 (y) A person may not park a vehicle on any property owned by the Board of
2 Education of Prince George's County where parking is prohibited by an official sign.

3 (z) A person may not park a vehicle on any property owned by the Board of
4 Education of Calvert County, Charles County, or St. Mary's County or the community
5 colleges of Calvert County, Charles County, or St. Mary's County where parking is
6 prohibited by an official sign.

7 (aa) A person may not park a vehicle at any other place where parking is
8 prohibited by an official sign.

9 (bb) A person may not move a vehicle that he does not lawfully control into any
10 prohibited area.

11 (cc) A person may not move a vehicle that the person does not lawfully control
12 away from a curb for an unlawful distance.

13 (dd) A person may not stop, stand, or park a vehicle in front of a curb ramp
14 designed for the use of individuals with disabilities.

15 (ee) A person may not stop, stand, or park a vehicle in front of or on a
16 passenger loading zone designed or marked for the use of individuals with
17 disabilities.

18 21-1004.

19 (a) Except as otherwise provided in this section, a vehicle that is stopped or
20 parked on a two-way roadway shall be stopped or parked parallel to the right hand
21 curb or edge of the roadway, with its right hand wheels within 12 inches of that curb
22 or edge of the roadway.

23 (b) Except as otherwise provided by local ordinance, a vehicle that is stopped
24 or parked on a one-way roadway shall be stopped or parked parallel to the curb or
25 edge of the roadway, in the direction of authorized traffic movement, with:

26 (1) Its right hand wheels within 12 inches of the right hand curb or edge
27 of the roadway; or

28 (2) Its left hand wheels within 12 inches of the left hand curb or edge of
29 the roadway.

30 (e) (1) A person may not stop, stand, or park a vehicle on any private
31 property not owned by the owner or driver of the vehicle unless the person has
32 express or implied permission from the property owner, [his] THE OWNER'S tenant,
33 or [his] THE OWNER'S agent to stop, stand, or park the vehicle, as the case may be.

34 (2) In [Baltimore City or in] any county, upon the request of the owner,
35 [his] THE OWNER'S agent, or [his] THE OWNER'S tenant, a police officer may issue
36 a citation FOR A TRAFFIC INFRACTION UNDER TITLE 26, SUBTITLE 5 OF THIS ARTICLE
37 for a violation of the provisions of this subsection.

1 21-1004.1.

2 (a) A person may not leave a cat or dog unattended in a standing or parked
3 motor vehicle in a manner that endangers the health or safety of the cat or dog.

4 21-1005.

5 (a) A person who has a permanent physical disability may apply to the
6 Administration, on the form that it requires, for a permit for one personal residential
7 reserved parking space:

8 (1) To be located at the curb, side, or edge of the roadway of the highway
9 in front of or near the applicant's dwelling unit; and

10 (2) To provide convenience and safety as the person enters or leaves a
11 vehicle.

12 (d) On receipt of the permit, the person shall affix it to the vehicle in a
13 conspicuous place.

14 (m) Unless the vehicle displays a personal residential permit issued for the
15 space in which the vehicle is parked, a person may not park a vehicle in a personal
16 residential reserved parking space established under this section.

17 21-1006.

18 (b) A person may not park a motor vehicle in a space designated for the use of
19 individuals with disabilities unless the vehicle bears a special registration plate, a
20 removable windshield placard, or a temporary removable windshield placard issued
21 by the Administration under § 13-616, § 13-616.1, or § 13-616.2 of this article or
22 similarly by another state, the District of Columbia, or another country.

23 21-1009.

24 (A) In Charles County, the county commissioners may adopt ordinances and
25 regulations relating to the towing or removal of vehicles from privately owned
26 parking lots.

27 (B) A PERSON WHO VIOLATES AN ORDINANCE OR REGULATION CONCERNING
28 A PARKED VEHICLE IS GUILTY OF A TRAFFIC INFRACTION UNDER TITLE 26,
29 SUBTITLE 5 OF THIS ARTICLE.

30 21-1119.

31 (e) (1) A person may not park a vehicle on any highway that is designated
32 and appropriately sign posted as a snow emergency route and for which a snow
33 emergency has been declared and is in effect.

34 (2) The Department of State Police or the police of any political
35 subdivision of this State may have any vehicle parked in violation of this subsection
36 towed from the highway.

1 21-1407.

2 (a) The driver of a vehicle may not stop, stand, or park the vehicle on any
3 vehicular crossing or highway under the jurisdiction of the Maryland Transportation
4 Authority, except:

5 (1) If necessary to avoid injury or damage to any person or property;

6 (2) In compliance with the lawful direction of an authorized employee of
7 the vehicular crossing;

8 (3) At a designated area for the transaction of business at an
9 Administration building; or

10 (4) If the vehicle is disabled or involved in an accident, in which case the
11 vehicle shall be moved, if possible:

12 (i) To the shoulder of the roadway;

13 (ii) Adjacent to the emergency walkway on a bridge; or

14 (iii) As otherwise directed by a patrol officer.

15 (b) Notwithstanding § 25-201(b) of this article, the Maryland Transportation
16 Authority may adopt regulations governing the removal of vehicles left unattended
17 for 12 or more hours on any vehicular crossing or highway under its jurisdiction.

18 25-202.

19 (a) A person may not abandon a vehicle:

20 (1) On any public property; or

21 (2) On any property other than [his] THE PERSON'S own without the
22 permission of the owner or lessee of the property.

23 26-201.

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

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

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

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

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

1 (5) Title 10, Subtitle 4 of the Business Regulation Article; OR

2 (6) A TRAFFIC INFRACTION UNDER TITLE 26, SUBTITLE 5 OF THIS
3 ARTICLE.

4 (f) An officer who discovers a vehicle stopped, standing, [or] parked, OR
5 ABANDONED in violation of [§ 21-1003] A TRAFFIC INFRACTION UNDER TITLE 26,
6 SUBTITLE 5 of this [article] TITLE shall:

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

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

11 26-202.

12 (a) [A] EXCEPT FOR A TRAFFIC INFRACTION UNDER TITLE 26, SUBTITLE 5 OF
13 THIS TITLE, A police officer may arrest without a warrant a person for a violation of
14 the Maryland Vehicle Law, including any rule or regulation adopted under it, or for a
15 violation of any traffic law or ordinance of any local authority of this State, if:

16 (1) The person has committed or is committing the violation within the
17 view or presence of the officer, and the violation is any of the following:

18 (i) A violation of § 21-1411 or § 22-409 of this article, relating to
19 vehicles transporting hazardous materials; or

20 (ii) A violation of § 24-111 or § 24-111.1 of this article, relating to
21 the failure or refusal to submit a vehicle to a weighing or to remove excess weight
22 from it;

23 (2) The person has committed or is committing the violation within the
24 view or presence of the officer, and either:

25 (i) The person does not furnish satisfactory evidence of identity; or

26 (ii) The officer has reasonable grounds to believe that the person
27 will disregard a traffic citation;

28 (3) The officer has probable cause to believe that the person has
29 committed the violation, and the violation is any of the following offenses:

30 (i) Driving or attempting to drive while intoxicated, while under
31 the influence of alcohol, or in violation of an alcohol restriction;

32 (ii) Driving or attempting to drive while under the influence of any
33 drug, any combination of drugs, or any combination of drugs and alcohol or while
34 under the influence of any controlled dangerous substance;

1 (iii) Failure to stop, give information, or render reasonable
2 assistance, as required by §§ 20-102 and 20-104 of this article, in the event of an
3 accident resulting in bodily injury to or death of any person;

4 (iv) Driving or attempting to drive a motor vehicle while the driver's
5 license or privilege to drive is suspended or revoked;

6 (v) Failure to stop or give information, as required by §§ 20-103
7 through 20-105 of this article, in the event of an accident resulting in damage to a
8 vehicle or other property;

9 (vi) Any offense that caused or contributed to an accident resulting
10 in bodily injury to or death of any person; or

11 (vii) Fleeing or attempting to elude a police officer;

12 (4) The person is a nonresident and the officer has probable cause to
13 believe that:

14 (i) The person has committed the violation; and

15 (ii) The violation contributed to an accident; or

16 (5) The officer has probable cause to believe that the person has
17 committed the violation, and, subject to the procedures set forth in § 26-203 of this
18 subtitle, the person is issued a traffic citation and refuses to acknowledge its receipt
19 by signature.

20 26-203.

21 (a) This section applies to all traffic citations issued under this subtitle,
22 unless:

23 (1) The person otherwise is being arrested under § 26-202(a)(1), (2), (3),
24 or (4) of this subtitle;

25 (2) The person is incapacitated or otherwise unable to comply with the
26 provisions of this section;

27 (3) The citation is being issued [to an unattended vehicle in violation of
28 § 21-1003] FOR A TRAFFIC INFRACTION UNDER TITLE 26, SUBTITLE 5 of this
29 [article] TITLE; or

30 (4) The citation is being issued to an unattended motor vehicle in
31 violation of § 13-402 of this article.

32 26-301.

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

1 (1) Regulate the parking of vehicles BY ESTABLISHING A TRAFFIC
2 INFRACTION UNDER TITLE 26, SUBTITLE 5 OF THIS TITLE;

3 (2) Provide for the impounding of vehicles parked in violation of the
4 ordinances or regulations THAT ESTABLISH A TRAFFIC INFRACTION;

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

7 (4) Provide for the issuance of a citation by an officer for a violation of an
8 ordinance or regulation, INCLUDING A VIOLATION OF A TRAFFIC INFRACTION, that is
9 adopted under this section.

10 26-407.

11 [(a) This section does not affect or modify the procedures established under
12 Subtitle 3 of this title as to violations of parking ordinances or regulations adopted
13 under that subtitle.]

14 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS
15 SECTION DOES NOT APPLY TO A CITATION FOR A TRAFFIC INFRACTION UNDER TITLE
16 26, SUBTITLE 5 OF THIS TITLE.

17 (2) THE CHIEF JUDGE OF THE DISTRICT COURT, IN CONSULTATION
18 WITH THE ADMINISTRATION, MAY ADOPT RULES FOR THE DISPOSITION OF A
19 CITATION FOR A TRAFFIC INFRACTION UNDER TITLE 26, SUBTITLE 5 OF THIS TITLE
20 BY EACH TRAFFIC ENFORCEMENT AGENCY, AND POLICE OFFICER OR OTHER
21 PERSON, WITH THE AUTHORITY TO ISSUE A CITATION FOR THE TRAFFIC
22 INFRACTION.

23 SUBTITLE 5. TRAFFIC INFRACTIONS.

24 26-501.

25 IN THIS SUBTITLE, "TRAFFIC INFRACTION" MEANS A VIOLATION OF AN
26 ORDINANCE, RULE, REGULATION, OR STATUTE CONCERNING STOPPING, STANDING,
27 PARKING, OR ABANDONMENT OF A VEHICLE UNDER:

28 (1) ARTICLE 41, § 14-308(B)(2) OF THE CODE;

29 (2) § 13-1008.1 OF THE FINANCIAL INSTITUTIONS ARTICLE;

30 (3) § 4-604(8) OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

31 (4) § 5-426(A)(1) OF THIS ARTICLE;

32 (5) § 13-616(L)(2) OF THIS ARTICLE;

33 (6) § 13-616.1(I)(2) OF THIS ARTICLE;

34 (7) § 13-616.2(D)(2) OF THIS ARTICLE;

- 1 (8) § 21-1001 OF THIS ARTICLE;
- 2 (9) § 21-1003 OF THIS ARTICLE;
- 3 (10) § 21-1004(A), (B), AND (E) OF THIS ARTICLE;
- 4 (11) § 21-1004.1(A) OF THIS ARTICLE;
- 5 (12) § 21-1005(D) AND (M) OF THIS ARTICLE;
- 6 (13) § 21-1006(B) OF THIS ARTICLE;
- 7 (14) § 21-1009(B) OF THIS ARTICLE;
- 8 (15) § 21- 1119(E) OF THIS ARTICLE;
- 9 (16) § 21-1407 OF THIS ARTICLE; AND
- 10 (17) § 25-202 OF THIS ARTICLE.

11 26-502.

12 (A) A TRAFFIC INFRACTION IS A CIVIL OFFENSE.

13 (B) THE STANDARD OF PROOF FOR AN ADJUDICATION OF A TRAFFIC
14 INFRACTION SHALL BE CLEAR AND CONVINCING EVIDENCE.

15 (C) IN THE TRIAL OF A TRAFFIC INFRACTION, A DEFENDANT SHALL BE
16 ENTITLED TO:

17 (1) CROSS-EXAMINE ALL WITNESSES WHO TESTIFY AGAINST THE
18 DEFENDANT;

19 (2) PRODUCE EVIDENCE AND WITNESSES IN THE DEFENDANT'S OWN
20 BEHALF;

21 (3) TESTIFY ON THE DEFENDANT'S OWN BEHALF IF THE DEFENDANT
22 ELECTS TO DO SO; AND

23 (4) BE REPRESENTED BY COUNSEL OF THE DEFENDANT'S OWN
24 SELECTION AND AT THE DEFENDANT'S OWN EXPENSE.

25 (D) AN ADJUDICATION OF A PERSON AS GUILTY OF A TRAFFIC INFRACTION IS
26 NOT A CRIMINAL CONVICTION FOR ANY PURPOSE.

27 (E) IF A PERSON IS FOUND GUILTY OF A TRAFFIC INFRACTION, A COURT MAY
28 SUSPEND ALL OR PART OF THE PENALTY UNDER § 27-102(B) OF THIS ARTICLE.

29 (F) A PERSON WHO IS FOUND GUILTY OF A TRAFFIC INFRACTION SHALL BE
30 LIABLE FOR THE COURT COSTS OF THE PROCEEDING.

1 (G) IMPRISONMENT IN DEFAULT IN A PAYMENT OF A FINE AND COURT COSTS
2 FOR A TRAFFIC INFRACTION SHALL BE GOVERNED BY THE PROVISIONS OF ARTICLE
3 38, § 4 OF THE CODE.

4 27-102.

5 (A) (1) THIS SUBSECTION DOES NOT APPLY TO A VIOLATION OF A TRAFFIC
6 INFRACTION UNDER TITLE 26, SUBTITLE 5 OF THIS ARTICLE.

7 (2) Except as provided in § 21-1207.1 of this article, any person who
8 violates a restriction imposed on any license under the Maryland Vehicle Law or who
9 violates any rule or regulation adopted under any provision of the Maryland Vehicle
10 Law is guilty of a misdemeanor and, in addition to any administrative penalty
11 provided for in the Maryland Vehicle Law, is subject to the penalties provided for in §
12 27-101 (b) of this subtitle or, if greater, to the same penalties as are provided for a
13 violation of the statute for or under which the restriction is imposed or the rule or
14 regulation adopted.

15 (B) A PERSON WHO VIOLATES A TRAFFIC INFRACTION UNDER TITLE 26,
16 SUBTITLE 5 OF THIS ARTICLE IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN:

17 (1) \$500; OR

18 (2) AN AMOUNT PROVIDED BY ANOTHER PROVISION OF LAW FOR THE
19 SPECIFIC TRAFFIC INFRACTION.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
21 construed only prospectively and may not be applied or interpreted to have any effect
22 on or application to any citation issued before the effective date of this Act.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2000.