
By: **Senator Dorman**

Introduced and read first time: February 3, 2000

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland-National Capital Park and Planning Commission - Illegally**
3 **Parking in Space for Individuals with Disabilities - Penalty**

4 FOR the purpose of requiring the Maryland-National Capital Park and Planning
5 Commission to pre-set a fine for illegally parking in a space restricted for the
6 use of individuals with disabilities to equal the State penalty for a similar
7 violation; requiring the District Court to impose a fine for a certain Commission
8 infraction equal to the fine imposed by the State for a similar violation; and
9 generally relating to the penalty for illegally parking in a space restricted for the
10 use of individuals with disabilities on property of the Maryland-National
11 Capital Park and Planning Commission.

12 BY repealing and reenacting, with amendments,
13 Article 28 - Maryland-National Capital Park and Planning Commission
14 Section 5-113
15 Annotated Code of Maryland
16 (1997 Replacement Volume and 1999 Supplement)

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

19 **Article 28 - Maryland-National Capital Park and Planning Commission**

20 5-113.

21 (a) The Commission may make rules and regulations for the government and
22 use of all land or other property acquired by it or under its jurisdiction. It shall cause
23 these rules and regulations to be posted outside each park headquarters building,
24 community center, recreation center, or similar building in a developed park area.
25 Following their promulgation, they shall be published at least three times within 60
26 days, in one or more newspapers published in the metropolitan district, and the
27 posting and publication shall be sufficient notice to all persons. The sworn certificate
28 of any member of the Commission of the posting and publication shall be prima facie
29 evidence thereof.

1 (b) (1) Any violation of a rule or regulation is a "Commission infraction"
2 unless the violation is declared by law to be a criminal offense. For the purpose of this
3 article, a Commission infraction is a civil offense.

4 (2) Commission police officers may deliver a citation to any person whom
5 they adjudge to be committing a Commission infraction. A copy of the citation shall be
6 retained by the issuing authority and shall bear his certification attesting to the truth
7 of the matter therein set forth. The citation shall also contain:

8 (i) Name and address of the person charged;

9 (ii) The nature of the infraction;

10 (iii) The location and time that the infraction occurred;

11 (iv) The amount of the infraction fine assessed;

12 (v) The manner, location, and time in which the fine may be paid to
13 the Commission; and

14 (vi) The person's right to elect to stand trial for the infraction.

15 (3) (I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
16 PARAGRAPH, A pre-set fine not to exceed \$50 may be imposed for each conviction of a
17 Commission infraction. The Commission is authorized to establish a schedule of
18 pre-set fines for each conviction of a Commission infraction, which is payable by the
19 recipient of the citation to the Commission within 20 calendar days of the receipt of
20 the citation. Repeat offenders may be assessed a pre-set fine not to exceed \$100 for
21 each repeat offense.

22 (II) THE COMMISSION SHALL PRE-SET A FINE FOR ILLEGALLY
23 PARKING IN A SPACE OR ZONE RESTRICTED FOR THE USE OF INDIVIDUALS WITH
24 DISABILITIES EQUAL TO THE FINE IMPOSED BY THE STATE FOR A VIOLATION OF §
25 21-1003(V) OF THE TRANSPORTATION ARTICLE CONCERNING PARKING IN A SPACE OR
26 ZONE MARKED AS RESTRICTED FOR THE USE OF INDIVIDUALS WITH DISABILITIES.

27 (4) A person receiving the citation for a Commission infraction may elect
28 to stand trial for the offense by notifying the Commission of his intention of standing
29 trial. The notice shall be given at least 5 days prior to the date of payment as set forth
30 in the citation. Upon receipt of the notice of the intention to stand trial, the
31 Commission shall forward to the District Court having venue a copy of the citation
32 and the notice from the person who received the citation indicating his intention to
33 stand trial. Upon receipt of the citation, the District Court shall schedule the case for
34 trial and notify the defendant of the trial date. All fines, penalties, or forfeitures
35 collected by the District Court for violations of Commission infractions shall be
36 remitted to the Commission.

37 (5) If a person receiving a citation for an infraction fails to pay the fine
38 for the infraction by the date of payment set forth on the citation and fails to file a
39 notice of his intention to stand trial for the offense, a formal notice of the infraction

1 shall be sent to the owner's last known address. If the citation has not been satisfied
2 within 15 days from the date of the notice, he shall be liable for an additional fine not
3 to exceed twice the original fine. If after 35 days the citation has not been satisfied,
4 the Commission may request adjudication of the case through the District Court. The
5 District Court shall thereupon promptly schedule the case for trial and summons the
6 defendant to appear. The defendant's failure to respond to the summons is contempt
7 of court.

8 (6) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
9 PARAGRAPH, [If] IF any person is found by the District Court to have committed a
10 Commission infraction, [he] THE PERSON shall be required to pay a fine in an
11 amount not to exceed \$50 or in the event that the infraction is a repeat offense, \$100.

12 (II) IF ANY PERSON IS FOUND BY THE DISTRICT COURT TO HAVE
13 COMMITTED A COMMISSION INFRACTION UNDER PARAGRAPH (3)(II) OF THIS
14 SUBSECTION, THE PERSON SHALL BE REQUIRED TO PAY A FINE EQUAL TO THE FINE
15 IMPOSED BY THE STATE FOR A VIOLATION OF § 21-1003(V) OF THE TRANSPORTATION
16 ARTICLE.

17 (7) Adjudication of a Commission infraction, as defined in this article, is
18 not a criminal conviction for any purpose, nor does it impose any of the civil
19 disabilities ordinarily imposed by a criminal conviction.

20 (8) In any proceeding for a Commission infraction before the District
21 Court, the violation shall be prosecuted in the same manner and to the same extent as
22 set forth for municipal infractions in Article 23A, § 3(b)(8) through (15), inclusive.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2000.