

HOUSE BILL 1102

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HB 1242/00 - CGM

2002 Regular Session  
2lr2389  
CF 2lr1026

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By: **Delegates McHale and Cole**

Introduced and read first time: February 8, 2002

Assigned to: Judiciary

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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; requiring the Chief Judge of the  
7 District Court to adopt certain rules concerning the disposition of civil traffic  
8 citations, including procedures for certain appeals by mail; defining a certain  
9 term; providing for the application of this Act; and generally relating to  
10 establishing parking and certain other violations 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 2001 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Courts and Judicial Proceedings  
18 Section 4-401(15) and (16) and 12-401(d) and (f)  
19 Annotated Code of Maryland  
20 (1998 Replacement Volume and 2001 Supplement)

21 BY adding to  
22 Article - Courts and Judicial Proceedings  
23 Section 4-401(17)  
24 Annotated Code of Maryland  
25 (1998 Replacement Volume and 2001 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 2001 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 (2001 Replacement Volume)
- 7 BY repealing and reenacting, with amendments,  
8 Article - State Finance and Procurement  
9 Section 4-607(c)  
10 Annotated Code of Maryland  
11 (2001 Replacement Volume)
- 12 BY repealing and reenacting, without amendments,  
13 Article - Transportation  
14 Section 5-426(a)(1)  
15 Annotated Code of Maryland  
16 (2001 Replacement Volume)
- 17 BY repealing and reenacting, with amendments,  
18 Article - Transportation  
19 Section 5-427(a)  
20 Annotated Code of Maryland  
21 (2001 Replacement Volume)
- 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 2001 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 2001 Supplement)
- 34 BY repealing  
35 Article - Transportation  
36 Section 26-407(a)  
37 Annotated Code of Maryland

1 (1999 Replacement Volume and 2001 Supplement)

2 BY adding to

3 Article - Transportation

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

5 "Subtitle 5. Traffic Infractions"

6 Annotated Code of Maryland

7 (1999 Replacement Volume and 2001 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 (15) A proceeding for condemnation and immediate possession of and title  
25 to abandoned, blighted, and deteriorated property under authority granted in the  
26 Code of Public Local Laws of a county, including Baltimore City, where the estimated  
27 value of the property does not exceed \$25,000; [and]

28 (16) A proceeding for a replacement motor vehicle under § 14-1502(c)(1)(i)  
29 of the Commercial Law Article; AND

30 (17) 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 SUBTITLE 5 OF THIS TITLE.

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

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

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

10 26-202.

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

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

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

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

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

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

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

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

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

31 (ii) Driving or attempting to drive while impaired by any drug, any  
32 combination of drugs, or any combination of one or more drugs and alcohol or while  
33 impaired by 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 SUBTITLE 5 of this [article] TITLE;  
29 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 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  
16 SUBTITLE 5 OF THIS TITLE.

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

22 (3) (I) THE RULES ADOPTED UNDER PARAGRAPH (2) OF THIS  
23 SUBSECTION SHALL INCLUDE PROCEDURES THAT:

24 1. ALLOW A PERSON WHO RECEIVES A CITATION FOR A  
25 TRAFFIC INFRACTION UNDER SUBTITLE 5 OF THIS TITLE TO APPEAL THE CITATION  
26 BY MAIL; AND

27 2. PROVIDE FOR THE APPOINTMENT OF COMMISSIONERS TO  
28 RECEIVE AND CONSIDER APPEALS UNDER THIS PARAGRAPH.

29 (II) AN APPEAL OF A CITATION FOR A TRAFFIC INFRACTION UNDER  
30 THIS PARAGRAPH:

31 1. SHALL BE RECEIVED BY THE DISTRICT COURT AT LEAST 5  
32 DAYS BEFORE THE PAYMENT DATE SPECIFIED IN THE CITATION; AND

33 2. SHALL INCLUDE A STATEMENT MADE UNDER PENALTY  
34 OF PERJURY BY THE PERSON WHO RECEIVED THE CITATION THAT:

35 A. DISPUTES THE FACTS ALLEGED IN THE CITATION; OR

1 B. PRESENTS EVIDENCE OF EXTENUATING CIRCUMSTANCES  
 2 TO BE CONSIDERED BY THE COMMISSIONER IN DETERMINING THE FINE, IF ANY, TO  
 3 BE IMPOSED.

4 (III) THE FILING OF AN APPEAL BY MAIL IN ACCORDANCE WITH  
 5 THIS PARAGRAPH SHALL SUSPEND THE APPLICABILITY OF §§ 26-303 AND 26-305 OF  
 6 THIS TITLE WITH RESPECT TO THE CITATION THAT IS THE SUBJECT OF THE APPEAL  
 7 FOR A PERIOD OF 5 DAYS AFTER THE DATE ON WHICH THE COMMISSIONER TAKES AN  
 8 ACTION UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH.

9 (IV) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR GOOD  
 10 CAUSE AND IN THE INTEREST OF JUSTICE, A COMMISSIONER REVIEWING AN APPEAL  
 11 BY MAIL UNDER THIS PARAGRAPH MAY:

12 1. DECLINE TO IMPOSE THE FINE SPECIFIED IN THE  
 13 CITATION;

14 2. REDUCE THE FINE SPECIFIED IN THE CITATION; OR

15 3. DENY THE APPEAL AND:

16 A. SEND NOTICE OF THE DENIAL TO THE PERSON WHO  
 17 APPEALED THE CITATION; AND

18 B. FORWARD THE CITATION TO THE DISTRICT COURT FOR  
 19 DISPOSITION AS OTHERWISE PROVIDED BY LAW AND COURT RULES.

20 (V) IF A PERSON DOES NOT PREVAIL IN AN APPEAL UNDER THIS  
 21 PARAGRAPH, THE PERSON SHALL COMPLY WITH THE DECISION OF THE  
 22 COMMISSIONER BY:

23 1. PAYING THE FINE SPECIFIED IN THE DECISION; OR

24 2. ELECTING TO STAND TRIAL AS PROVIDED IN § 26-303 OF  
 25 THIS TITLE.

26 SUBTITLE 5. TRAFFIC INFRACTIONS.

27 26-501.

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

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

32 (2) § 13-1008.1 OF THE FINANCIAL INSTITUTIONS ARTICLE;

33 (3) § 4-604(8) OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

34 (4) § 5-426(A)(1) OF THIS ARTICLE;

- 1 (5) § 13-616(L)(2) OF THIS ARTICLE;
- 2 (6) § 13-616.1(I)(2) OF THIS ARTICLE;
- 3 (7) § 13-616.2(D)(2) OF THIS ARTICLE;
- 4 (8) § 21-1001 OF THIS ARTICLE;
- 5 (9) § 21-1003 OF THIS ARTICLE;
- 6 (10) § 21-1004(A), (B), AND (E) OF THIS ARTICLE;
- 7 (11) § 21-1004.1(A) OF THIS ARTICLE;
- 8 (12) § 21-1005(D) AND (M) OF THIS ARTICLE;
- 9 (13) § 21-1006(B) OF THIS ARTICLE;
- 10 (14) § 21-1009(B) OF THIS ARTICLE;
- 11 (15) § 21-1119(E) OF THIS ARTICLE;
- 12 (16) § 21-1407 OF THIS ARTICLE; AND
- 13 (17) § 25-202 OF THIS ARTICLE.

14 26-502.

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

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

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

20 (1) CROSS-EXAMINE ALL WITNESSES WHO TESTIFY AGAINST THE  
21 DEFENDANT;

22 (2) PRODUCE EVIDENCE AND WITNESSES IN THE DEFENDANT'S OWN  
23 BEHALF;

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

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

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

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

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

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

8 27-102.

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

11 (2) Except as provided in § 21-1207.1 of this article, any person who  
12 violates a restriction imposed on any license under the Maryland Vehicle Law or who  
13 violates any rule or regulation adopted under any provision of the Maryland Vehicle  
14 Law is guilty of a misdemeanor and, in addition to any administrative penalty  
15 provided for in the Maryland Vehicle Law, is subject to the penalties provided for in §  
16 27-101 (b) of this subtitle or, if greater, to the same penalties as are provided for a  
17 violation of the statute for or under which the restriction is imposed or the rule or  
18 regulation adopted.

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

21 (1) \$500; OR

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

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

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2002.