

HOUSE BILL 1214

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R5

2002 Regular Session  
2lr1230

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By: **Delegates Conway, Taylor, Amedori, R. Baker, W. Baker, Barkley, Bartlett, Benson, Bohanan, Boutin, Bozman, Branch, Brinkley, Busch, Cadden, Cane, Clagett, Conroy, Conway, Crouse, D'Amato, DeCarlo, Dewberry, Donoghue, Eckardt, Edwards, Elliott, Franchot, Frush, Getty, Glassman, Hammen, Healey, Hecht, Heller, Howard, Hubbard, Hubers, Hurson, Hutchins, James, A. Jones, V. Jones, Kach, Kelly, Klausmeier, Klima, Leopold, Linton, Love, Malone, McClenahan, McIntosh, McKee, Menes, Minnick, Mitchell, Moe, Mohorovic, Montague, O'Donnell, Owings, Parrott, Patterson, Pitkin, Proctor, Rawlings, Riley, Rosso, Rudolph, Schisler, Shank, Snodgrass, Sophocleus, Stocksedale, Stull, Turner, Walkup, Weir, and Wood**

Introduced and read first time: February 8, 2002

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Fire and Emergency Services Support Fund - Moving Violations -**  
3 **Surcharge**

4 FOR the purpose of establishing the Maryland Fire and Emergency Services Support  
5 Fund as a special, nonlapsing fund; providing a certain source of revenue for the  
6 Fund; requiring the Fund to be used for certain purposes; requiring the Chief  
7 Judge of the District Court to include a certain item in citation forms designed  
8 for traffic offenses; requiring a certain surcharge to be added to a fine imposed  
9 by the District Court for a conviction for certain moving violations; requiring a  
10 police officer issuing a citation for certain moving violations to add a certain  
11 surcharge to the amount of the total fine before presenting the citation to the  
12 driver being charged; requiring the Comptroller to annually pay certain  
13 surcharges collected into the Fund; providing for the application of this Act; and  
14 generally relating to surcharges collected for moving violations and the  
15 Maryland Fire and Emergency Services Support Fund.

16 BY repealing and reenacting, with amendments,  
17 Article - Courts and Judicial Proceedings  
18 Section 1-605(d)(8)  
19 Annotated Code of Maryland  
20 (1998 Replacement Volume and 2001 Supplement)

21 BY adding to  
22 Article - Courts and Judicial Proceedings

1 Section 7-301(g)  
2 Annotated Code of Maryland  
3 (1998 Replacement Volume and 2001 Supplement)

4 BY adding to  
5 Article - Transportation  
6 Section 27-101.2 and 27-113  
7 Annotated Code of Maryland  
8 (1999 Replacement Volume and 2001 Supplement)

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

11 **Article - Courts and Judicial Proceedings**

12 1-605.

13 (d) In addition to the powers and duties granted and imposed in subsections  
14 (a), (b), and (c) of this section, or elsewhere by law or rule, the Chief Judge of the  
15 District Court shall:

16 (8) After consultation with police administrators and the Motor Vehicle  
17 Administrator, design arrest - citation forms that [shall]:

18 (I) SHALL be used by all law enforcement agencies in the State  
19 when charging a person with a criminal, civil, or traffic offense, excepting violations  
20 of parking ordinances or regulations adopted under Subtitle 3 of Title 26 of the  
21 Transportation Article; AND

22 (II) SHALL INCLUDE A LINE ON WHICH TO ADD THE \$20  
23 SURCHARGE ASSESSED UNDER § 27-101.2 OF THE TRANSPORTATION ARTICLE.

24 7-301.

25 (G) (1) IN A TRAFFIC CASE IN WHICH POINTS MAY BE ASSESSED UNDER §  
26 16-402 OF THE TRANSPORTATION ARTICLE, AFTER CONVICTION THE COURT SHALL  
27 ADD A \$20 SURCHARGE TO ANY FINE IMPOSED BY THE COURT.

28 (2) THE COMPTROLLER SHALL ANNUALLY PAY THE SURCHARGES  
29 COLLECTED UNDER THIS SUBSECTION INTO THE MARYLAND FIRE AND EMERGENCY  
30 SERVICES SUPPORT FUND ESTABLISHED UNDER § 27-113 OF THE TRANSPORTATION  
31 ARTICLE.

32 **Article - Transportation**

33 27-101.2.

34 (A) AFTER COMPUTING THE FINE TO BE ASSESSED UNDER THE DISTRICT  
35 COURT'S SCHEDULE OF PRESET FINES AND/OR PENALTY DEPOSITS, A POLICE

1 OFFICER ISSUING A TRAFFIC CITATION FOR A VIOLATION FOR WHICH POINTS MAY  
2 BE ASSESSED UNDER § 16-402 OF THIS ARTICLE SHALL ADD A \$20 SURCHARGE TO  
3 THE AMOUNT OF THE TOTAL FINE BEFORE PRESENTING THE CITATION TO THE  
4 DRIVER BEING CHARGED.

5 (B) THE COMPTROLLER SHALL ANNUALLY PAY THE SURCHARGES  
6 COLLECTED UNDER THIS SECTION INTO THE MARYLAND FIRE AND EMERGENCY  
7 SERVICES SUPPORT FUND ESTABLISHED UNDER § 27-113 OF THIS ARTICLE.

8 27-113.

9 (A) IN THIS SECTION, "FUND" MEANS THE MARYLAND FIRE AND EMERGENCY  
10 SERVICES SUPPORT FUND.

11 (B) THERE IS A MARYLAND FIRE AND EMERGENCY SERVICES SUPPORT FUND.

12 (C) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT  
13 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

14 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE  
15 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

16 (3) INTEREST AND EARNINGS ON THE FUND SHALL BE SEPARATELY  
17 ACCOUNTED FOR AND CREDITED TO THE FUND, AND ARE NOT SUBJECT TO § 6-226(A)  
18 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

19 (D) THE FUND CONSISTS OF TRAFFIC CITATION SURCHARGES COLLECTED  
20 UNDER § 27-101.2 OF THIS ARTICLE AND § 7-301(G) OF THE COURTS ARTICLE.

21 (E) (1) THE FUND MAY BE USED ONLY FOR THE LOW INTEREST REVOLVING  
22 LOAN ACCOUNT UNDER THE VOLUNTEER COMPANY ASSISTANCE FUND IN  
23 ACCORDANCE WITH THE PROVISIONS OF ARTICLE 38A, §§ 46E THROUGH 46H OF THE  
24 CODE FOR THE FIRST YEAR THE FUND IS IN OPERATION OR UNTIL \$20 MILLION IS  
25 USED FOR THIS PURPOSE, WHICHEVER COMES FIRST.

26 (2) AFTER THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION  
27 ARE MET, THE MONEY IN THE FUND MAY BE USED ONLY AS FOLLOWS:

28 (I) 1/6 SHALL BE USED FOR THE MARYLAND EMERGENCY MEDICAL  
29 SERVICE SYSTEM FUND ESTABLISHED UNDER § 7-313 OF THE STATE FINANCE AND  
30 PROCUREMENT ARTICLE;

31 (II) 1/6 SHALL BE USED FOR THE TRAUMATIC BRAIN INJURY  
32 REHABILITATION FUND;

33 (III) 1/3 SHALL BE USED FOR THE SENATOR WILLIAM H. AMOSS FIRE,  
34 RESCUE, AND AMBULANCE FUND ESTABLISHED UNDER ARTICLE 38A, § 45B OF THE  
35 CODE; AND

36 (IV) 1/3 SHALL BE USED FOR THE FOLLOWING TRAUMA CENTERS:

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- 1                   1.     THE JOHNS HOPKINS HOSPITAL ADULT TRAUMA CENTER;
- 2                   2.     THE BAYVIEW MEDICAL CENTER;
- 3                   3.     PRINCE GEORGE'S HOSPITAL CENTER;
- 4                   4.     SINAI HOSPITAL OF BALTIMORE;
- 5                   5.     SUBURBAN HOSPITAL;
- 6                   6.     WASHINGTON COUNTY HOSPITAL; AND
- 7                   7.     PENINSULA REGIONAL MEDICAL CENTER.

8     (D)     EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE  
9 WITH THE STATE BUDGET.

10     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
11 construed to apply only prospectively and may not be applied or interpreted to have  
12 any effect on or application to any violation committed before the effective date of this  
13 Act.

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