

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**  
**Revised**

House Bill 1102 (Delegates McHale and Cole)  
Commerce and Government Matters

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

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This bill provides that specified parking and parking related offenses are traffic infractions, which are civil offenses and not criminal offenses. The bill must only be construed prospectively and may not be applied to any citation issued before October 1, 2002.

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**Fiscal Summary**

**State Effect:** Significant general fund increase in FY 2003 to appoint additional commissioners. The impact depends on the number of new commissioners needed, which cannot be estimated at this time. General fund expenditures will likely decrease over time because traffic citation appeals would no longer require District Court personnel or facilities.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** This bill decriminalizes specified parking and other violations, providing that they are traffic infractions that constitute civil offenses. It grants exclusive original jurisdiction over traffic infraction proceedings to the District Court and allows the chief judge of the District Court, in consultation with the Motor Vehicle Administration (MVA), to adopt rules for the disposition of a citation for a traffic infraction by each traffic enforcement agency and by a police officer or other person with authority to issue a citation for the traffic infraction.

The bill defines a traffic infraction as a violation of an ordinance, rule, regulation, or statute concerning stopping, standing, parking, or abandonment of a vehicle under 17 provisions of law, such as illegal parking at publicly owned airports or on snow emergency routes, improper use of special registration plates for persons with disabilities, and leaving a cat or dog in a standing or parked vehicle.

The rules to be adopted must include procedures to allow a person who receives a citation to appeal it by mail and provide for the appointment of commissioners to receive and consider appeals. The bill requires appeals for the specified citations to be received by the District Court at least five days before the payment date specified in the citation and include a statement (made under penalty of perjury) by the person who received the citation that dispute the facts alleged in the citation or present any extenuating circumstances that could be considered in the fine assessment. In the interest of justice and for good cause, a commissioner reviewing an appeal by mail may:

- decline to impose or reduce the specified fine; or
- deny the appeal and notify the defendant of the denial; and
- forward the citation to the District Court for disposition.

If a person does not prevail in an appeal, he or she must comply with the decision of the commissioner by paying the fine specified in the decision or electing to stand trial.

The bill also states that the standard of proof for an adjudication of a traffic violation is clear and convincing evidence. In a trial, a defendant is entitled to: (1) cross examine all witnesses who testify against the defendant; (2) produce evidence and witnesses in the defendant's own behalf; (3) testify on the defendant's own behalf if the defendant elects to do so; and (4) be represented by counsel of the defendant's own selection and at the defendant's own expense.

A person found guilty is liable for the court costs of the proceeding and imprisonment may result from failure to pay a fine and court costs. An individual who violates a traffic infraction is subject to a civil fine of up to \$500 or another amount authorized for the specific traffic infraction. The bill requires that an appeal from a civil traffic infraction case in the District Court be given a new trial in the circuit court.

**Current Law:** Any State agency authorized by law and any political subdivision of the State may adopt ordinances or regulations that: (1) regulate the parking of vehicles; (2) provide for the impounding of vehicles parked in violation of the ordinances or regulations; (3) regulate the towing of vehicles from publicly owned and privately owned parking lots; and (4) provide for the issuance of a citation by an officer for a violation of an ordinance or regulation that is adopted under this section.

It is a misdemeanor for any person to violate any of the provisions of the Maryland Vehicle Law unless the violation is declared to be a felony or is punishable by a civil penalty. Generally, a conviction of a misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is subject to a fine of not more than \$500.

Only four of the enumerated offenses carry a penalty other than a monetary fine. One point can be assessed against an individual if he or she violates the snow emergency route parking prohibition, special disability plate provisions, or permanent or temporary disability placard provisions.

**State Fiscal Effect:** The District Court advises that the bill would likely require, at a minimum, one commissioner for each of the 12 judicial districts; urban areas such as Baltimore City would require more and rural areas may need fewer. District Court commissioners cannot currently address civil citations. General fund expenditures for salaries, fringe benefits, and operating expenses would increase accordingly. Over time, however, the District Court advises that the bill could generate savings through reducing the impact of traffic trials on the court system and lowering the number of judges that need to be appointed.

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### Additional Information

**Prior Introductions:** HB 1242 was introduced during the 2000 session and was given an unfavorable report by the Commerce and Government Matters Committee.

**Cross File:** SB 359 (Senator Della) - Judicial Proceedings is designated as a cross file but does not include the provisions relating to appeals.

**Information Source(s):** Washington County, Montgomery County, Prince George's County, Kent County, Worcester County, Judiciary (Administrative Office of the Courts), Department of State Police, Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - February 15, 2002  
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