

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

Senate Bill 359

(Senator Della)

Judicial Proceedings

Courts - Civil Citations - Parking and Other Related Traffic Infractions

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.

Fiscal Summary

State Effect: Minimal or none. The bill is not expected to materially affect State procedures or operations.

Local Effect: None.

Small Business Effect: None.

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 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.

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: HB 1102 (Delegates McHale and Cole) – Judiciary.

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

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