

HOUSE BILL 672

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R5
HB 1214/02 - JUD

2003 Regular Session
3lr0664

By: **Delegates Conway, Amedori, Barkley, Bohanan, Bozman, Branch, Busch, Cadden, Cane, G. Clagett, V. Clagett, Conroy, Costa, DeBoy, Donoghue, Eckardt, Edwards, Elliott, Elmore, Frank, Glassman, Hammen, Heller, Hubbard, Jameson, Kach, Krysiak, Love, Malone, McHale, McKee, Minnick, Mitchell, Moe, Myers, Niemann, O'Donnell, Owings, Parrott, Proctor, Rudolph, Shank, Sophocleus, Stull, Walkup, Weir, and Wood**

Introduced and read first time: February 7, 2003
Assigned to: Judiciary

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 (2002 Replacement Volume)

21 BY adding to
22 Article - Courts and Judicial Proceedings
23 Section 7-301(g)
24 Annotated Code of Maryland
25 (2002 Replacement Volume)

1 BY adding to
2 Article - Transportation
3 Section 27-101.2 and 27-114
4 Annotated Code of Maryland
5 (2002 Replacement Volume)

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

8 **Article - Courts and Judicial Proceedings**

9 1-605.

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

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

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

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

21 7-301.

22 (G) (1) IN A TRAFFIC CASE IN WHICH POINTS MAY BE ASSESSED UNDER §
23 16-402 OF THE TRANSPORTATION ARTICLE, AFTER CONVICTION THE COURT SHALL
24 ADD A \$20 SURCHARGE TO ANY FINE IMPOSED BY THE COURT.

25 (2) THE COMPTROLLER SHALL ANNUALLY PAY THE SURCHARGES
26 COLLECTED UNDER THIS SUBSECTION INTO THE MARYLAND FIRE AND EMERGENCY
27 SERVICES SUPPORT FUND ESTABLISHED UNDER § 27-114 OF THE TRANSPORTATION
28 ARTICLE.

29 **Article - Transportation**

30 27-101.2.

31 (A) AFTER COMPUTING THE FINE TO BE ASSESSED UNDER THE DISTRICT
32 COURT'S SCHEDULE OF PRESET FINES OR PENALTY DEPOSITS, A POLICE OFFICER
33 ISSUING A TRAFFIC CITATION FOR A VIOLATION FOR WHICH POINTS MAY BE
34 ASSESSED UNDER § 16-402 OF THIS ARTICLE SHALL ADD A \$20 SURCHARGE TO THE
35 AMOUNT OF THE TOTAL FINE BEFORE PRESENTING THE CITATION TO THE DRIVER
36 BEING CHARGED.

1 (B) THE COMPTROLLER SHALL ANNUALLY PAY THE SURCHARGES
2 COLLECTED UNDER THIS SECTION INTO THE MARYLAND FIRE AND EMERGENCY
3 SERVICES SUPPORT FUND ESTABLISHED UNDER § 27-114 OF THIS ARTICLE.

4 27-114.

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

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

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

10 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE
11 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

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

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

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

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

24 (I) ONE-SIXTH SHALL BE USED FOR THE MARYLAND EMERGENCY
25 MEDICAL SERVICE SYSTEM FUND ESTABLISHED UNDER § 7-313 OF THE STATE
26 FINANCE AND PROCUREMENT ARTICLE;

27 (II) ONE-SIXTH SHALL BE USED FOR THE TRAUMATIC BRAIN
28 INJURY REHABILITATION FUND;

29 (III) ONE-THIRD SHALL BE USED FOR THE SENATOR WILLIAM H.
30 AMOSS FIRE, RESCUE, AND AMBULANCE FUND ESTABLISHED UNDER ARTICLE 38A, §
31 45B OF THE ANNOTATED CODE OF MARYLAND; AND

32 (IV) ONE-THIRD SHALL BE USED FOR THE FOLLOWING TRAUMA
33 CENTERS:

34 1. THE JOHNS HOPKINS HOSPITAL HEALTH SYSTEM
35 TRAUMA CENTERS;

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- 1 2. THE PEDIATRIC TRAUMA CENTER AT THE CHILDREN'S
2 NATIONAL MEDICAL CENTER;
- 3 3. PRINCE GEORGE'S HOSPITAL CENTER;
- 4 4. SINAI HOSPITAL OF BALTIMORE;
- 5 5. SUBURBAN HOSPITAL;
- 6 6. WASHINGTON COUNTY HOSPITAL;
- 7 7. PENINSULA REGIONAL MEDICAL CENTER; AND
- 8 8. WESTERN MARYLAND HEALTH SYSTEM MEMORIAL
9 HOSPITAL.

10 (F) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
11 WITH THE STATE BUDGET.

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

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2003.