
By: **Delegates Petzold, Barkley, Dumais, Madaleno, Menes, Gutierrez, and Lee**

Introduced and read first time: February 10, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Moving Violations - Death**

3 FOR the purpose of providing that a person issued a traffic citation for a moving
4 violation contributing to an accident that results in the death of another person
5 may not comply with a notice to appear in court by prepayment of a fine and
6 must appear in person; providing that, if a person is convicted of a moving
7 violation and the trier of fact finds that the moving violation contributed to an
8 accident that resulted in the death of another person, the person is subject to
9 certain penalties; requiring a police officer who issues a certain citation to
10 indicate on the citation that the person to whom the citation is issued must
11 appear for trial when notified by the court; and generally relating to moving
12 violations contributing to accidents resulting in death.

13 BY repealing and reenacting, with amendments,
14 Article - Transportation
15 Section 26-201
16 Annotated Code of Maryland
17 (2002 Replacement Volume and 2005 Supplement)

18 BY adding to
19 Article - Transportation
20 Section 27-101(y)
21 Annotated Code of Maryland
22 (2002 Replacement Volume and 2005 Supplement)

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

1 **Article - Transportation**

2 26-201.

3 (a) A police officer may charge a person with a violation of any of the following,
4 if the officer has probable cause to believe that the person has committed or is
5 committing the violation:

6 (1) The Maryland Vehicle Law, including any rule or regulation adopted
7 under any of its provisions;

8 (2) A traffic law or ordinance of any local authority;

9 (3) Title 9, Subtitle 2 of the Tax - General Article;

10 (4) Title 9, Subtitle 3 of the Tax - General Article; or

11 (5) Title 10, Subtitle 4 of the Business Regulation Article.

12 (b) A police officer who charges a person under this section shall issue a
13 written traffic citation to the person charged.

14 (c) A traffic citation issued to a person under this section shall contain:

15 (1) A notice to appear in court, including a notice that, if the offense is
16 not punishable by incarceration, the person may request a hearing regarding
17 sentencing and disposition in lieu of a trial as provided in § 26-204(b)(2) of this
18 subtitle;

19 (2) The name and address of the person;

20 (3) The number of the person's license to drive, if applicable;

21 (4) The State registration number of the vehicle, if applicable;

22 (5) The violation charged;

23 (6) Unless otherwise to be determined by the court, the time when and
24 place where the person is required to appear in court;

25 (7) A statement acknowledging receipt of the citation, to be signed by the
26 person;

27 (8) On the side of the citation to be signed by the person, a clear and
28 conspicuous statement that:

29 (i) The signing of the citation by the person does not constitute an
30 admission of guilt; and

31 (ii) The failure to sign may subject the person to arrest; and

1 (9) Any other necessary information.

2 (D) A POLICE OFFICER WHO ISSUES A TRAFFIC CITATION FOR A MOVING
3 VIOLATION THAT CONTRIBUTES TO AN ACCIDENT THAT RESULTS IN THE DEATH OF
4 ANOTHER PERSON SHALL CHECK THE APPROPRIATE BOX ON THE CITATION
5 INDICATING THAT THE PERSON TO WHOM THE CITATION IS ISSUED MUST APPEAR
6 FOR TRIAL WHEN NOTIFIED BY THE COURT.

7 [(d)] (E) Unless the person charged demands an earlier hearing, a time
8 specified in the notice to appear shall be at least 5 days after the alleged violation.

9 [(e)] (F) A place specified in the notice to appear shall be before a judge of the
10 District Court, as specified in § 26-401 of this title.

11 [(f)] (G) An officer who discovers a vehicle stopped, standing, or parked in
12 violation of § 21-1003 of this article shall:

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

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

17 [(g)] (H) (1) A law enforcement officer who discovers a motor vehicle parked
18 in violation of § 13-402 of this article shall:

19 (i) Deliver a citation to the driver or, if the motor vehicle is
20 unattended, attach a citation to the motor vehicle in a conspicuous place; and

21 (ii) Keep a copy of the citation, bearing the law enforcement
22 officer's certification under penalty of perjury that the facts stated in the citation are
23 true.

24 (2) In the absence of the driver, the owner of the motor vehicle is
25 presumed to be the person receiving the citation or warning.

26 27-101.

27 (Y) IF A PERSON IS CONVICTED OF A MOVING VIOLATION AND THE TRIER OF
28 FACT FINDS BEYOND A REASONABLE DOUBT THAT THE MOVING VIOLATION
29 CONTRIBUTED TO AN ACCIDENT THAT RESULTED IN THE DEATH OF ANOTHER
30 PERSON, THE PERSON IS SUBJECT TO A FINE OF NOT MORE THAN \$2,500 OR
31 IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR BOTH.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
33 effect October 1, 2006.