

By: **Chairman, Judicial Proceedings Committee (By Request -
Departmental - Comptroller)**

Introduced and read first time: January 16, 2006

Rules suspended

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Fuel Violations - Issuance of Citation by Police Officer**

3 FOR the purpose of authorizing a police officer to charge a person with a violation of
4 certain provisions of law relating to motor fuels by issuing a written traffic
5 citation containing certain information; and generally relating to violations of
6 certain motor fuel laws.

7 BY repealing and reenacting, with amendments,
8 Article - Transportation
9 Section 26-201
10 Annotated Code of Maryland
11 (2002 Replacement Volume and 2005 Supplement)

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

14 **Article - Transportation**

15 26-201.

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

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

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

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

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

24 (5) Title 10, Subtitle 4 of the Business Regulation Article;

1 (6) § 10-323 OF THE BUSINESS REGULATION ARTICLE; OR

2 (7) § 10-323.2 OF THE BUSINESS REGULATION ARTICLE.

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

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

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

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

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

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

13 (5) The violation charged;

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

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

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

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

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

23 (9) Any other necessary information.

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

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

28 (f) An officer who discovers a vehicle stopped, standing, or parked in violation
29 of § 21-1003 of this article shall:

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

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

3 (g) (1) A law enforcement officer who discovers a motor vehicle parked in
4 violation of § 13-402 of this article shall:

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

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

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
13 effect July 1, 2006.