

HOUSE BILL 1179

R5

8lr2884

By: **Delegate Donoghue**

Introduced and read first time: February 8, 2008

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Fleeing or Eluding Police – Liability of Vehicle Owners**

3 FOR the purpose of providing that an owner of a motor vehicle that is involved in a
4 violation related to fleeing or eluding the police is subject to a certain civil
5 penalty; requiring the District Court to prescribe a certain citation form and a
6 civil penalty to be indicated on the citation for certain purposes; requiring a law
7 enforcement agency to mail a citation in a certain manner under certain
8 circumstances; providing that an individual receiving a citation may elect to
9 stand trial in the District Court and request that a certain police officer be
10 present and testify; providing a certain burden of proof; establishing defenses
11 that may be considered; imposing certain additional penalties and authorizing
12 certain other actions when an owner fails to pay the civil penalty, contest
13 liability, or appear for trial; prohibiting imposition of liability under this Act
14 from being considered a moving violation for certain purposes, being recorded
15 on the driving record of the owner, or being considered by an insurer for certain
16 purposes; providing that imposition of liability under this Act may be treated as
17 a parking violation for certain purposes; requiring the Chief Judge of the
18 District Court to adopt certain procedures; expanding the jurisdiction of the
19 District Court; defining certain terms; and generally relating to imposition of
20 liability on the owner of a motor vehicle that is involved in a violation related to
21 fleeing or eluding the police.

22 BY repealing and reenacting, with amendments,
23 Article – Courts and Judicial Proceedings
24 Section 4–401(13)
25 Annotated Code of Maryland
26 (2006 Replacement Volume and 2007 Supplement)

27 BY repealing and reenacting, without amendments,
28 Article – Transportation
29 Section 21–904

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2006 Replacement Volume and 2007 Supplement)

3 BY adding to
4 Article – Transportation
5 Section 21–904.1
6 Annotated Code of Maryland
7 (2006 Replacement Volume and 2007 Supplement)

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

10 **Article – Courts and Judicial Proceedings**

11 4–401.

12 Except as provided in § 4–402 of this subtitle, and subject to the venue
13 provisions of Title 6 of this article, the District Court has exclusive original civil
14 jurisdiction in:

15 (13) A proceeding for a civil infraction under § 21–202.1, § 21–704.1,
16 [or] § 21–809, **OR § 21–904.1** of the Transportation Article or § 10–112 of the
17 Criminal Law Article;

18 **Article – Transportation**

19 21–904.

20 (a) In this section, “visual or audible signal” includes a signal by hand, voice,
21 emergency light or siren.

22 (b) If a police officer gives a visual or audible signal to stop and the police
23 officer is in uniform, prominently displaying the police officer’s badge or other insignia
24 of office, a driver of a vehicle may not attempt to elude the police officer by:

25 (1) Willfully failing to stop the driver’s vehicle;

26 (2) Fleeing on foot; or

27 (3) Any other means.

28 (c) If a police officer gives a visual or audible signal to stop and the police
29 officer, whether or not in uniform, is in a vehicle appropriately marked as an official
30 police vehicle, a driver of a vehicle may not attempt to elude the police officer by:

31 (1) Willfully failing to stop the driver’s vehicle;

32 (2) Fleeing on foot; or

1 (3) Any other means.

2 (d) (1) A driver may not commit a violation of subsection (b)(1) or (c)(1) of
3 this section that results in bodily injury to another person.

4 (2) A driver may not commit a violation of subsection (b)(1) or (c)(1) of
5 this section that results in death of another person.

6 (e) (1) In this subsection, “crime of violence” has the meaning stated in §
7 14–101 of the Criminal Law Article.

8 (2) A driver may not commit a violation of subsection (b)(1) or (c)(1) of
9 this section while the driver is attempting to elude a police officer who is signaling for
10 the driver to stop for the purpose of apprehending the driver for the commission of a
11 crime of violence for which the driver is subsequently convicted.

12 **21-904.1.**

13 (A) **IN THIS SECTION, “POLICE OFFICER” HAS THE MEANING STATED IN**
14 **§ 11-147 OF THIS ARTICLE.**

15 (B) **THE OWNER OF A MOTOR VEHICLE INVOLVED IN A VIOLATION OF §**
16 **21-904 OF THIS SUBTITLE SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT**
17 **MORE THAN \$100.**

18 (C) **FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT SHALL**
19 **PRESCRIBE:**

20 (1) **A UNIFORM CITATION FORM CONSISTENT WITH SUBSECTION**
21 **(D) OF THIS SECTION AND § 7-302 OF THE COURTS ARTICLE; AND**

22 (2) **A CIVIL PENALTY THAT SHALL BE INDICATED ON THE**
23 **CITATION TO BE PAID BY INDIVIDUALS WHO CHOOSE TO PREPAY THE CIVIL**
24 **PENALTY WITHOUT APPEARING IN DISTRICT COURT.**

25 (D) **THE LAW ENFORCEMENT AGENCY EMPLOYING A POLICE OFFICER**
26 **WHO WITNESSES A VIOLATION OF § 21-904 OF THIS SUBTITLE SHALL MAIL TO**
27 **THE OWNER LIABLE FOR THE VIOLATION UNDER SUBSECTION (B) OF THIS**
28 **SECTION A CITATION THAT SHALL INCLUDE:**

29 (1) **THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE**
30 **VEHICLE;**

31 (2) **THE REGISTRATION NUMBER OF THE MOTOR VEHICLE**
32 **INVOLVED IN THE VIOLATION;**

1 **(3) THE VIOLATION CHARGED;**

2 **(4) THE DATE, TIME, AND LOCATION OF THE VIOLATION;**

3 **(5) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE DATE**
4 **BY WHICH THE CIVIL PENALTY MUST BE PAID;**

5 **(6) A SIGNED STATEMENT BY THE POLICE OFFICER WHO**
6 **WITNESSED THE VIOLATION THAT THE MOTOR VEHICLE WAS INVOLVED IN THE**
7 **COMMISSION OF THE VIOLATION; AND**

8 **(7) INFORMATION ADVISING THE INDIVIDUAL ALLEGED TO BE**
9 **LIABLE UNDER THIS SECTION:**

10 **(I) OF THE MANNER AND TIME IN WHICH LIABILITY AS**
11 **ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND**

12 **(II) WARNING THAT FAILURE TO PAY THE CIVIL PENALTY**
13 **OR TO CONTEST LIABILITY IN A TIMELY MANNER IS AN ADMISSION OF LIABILITY**
14 **AND MAY RESULT IN REFUSAL OR SUSPENSION OF THE MOTOR VEHICLE**
15 **REGISTRATION.**

16 **(E) A CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NO**
17 **LATER THAN 2 WEEKS AFTER THE ALLEGED VIOLATION.**

18 **(F) AN INDIVIDUAL WHO RECEIVES A CITATION UNDER SUBSECTION (D)**
19 **OF THIS SECTION MAY:**

20 **(1) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH**
21 **INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE DISTRICT COURT; OR**

22 **(2) ELECT TO STAND TRIAL FOR THE ALLEGED VIOLATION.**

23 **(G) (1) IF AN INDIVIDUAL WHO RECEIVES A CITATION UNDER THIS**
24 **SECTION DESIRES A POLICE OFFICER WHO WITNESSED THE VIOLATION TO BE**
25 **PRESENT AND TESTIFY AT TRIAL, THE INDIVIDUAL SHALL NOTIFY THE DISTRICT**
26 **COURT IN WRITING NO LATER THAN 20 DAYS BEFORE TRIAL.**

27 **(2) ADJUDICATION OF LIABILITY SHALL BE BASED ON A**
28 **PREPONDERANCE OF EVIDENCE.**

29 **(H) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A VIOLATION:**

1 **(1) THAT THE MOTOR VEHICLE OR THE REGISTRATION PLATES**
2 **OF THE MOTOR VEHICLE WERE STOLEN BEFORE THE VIOLATION OCCURRED;**
3 **AND**

4 **(2) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT**
5 **COURT DEEMS PERTINENT.**

6 **(I) IF THE CIVIL PENALTY IS NOT PAID AND THE VIOLATION IS NOT**
7 **CONTESTED, THE ADMINISTRATION MAY REFUSE TO REGISTER OR REREGISTER**
8 **OR MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE.**

9 **(J) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS**
10 **SECTION:**

11 **(1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF**
12 **ASSESSING POINTS UNDER § 16-402 OF THIS ARTICLE AND MAY NOT BE**
13 **RECORDED BY THE ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER**
14 **OR DRIVER OF THE VEHICLE;**

15 **(2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES**
16 **OF § 26-305 OF THIS ARTICLE; AND**

17 **(3) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR**
18 **VEHICLE INSURANCE COVERAGE.**

19 **(K) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT**
20 **PROCEDURES FOR THE ISSUANCE OF CITATIONS, THE TRIAL OF VIOLATIONS,**
21 **AND THE COLLECTION OF CIVIL PENALTIES UNDER THIS SECTION.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2008.