

# HOUSE BILL 153

R5

9lr0704  
CF 9lr0529

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By: **Delegates Kach and Olszewski**

Introduced and read first time: January 23, 2009

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Accidents Resulting in Death – Appearance in Court for**  
3 **Traffic Citations**

4 FOR the purpose of requiring a person who receives a traffic citation for a violation  
5 that contributed to an accident that resulted in the death of another to comply  
6 with the notice to appear in court contained in the citation by appearance in  
7 person; and generally relating to accidents resulting in death and appearance in  
8 court for traffic citations.

9 BY repealing and reenacting, with amendments,  
10 Article – Transportation  
11 Section 26–204  
12 Annotated Code of Maryland  
13 (2006 Replacement Volume and 2008 Supplement)

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

16 **Article – Transportation**

17 26–204.

18 (a) (1) A person shall comply with the notice to appear contained in a writ  
19 or a trial notice issued by either the District Court or a circuit court in an action on a  
20 traffic citation.

21 (2) Unless the person charged demands an earlier hearing, a time  
22 specified to appear shall be at least 5 days after the alleged violation.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) [For] **EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS**  
2 **SECTION, FOR** purposes of this section, the person may comply with the notice to  
3 appear by:

4 (i) Appearance in person;

5 (ii) Appearance by counsel; or

6 (iii) Payment of the fine for a particular offense, if provided for in  
7 the citation for that offense.

8 (2) (i) Subject to the provisions of subparagraph (iii) of this  
9 paragraph, a person who intends to comply with the notice to appear contained in a  
10 traffic citation by appearance in person or by counsel may return a copy of the citation  
11 to the District Court within the time allowed for payment of the fine indicating in the  
12 appropriate space on the citation that the person:

13 1. Does not dispute the truth of the facts as alleged in  
14 the citation; and

15 2. Requests, in lieu of a trial, a hearing before the Court  
16 regarding sentencing and disposition.

17 (ii) A person who requests a hearing under the provisions of  
18 subparagraph (i) of this paragraph waives:

19 1. Any right to a trial of the facts as alleged in the  
20 citation; and

21 2. Any right to compel the appearance of the police  
22 officer who issued the citation.

23 (iii) A person may request a hearing under the provisions of  
24 subparagraph (i) of this paragraph only if the traffic citation is for an offense that is  
25 not punishable by incarceration.

26 (c) If a person fails to comply with the notice to appear, the District Court or  
27 a circuit court may:

28 (1) Except as provided in subsection (f) of this section, issue a warrant  
29 for the person's arrest; or

30 (2) After 5 days, notify the Administration of the person's  
31 noncompliance.

32 (d) On receipt of a notice of noncompliance from the District Court or a  
33 circuit court, the Administration shall notify the person that the person's driving

1 privileges shall be suspended unless, by the end of the 15th day after the date on  
2 which the notice is mailed, the person:

3 (1) Pays the fine on the original charge as provided for in the original  
4 citations; or

5 (2) Posts bond or a penalty deposit and requests a new date for a trial  
6 or a hearing on sentencing and disposition.

7 (e) If a person fails to pay the fine or post the bond or penalty deposit under  
8 subsection (d) of this section, the Administration may suspend the driving privileges of  
9 the person.

10 (f) When the offense is not punishable by incarceration, if the court notifies  
11 the Administration of the person's noncompliance under subsection (c) of this section,  
12 a warrant may not be issued for the person under this section until 20 days after the  
13 original trial date.

14 (g) With the cooperation of the District Court and circuit courts, the  
15 Administration shall develop procedures to carry out those provisions of this section  
16 that relate to the suspension of driving privileges.

17 **(H) FOR PURPOSES OF THIS SECTION, A PERSON WHO RECEIVES A**  
18 **TRAFFIC CITATION FOR A VIOLATION THAT CONTRIBUTED TO AN ACCIDENT**  
19 **THAT RESULTED IN THE DEATH OF ANOTHER SHALL COMPLY WITH THE NOTICE**  
20 **TO APPEAR BY APPEARANCE IN PERSON.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2009.