

HOUSE BILL 545

R7

9lr1329

By: **Delegates Jameson, Barkley, G. Clagett, DeBoy, Krebs, Kullen, Levy, McComas, Montgomery, Murphy, Robinson, and Wood**
Introduced and read first time: February 5, 2009
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Disposition of Traffic Citations**

3 FOR the purpose of requiring persons who receive certain traffic citations to, within a
4 certain time period, waive the right to trial and pay the fine, request a certain
5 hearing, or elect to stand trial; altering the notice that certain traffic citations
6 are required to contain; altering the traffic citations for which the District Court
7 is required to issue a notice to appear; altering the time period within which
8 persons who receive certain traffic citations may request a certain hearing;
9 authorizing the District Court to issue, under certain circumstances, an arrest
10 warrant for a person who fails to comply with a citation; authorizing the District
11 Court to notify the Motor Vehicle Administration of the failure of a person to
12 comply with a citation; requiring the Administration to notify a person who fails
13 to comply with a citation that the driving privileges of the person may be
14 suspended unless the person takes certain action; requiring the Administration
15 to suspend the driving privileges of a noncompliant person under certain
16 circumstances; providing for a delayed effective date; and generally relating to
17 the disposition of traffic citations.

18 BY repealing and reenacting, with amendments,
19 Article – Transportation
20 Section 26–201 and 26–204
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2008 Supplement)

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

25 **Article – Transportation**

26 26–201.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

4 (1) The Maryland Vehicle Law, including any regulation adopted
5 under any of its provisions;

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

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

8 (4) Title 9, Subtitle 3 of the Tax – General Article;

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

10 (6) § 10–323 of the Business Regulation Article; or

11 (7) § 10–323.2 of the Business Regulation Article.

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

14 (c) **(1) A TRAFFIC CITATION ISSUED TO A PERSON UNDER THIS**
15 **SECTION SHALL CONTAIN:**

16 **(I) THE NAME AND ADDRESS OF THE PERSON;**

17 **(II) THE NUMBER OF THE PERSON’S LICENSE TO DRIVE, IF**
18 **APPLICABLE;**

19 **(III) THE STATE REGISTRATION NUMBER OF THE VEHICLE,**
20 **IF APPLICABLE;**

21 **(IV) THE VIOLATION OR VIOLATIONS CHARGED;**

22 **(V) AN ACKNOWLEDGMENT OF RECEIPT OF THE CITATION,**
23 **TO BE EXECUTED BY THE PERSON AS REQUIRED UNDER § 1–605 OF THE COURTS**
24 **ARTICLE;**

25 **(VI) NEAR THE ACKNOWLEDGMENT, A CLEAR AND**
26 **CONSPICUOUS STATEMENT THAT:**

27 **1. ACKNOWLEDGMENT OF THE CITATION BY THE**
28 **PERSON DOES NOT CONSTITUTE AN ADMISSION OF GUILT; AND**

1 **(3) IN ADDITION TO THE REQUIREMENTS UNDER PARAGRAPH (1)**
2 **OF THIS SUBSECTION, FOR AN OFFENSE NOT PUNISHABLE BY INCARCERATION,**
3 **A TRAFFIC CITATION ISSUED TO A PERSON UNDER THIS SECTION SHALL**
4 **CONTAIN A NOTICE REQUIRING THE PERSON TO, WITHIN 30 DAYS:**

5 **(I) ELECT TO WAIVE THE RIGHT TO A TRIAL AND PAY THE**
6 **FINE PROVIDED IN THE CITATION;**

7 **(II) REQUEST A HEARING REGARDING SENTENCING AND**
8 **DISPOSITION INSTEAD OF A TRIAL AS PROVIDED IN § 26-204(B)(2) OF THIS**
9 **SUBTITLE; OR**

10 **(III) ELECT TO STAND TRIAL AT THE DATE, TIME, AND PLACE**
11 **ESTABLISHED BY THE DISTRICT COURT BY WRIT OR TRIAL NOTICE.**

12 (d) A police officer who discovers a vehicle stopped, standing, or parked in
13 violation of § 21-1003 or § 21-1010 of this article shall:

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

16 (2) Keep a written or electronic copy of the citation, bearing the police
17 officer's certification under penalty of perjury that the facts stated in the citation are
18 true.

19 (e) (1) A police officer who discovers a motor vehicle parked in violation of
20 § 13-402 of this article shall:

21 (i) Deliver a copy of a citation to the driver or, if the motor
22 vehicle is unattended, attach a copy of a citation to the motor vehicle in a conspicuous
23 place; and

24 (ii) Keep a written or electronic copy of the citation, bearing the
25 law enforcement officer's certification under penalty of perjury that the facts stated in
26 the citation are true.

27 (2) In the absence of the driver, the owner of the motor vehicle is
28 presumed to be the person receiving the copy of a citation or warning.

29 26-204.

30 (a) (1) **A PERSON WHO RECEIVES A TRAFFIC CITATION FOR AN**
31 **OFFENSE NOT PUNISHABLE BY INCARCERATION SHALL, WITHIN 30 DAYS:**

32 **(I) ELECT TO WAIVE THE RIGHT TO A TRIAL AND PAY THE**
33 **FINE PROVIDED IN THE CITATION;**

1 **(II) REQUEST A HEARING REGARDING SENTENCING AND**
2 **DISPOSITION INSTEAD OF A TRIAL AS PROVIDED IN SUBSECTION (B)(2) OF THIS**
3 **SECTION; OR**

4 **(III) ELECT TO STAND TRIAL AT THE DATE, TIME, AND PLACE**
5 **ESTABLISHED BY THE DISTRICT COURT BY WRIT OR TRIAL NOTICE.**

6 **(2) A person WHO RECEIVES A TRAFFIC CITATION FOR AN**
7 **OFFENSE PUNISHABLE BY INCARCERATION, OR FOR WHICH THE PERSON**
8 **ELECTS TO STAND TRIAL UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION,** shall
9 comply with the notice to appear contained in a writ or a trial notice issued by either
10 the District Court or a circuit court in an action on a traffic citation.

11 **[(2)] (3)** Unless the person charged demands an earlier hearing, a
12 time specified to appear shall be at least 5 days after the alleged violation.

13 (b) (1) For purposes of this section, the person may comply with the notice
14 to appear by:

15 (i) Appearance in person;

16 (ii) Appearance by counsel; or

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

19 (2) (i) Subject to the provisions of subparagraph (iii) of this
20 paragraph, a person who intends to comply with the notice to appear contained in a
21 traffic citation by appearance in person or by counsel may return a copy of the citation
22 to the District Court [within the time allowed for payment of the fine] indicating in
23 the appropriate space on the citation that the person:

24 1. Does not dispute the truth of the facts as alleged in
25 the citation; and

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

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

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

32 2. Any right to compel the appearance of the police
33 officer who issued the citation.

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

4 (c) (1) If a person fails to comply with the notice to appear **UNDER**
5 **SUBSECTION (A)(2) OF THIS SECTION**, the District Court or a circuit court may:

6 [(1)] (I) [Except as provided in subsection (f) of this section, issue]
7 **SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ISSUE** a warrant for the
8 person's arrest; or

9 [(2)] (II) After 5 days, notify the Administration of the person's
10 noncompliance.

11 [(d)] (2) On receipt of a notice of noncompliance from the District Court or a
12 circuit court, the Administration shall notify the person that the person's driving
13 privileges shall be suspended unless, by the end of the 15th day after the date on
14 which the notice is mailed, the person:

15 [(1)] (I) Pays the fine on the original charge as provided for in the
16 original citations; or

17 [(2)] (II) Posts bond or a penalty deposit and requests a new date for
18 a trial or a hearing on sentencing and disposition.

19 [(e)] (3) If a person fails to pay the fine or post the bond or penalty deposit
20 under [subsection (d) of this section] **PARAGRAPH (2) OF THIS SUBSECTION**, the
21 Administration may suspend the driving privileges of the person.

22 [(f)] (4) When the offense is not punishable by incarceration, if the court
23 notifies the Administration of the person's noncompliance under [subsection (c) of this
24 section] **THIS SUBSECTION**, a warrant may not be issued for the person [under this
25 section] until 20 days after the original trial date.

26 (D) (1) **IF A PERSON FAILS TO PAY THE FINE, REQUEST A**
27 **DISPOSITION AND SENTENCING HEARING, OR ELECT TO STAND TRIAL UNDER**
28 **SUBSECTION (A)(1) OF THIS SECTION WITHIN 30 DAYS OF RECEIVING THE**
29 **CITATION, THE DISTRICT COURT MAY:**

30 (I) **SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION,**
31 **ISSUE A WARRANT FOR THE PERSON'S ARREST; OR**

32 (II) **AFTER 5 DAYS, NOTIFY THE ADMINISTRATION OF THE**
33 **PERSON'S NONCOMPLIANCE.**

1 **(2) ON RECEIPT OF A NOTICE OF NONCOMPLIANCE FROM THE**
2 **DISTRICT COURT, THE ADMINISTRATION IMMEDIATELY SHALL NOTIFY THE**
3 **PERSON THAT THE PERSON'S DRIVING PRIVILEGES SHALL BE SUSPENDED**
4 **UNLESS, BY THE END OF THE 30TH DAY AFTER THE DATE ON WHICH THE**
5 **RESPONSE TO THE CITATION WAS DUE, THE PERSON:**

6 **(I) PAYS THE FINE ON THE ORIGINAL CHARGE AS**
7 **PROVIDED FOR IN THE ORIGINAL CITATION; OR**

8 **(II) POSTS BOND OR A PENALTY DEPOSIT AND REQUESTS A**
9 **NEW DATE FOR A TRIAL OR A HEARING ON SENTENCING AND DISPOSITION.**

10 **(3) IF A PERSON FAILS TO PAY THE FINE OR POST THE BOND OR**
11 **PENALTY DEPOSIT UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE**
12 **ADMINISTRATION SHALL SUSPEND THE DRIVING PRIVILEGES OF THE PERSON.**

13 **(4) IF THE DISTRICT COURT NOTIFIES THE ADMINISTRATION OF**
14 **THE PERSON'S NONCOMPLIANCE UNDER THIS SUBSECTION, A WARRANT MAY**
15 **NOT BE ISSUED FOR THE PERSON UNTIL 35 DAYS AFTER THE DATE ON WHICH**
16 **THE RESPONSE TO THE CITATION WAS DUE.**

17 **[(g)] (E) With the cooperation of the District Court and circuit courts, the**
18 **Administration shall develop procedures to carry out those provisions of this section**
19 **that relate to the suspension of driving privileges.**

20 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
21 **October 1, 2010.**