

SENATE BILL 301

R7

11r0564
CF 11r0563

By: **Senator Jones–Rodwell (By Request – Baltimore City Administration)**

Introduced and read first time: January 31, 2011

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Parking Violations – Administrative Enforcement by Counties**
3 **and Municipal Corporations**

4 FOR the purpose of authorizing a county or municipal corporation, by ordinance, to
5 establish an alternative enforcement program for the issuance of civil parking
6 citations for violations of certain restrictions on the stopping, standing, or
7 parking of vehicles; establishing certain requirements for an ordinance adopted
8 under this Act; requiring an ordinance adopted under this Act to provide for a
9 certain judicial review in the circuit court; requiring an ordinance adopted
10 under this Act to provide for certain remedies; requiring an ordinance adopted
11 under this Act to require a certain agency or board to provide a certain
12 notification to the Motor Vehicle Administration; requiring the Administration
13 to treat the failure to pay a certain fine, request a certain adjudication, or
14 appear at a certain adjudication in a certain manner; establishing that a civil
15 parking citation issued under a certain ordinance is not a civil citation subject
16 to the jurisdiction of the District Court; establishing that an adjudication of a
17 certain civil parking citation is not a criminal conviction and does not impose
18 certain liabilities; establishing that the owner of a rental vehicle is not liable for
19 a certain penalty except under certain circumstances; establishing that a
20 certain person may appeal to the circuit court in a certain manner from certain
21 civil parking citations; establishing that a certain appeal shall be made on the
22 record supplemented by additional evidence taken in a certain manner;
23 authorizing a board or agency to modify a decision under certain circumstances;
24 authorizing the Court of Appeals to adopt certain procedures; establishing that
25 the District Court does not have jurisdiction over certain civil parking citations;
26 providing that certain provisions limiting the authority of local jurisdictions
27 over the Maryland Vehicle Law do not apply to an ordinance adopted in
28 accordance with this Act; prohibiting the Administration from registering or
29 transferring the registration of a vehicle under certain circumstances;
30 authorizing the Administration to suspend the registration of a vehicle under
31 certain circumstances; establishing that certain provisions relating to the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 disposition and records of traffic citations do not affect or modify certain
 2 procedures established under an ordinance adopted in accordance with this Act;
 3 providing that certain provisions relating to violations of license restrictions or
 4 rules or regulations adopted under the Maryland Vehicle Law do not apply to an
 5 ordinance adopted in accordance with this Act; providing for the application of
 6 an ordinance adopted under this Act; and generally relating to the enforcement
 7 of parking violations.

8 BY adding to

9 Article – Courts and Judicial Proceedings

10 Section 4–402(g); and 12–801 to be under the new subtitle “Subtitle 8. Review of
 11 Decisions of Local Adjudicatory Boards”

12 Annotated Code of Maryland

13 (2006 Replacement Volume and 2010 Supplement)

14 BY repealing and reenacting, without amendments,

15 Article – Transportation

16 Section 21–1003, 25–102(a)(1), and 26–301(b)

17 Annotated Code of Maryland

18 (2009 Replacement Volume and 2010 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Transportation

21 Section 26–301(d), 26–303, 26–305(a) and (b), 26–407(a), and 27–102

22 Annotated Code of Maryland

23 (2009 Replacement Volume and 2010 Supplement)

24 BY adding to

25 Article – Transportation

26 Section 26–301.1

27 Annotated Code of Maryland

28 (2009 Replacement Volume and 2010 Supplement)

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

31 **Article – Courts and Judicial Proceedings**

32 4–402.

33 **(G) THE DISTRICT COURT DOES NOT HAVE JURISDICTION OVER A CIVIL**
 34 **PARKING CITATION ISSUED IN ACCORDANCE WITH AN ORDINANCE ADOPTED**
 35 **UNDER § 26–301.1 OF THE TRANSPORTATION ARTICLE.**

36 **SUBTITLE 8. REVIEW OF DECISIONS OF LOCAL ADJUDICATORY BOARDS.**

37 **12–801.**

1 **(A) A PERSON WHO IS FOUND TO HAVE COMMITTED A CIVIL PARKING**
2 **VIOLATION BY AN ADJUDICATORY AGENCY OR BOARD IN ACCORDANCE WITH AN**
3 **ORDINANCE ADOPTED UNDER § 26-301.1 OF THE TRANSPORTATION ARTICLE**
4 **MAY APPEAL TO THE CIRCUIT COURT.**

5 **(B) (1) AN APPEAL FROM AN ADJUDICATION OF AN AGENCY OR**
6 **BOARD IN ACCORDANCE WITH AN ORDINANCE ADOPTED UNDER § 26-301.1 OF**
7 **THE TRANSPORTATION ARTICLE SHALL BE CONFINED TO THE RECORD MADE**
8 **BY THE AGENCY OR BOARD SUPPLEMENTED BY ADDITIONAL EVIDENCE TAKEN**
9 **UNDER THIS SUBSECTION.**

10 **(2) THE CIRCUIT COURT MAY ORDER THE PRESIDING OFFICER OF**
11 **THE AGENCY OR BOARD TO TAKE ADDITIONAL EVIDENCE ON TERMS THAT THE**
12 **COURT CONSIDERS PROPER IF:**

13 **(I) BEFORE THE HEARING DATE IN COURT, A PARTY**
14 **APPLIES FOR LEAVE TO OFFER ADDITIONAL EVIDENCE; AND**

15 **(II) THE COURT IS SATISFIED THAT:**

16 **1. THE EVIDENCE IS MATERIAL; AND**

17 **2. THERE WERE GOOD REASONS FOR THE FAILURE**
18 **TO OFFER THE EVIDENCE IN THE PROCEEDING BEFORE THE BOARD OR AGENCY.**

19 **(3) ON THE BASIS OF THE ADDITIONAL EVIDENCE, THE BOARD OR**
20 **AGENCY MAY MODIFY ITS DECISION.**

21 **(4) THE BOARD OR AGENCY SHALL FILE WITH THE REVIEWING**
22 **COURT, AS PART OF THE RECORD:**

23 **(I) ADDITIONAL EVIDENCE; AND**

24 **(II) ANY MODIFICATION OF THE DECISION OF THE BOARD**
25 **OR AGENCY.**

26 **(C) THE COURT OF APPEALS MAY ADOPT PROCEDURES FOR TAKING**
27 **THE APPEAL.**

28 **Article – Transportation**

29 21-1003.

1 (a) The provisions of this section apply except as necessary to avoid conflict
2 with other traffic or in compliance with law or the directions of a police officer or
3 traffic control device.

4 (b) A person may not stop, stand, or park a vehicle in front of a public
5 driveway.

6 (c) A person may not stop, stand, or park a vehicle on a sidewalk.

7 (d) A person may not stop, stand, or park a vehicle in an intersection.

8 (e) A person may not stop, stand, or park a vehicle on a crosswalk.

9 (f) A person may not stop, stand, or park a vehicle between a safety zone and
10 the adjacent curb or within 30 feet of points on the curb immediately opposite the ends
11 of a safety zone, unless the State Highway Administration or local authority indicates
12 a different length by signs or markings.

13 (g) A person may not stop, stand, or park a vehicle alongside or opposite any
14 highway excavation or obstruction if to do so would obstruct traffic.

15 (h) A person may not stop, stand, or park a vehicle on any bridge or other
16 elevated structure on a highway.

17 (i) A person may not stop, stand, or park a vehicle in a highway tunnel.

18 (j) A person may not stop, stand, or park a vehicle at any place where
19 stopping is prohibited by an official sign.

20 (k) A person may not stop, stand, or park a vehicle on any entrance or exit
21 ramp of any highway with two or more lanes for traffic moving in the same direction.

22 (l) A person may not stand or park a vehicle in front of a private driveway
23 without the consent of the owner or occupant of the premises.

24 (m) A person may not stand or park a vehicle within 15 feet of a fire hydrant.

25 (n) (1) This subsection does not apply in Baltimore City.

26 (2) A person may not stand or park a vehicle within 20 feet of a
27 crosswalk at an intersection.

28 (o) A person may not stand or park a vehicle within 30 feet on the approach
29 to any flashing signal, stop sign, yield sign, or traffic control signal located at the side
30 of a roadway.

1 (p) A person may not stand or park a vehicle within 20 feet of the driveway
2 entrance to any fire station or on the side of a highway opposite the entrance to any
3 fire station within 75 feet of the entrance, if properly signposted.

4 (q) A person may not stand or park a vehicle at any place where standing is
5 prohibited by an official sign.

6 (r) A person may not stand or park a vehicle on the roadway side of any
7 other vehicle that is stopped or parked at the edge or curb of a highway.

8 (s) A person may not stand or park a vehicle on a curve or hill where solid
9 lines on the surface of the roadway indicate a zone in which passing is prohibited.

10 (t) A person may not park a vehicle within 50 feet of the nearest rail in a
11 railroad grade crossing.

12 (u) A person may not stop, stand, or park a vehicle unless for the use of an
13 individual with a disability, in a space or zone marked as restricted for the use of
14 individuals with disabilities.

15 (v) A person may not park a vehicle on any property owned by the Board of
16 Education of Montgomery County or Montgomery College where parking is prohibited
17 by an official sign.

18 (w) A person may not park a vehicle on any property owned by the Board of
19 Education of Baltimore County or the community colleges of Baltimore County where
20 parking is prohibited by an official sign.

21 (x) A person may not park a vehicle on any property owned by the Board of
22 Education of Wicomico County or the community colleges of Wicomico County where
23 parking is prohibited by an official sign.

24 (y) A person may not park a vehicle on any property owned by the Board of
25 Education of Prince George's County where parking is prohibited by an official sign.

26 (z) A person may not park a vehicle on any property owned by the Board of
27 Education of Calvert County, Charles County, or St. Mary's County or the community
28 colleges of Calvert County, Charles County, or St. Mary's County where parking is
29 prohibited by an official sign.

30 (aa) A person may not park a vehicle at any other place where parking is
31 prohibited by an official sign.

32 (bb) A person may not move a vehicle that he does not lawfully control into
33 any prohibited area.

34 (cc) A person may not move a vehicle that the person does not lawfully control
35 away from a curb for an unlawful distance.

1 (dd) A person may not stop, stand, or park a vehicle in front of a curb ramp
2 designed for the use of individuals with disabilities.

3 (ee) A person may not stop, stand, or park a vehicle in front of or on a
4 passenger loading zone designed or marked for the use of individuals with disabilities.

5 25–102.

6 (a) The provisions of the Maryland Vehicle Law do not prevent a local
7 authority, in the reasonable exercise of its police power, from exercising the following
8 powers as to highways under its jurisdiction:

9 (1) Subject to the provisions of § 21–1003.1 of this article, regulating
10 or prohibiting the stopping, standing, or parking of vehicles;

11 26–301.

12 (b) Subject to subsection (c) of this section, any State agency authorized by
13 law and any political subdivision of this State may adopt ordinances or regulations
14 that:

15 (1) Regulate the parking of vehicles;

16 (2) Provide for the impounding of vehicles parked in violation of the
17 ordinances or regulations;

18 (3) Regulate the towing of vehicles from publicly owned and privately
19 owned parking lots; and

20 (4) Provide for the issuance of a citation by an officer for a violation of
21 an ordinance or regulation that is adopted under this section.

22 (d) (1) In this subsection, “rental vehicle” means a vehicle that is rented
23 or leased for a period not exceeding 180 days.

24 (2) If a parking citation is issued for a rental vehicle, the owner is not
25 liable for any penalty in excess of the original fine for a parking violation unless the
26 owner fails to pay the fine [or], file a notice of intention to stand trial for the violation,
27 **OR REQUEST A HEARING UNDER AN ORDINANCE ADOPTED IN ACCORDANCE**
28 **WITH § 26–301.1 OF THIS SUBTITLE** within the time specified in a notice of the
29 infraction mailed to the business address of the owner.

30 (3) If a political subdivision or State agency receives payment for a
31 parking violation from both the owner of the vehicle and the person who had
32 possession of the rental vehicle at the time the parking citation was issued, the

1 political subdivision or State agency shall reimburse the owner of the vehicle for the
2 amount paid by the owner for the violation.

3 **26-301.1.**

4 (A) BY ORDINANCE, A COUNTY OR MUNICIPAL CORPORATION MAY
5 PROVIDE FOR AN ALTERNATIVE ENFORCEMENT PROGRAM FOR THE ISSUANCE
6 OF CIVIL PARKING CITATIONS FOR VIOLATIONS OF § 21-1003 OF THIS ARTICLE
7 OR ANY ORDINANCE ADOPTED BY THE COUNTY OR MUNICIPAL CORPORATION
8 TO REGULATE OR PROHIBIT THE STOPPING, STANDING, OR PARKING OF
9 VEHICLES.

10 (B) AN ORDINANCE ADOPTED UNDER THIS SECTION SHALL:

11 (1) PROVIDE FOR THE CONTENTS OF CIVIL PARKING CITATIONS;

12 (2) DETERMINE THE AMOUNT OF THE FINES FOR PARKING
13 VIOLATIONS ENFORCED BY CIVIL PARKING CITATIONS;

14 (3) IDENTIFY THE INDIVIDUALS AUTHORIZED TO ISSUE CIVIL
15 PARKING CITATIONS;

16 (4) ESTABLISH AN AGENCY OR BOARD TO PROCESS CIVIL
17 PARKING CITATIONS, COLLECT FINES, AND ADJUDICATE CONTESTED
18 CITATIONS;

19 (5) PROVIDE THAT A PERSON ISSUED A CITATION HAS THE RIGHT
20 TO AN IN-PERSON HEARING BEFORE THE AGENCY OR BOARD ADJUDICATING
21 CITATIONS;

22 (6) SPECIFY THAT THE STANDARD OF PROOF IN CONTESTED
23 CASES IS THE PREPONDERANCE OF EVIDENCE STANDARD; AND

24 (7) INCORPORATE THE PROVISIONS OF § 26-301(D) OF THIS
25 SUBTITLE.

26 (C) AN ORDINANCE ADOPTED UNDER THIS SECTION SHALL PROVIDE
27 THAT A PERSON AGGRIEVED BY A FINAL DECISION OF AN ADJUDICATING
28 AGENCY OR BOARD ON THE DISPOSITION OF A CIVIL PARKING CITATION MAY
29 SEEK JUDICIAL REVIEW IN THE CIRCUIT COURT IN ACCORDANCE WITH § 12-801
30 OF THE COURTS ARTICLE.

31 (D) (1) AN ORDINANCE ADOPTED UNDER THIS SECTION SHALL
32 PROVIDE THAT THE ONLY REMEDIES FOR THE FAILURE TO PAY A FINE ON A

1 CIVIL PARKING CITATION, REQUEST AN ADJUDICATION OF THE CIVIL PARKING
2 CITATION, OR APPEAR AT AN ADJUDICATION OF A CIVIL PARKING CITATION
3 ARE:

4 (I) THE ACTIONS SPECIFIED IN § 26-305 OF THIS
5 SUBTITLE; AND

6 (II) ANY ACTION TAKEN UNDER A LOCAL ORDINANCE
7 RELATING TO TOWING, BOOTING, OR IMPOUNDING VEHICLES.

8 (2) AN ORDINANCE ADOPTED UNDER THIS SECTION SHALL
9 REQUIRE THE AGENCY OR BOARD ESTABLISHED TO ADMINISTER CIVIL PARKING
10 CITATIONS TO NOTIFY THE ADMINISTRATION OF A PERSON'S FAILURE TO PAY A
11 FINE ON A CIVIL PARKING CITATION, REQUEST AN ADJUDICATION OF THE CIVIL
12 PARKING CITATION, OR APPEAR AT AN ADJUDICATION OF A CIVIL PARKING
13 CITATION.

14 (3) THE ADMINISTRATION SHALL TREAT THE FAILURE TO PAY A
15 FINE, REQUEST AN ADJUDICATION OF A CIVIL PARKING CITATION, OR APPEAR
16 AT AN ADJUDICATION IN THE SAME MANNER AS OTHER PARKING CITATIONS
17 FOR PURPOSES OF § 26-305 OF THIS SUBTITLE.

18 (E) (1) A CIVIL PARKING CITATION ISSUED IN ACCORDANCE WITH AN
19 ORDINANCE ADOPTED UNDER THIS SECTION IS NOT A CIVIL CITATION SUBJECT
20 TO THE ORIGINAL JURISDICTION OF THE DISTRICT COURT.

21 (2) THE ADJUDICATION OF A CIVIL PARKING VIOLATION IN
22 ACCORDANCE WITH AN ORDINANCE ADOPTED UNDER THIS SECTION IS NOT A
23 CRIMINAL CONVICTION FOR ANY PURPOSE AND DOES NOT IMPOSE ANY OF THE
24 CIVIL DISABILITIES ORDINARILY IMPOSED BY A CRIMINAL CONVICTION.

25 26-303.

26 (a) (1) The person receiving a citation under this subtitle shall:

27 (i) Pay for the parking violation directly to the political
28 subdivision or State agency serving the citation; or

29 (ii) Elect to stand trial for the violation.

30 (2) An election to stand trial shall be made by sending a notice of
31 intention to stand trial to the political subdivision or State agency at least 5 days
32 before the payment date specified in the citation.

1 (b) (1) If a person elects to stand trial and desires the presence at trial of
2 the officer who issued the citation, he shall so notify the political subdivision or State
3 agency at the time the notice of intention to stand trial is given.

4 (2) If proper notification is not given, the officer need not appear at the
5 trial, and the copy of the citation bearing the certification of the officer is prima facie
6 evidence of the facts stated in it.

7 (c) **THIS SECTION DOES NOT APPLY TO CITATIONS FOR CIVIL PARKING**
8 **VIOLATIONS ISSUED IN ACCORDANCE WITH AN ORDINANCE ADOPTED UNDER §**
9 **26-301.1 OF THIS SUBTITLE.**

10 26-305.

11 (a) The Administration may not register or transfer the registration of any
12 vehicle involved in a parking violation under this subtitle, **A PARKING VIOLATION**
13 **ENFORCED BY A CIVIL PARKING CITATION UNDER AN ORDINANCE ADOPTED IN**
14 **ACCORDANCE WITH § 26-301.1 OF THIS SUBTITLE**, a violation under any federal
15 parking regulation that applies to property in this State under the jurisdiction of the
16 U.S. government, a violation of § 21-202(h) of this article as determined under §
17 21-202.1 of this article or Title 21, Subtitle 8 of this article as determined under §
18 21-809 or § 21-810 of this article, or a violation of the State litter control law or a local
19 law or ordinance adopted by Baltimore City relating to the unlawful disposal of litter
20 as determined under § 10-112 of the Criminal Law Article, if:

21 (1) It is notified by a political subdivision or authorized State agency
22 that the person cited for the violation under this subtitle, § 21-202.1, § 21-809, or §
23 21-810 of this article, or § 10-112 of the Criminal Law Article has failed to either:

24 (i) Pay the fine for the violation by the date specified in the
25 citation; or

26 (ii) File a notice of his intention to stand trial for the violation;

27 (2) It is notified by the District Court that a person who has elected to
28 stand trial for the violation under this subtitle, under § 21-202.1, § 21-809, or §
29 21-810 of this article, or under § 10-112 of the Criminal Law Article has failed to
30 appear for trial; [or]

31 (3) It is notified by a U.S. District Court that a person cited for a
32 violation under a federal parking regulation:

33 (i) Has failed to pay the fine for the violation by the date
34 specified in the federal citation; or

1 (ii) Either has failed to file a notice of the person's intention to
2 stand trial for the violation, or, if electing to stand trial, has failed to appear for trial;
3 **OR**

4 (4) **IT IS NOTIFIED BY A COUNTY OR MUNICIPAL CORPORATION**
5 **THAT A PERSON GIVEN A CIVIL PARKING CITATION ISSUED IN ACCORDANCE**
6 **WITH AN ORDINANCE ADOPTED UNDER § 26-301.1 OF THIS SUBTITLE:**

7 (i) **HAS FAILED TO PAY THE FINE FOR THE VIOLATION BY**
8 **THE DATE SPECIFIED IN THE CIVIL PARKING CITATION; OR**

9 (ii) 1. **HAS FAILED TO REQUEST ADJUDICATION OF THE**
10 **CIVIL PARKING CITATION; OR**

11 2. **IF REQUESTING ADJUDICATION, HAS FAILED TO**
12 **APPEAR AT THE SCHEDULED ADJUDICATION.**

13 (b) (1) Notwithstanding the provisions of subsection (a) of this section, the
14 Administration may suspend the registration of a vehicle involved in a parking
15 violation under this subtitle, **A CIVIL PARKING CITATION ISSUED IN ACCORDANCE**
16 **WITH AN ORDINANCE ADOPTED UNDER § 26-301.1 OF THIS SUBTITLE**, or a
17 violation under any federal parking regulation that applies to property in this State
18 under the jurisdiction of the U.S. government if notified in accordance with subsection
19 (a) of this section that the violator is a chronic offender.

20 (2) The Administration may adopt rules and regulations to define
21 chronic offender and develop procedures to carry out the suspension of registration as
22 authorized by this subsection.

23 26-407.

24 (a) This section does not affect or modify [the]:

25 (1) **THE** procedures established under Subtitle 3 of this title as to
26 violations of parking ordinances or regulations adopted under that subtitle; **OR**

27 (2) **THE PROCEDURES ESTABLISHED BY AN ORDINANCE ADOPTED**
28 **UNDER § 26-301.1 OF THIS TITLE, INCLUDING PROCEDURES REQUIRING THE**
29 **ADMINISTRATIVE ADJUDICATION OF CIVIL PARKING CITATIONS.**

30 27-102.

31 Except as provided in [§ 21-1207.1] **§§ 21-1207.1 AND 26-301.1** of this
32 article, any person who violates a restriction imposed on any license under the
33 Maryland Vehicle Law or who violates any rule or regulation adopted under any

1 provision of the Maryland Vehicle Law is guilty of a misdemeanor and, in addition to
2 any administrative penalty provided for in the Maryland Vehicle Law, is subject to the
3 penalties provided for in § 27-101(b) or (c) of this title or, if greater, to the same
4 penalties as are provided for a violation of the statute for or under which the
5 restriction is imposed or the rule or regulation adopted.

6 SECTION 2. AND BE IT FURTHER ENACTED, That any ordinance adopted
7 under this Act shall apply only prospectively and may not be applied or interpreted to
8 have any effect on or application to a parking citation issued before the effective date
9 of the ordinance.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2011.