

# SENATE BILL 1101

L6, D2, R2

EMERGENCY BILL

2lr3462

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By: **Senator Ramirez**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 29, 2012

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Red Light, Speeding, and Parking Violations – Civil Penalties – Late Payment**  
3 **Fee**

4 FOR the purpose of authorizing a political subdivision or municipality, in an  
5 uncontested case involving a violation recorded by a traffic control signal  
6 monitoring system or a speed monitoring system or an uncontested case  
7 involving parking in which the fines are paid directly to a political subdivision  
8 or municipality, to charge a late fee to cover administrative costs associated  
9 with processing the late payment of the fine; requiring the Chief Judge of the  
10 District Court, in consultation with political subdivisions and municipalities, to  
11 set the amount of the late fee charged under this Act; making this Act an  
12 emergency measure; and generally relating to violations recorded by traffic  
13 control signal monitoring systems or speed monitoring systems and parking  
14 violations.

15 BY repealing and reenacting, without amendments,  
16 Article – Transportation  
17 Section 21–202.1(d) and 21–809(c)  
18 Annotated Code of Maryland  
19 (2009 Replacement Volume and 2011 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article – Courts and Judicial Proceedings  
22 Section 7–301(a)  
23 Annotated Code of Maryland  
24 (2006 Replacement Volume and 2011 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Transportation**

2 21–202.1.

3 (d) (1) Unless the driver of the motor vehicle received a citation from a  
4 police officer at the time of the violation, the owner or, in accordance with subsection  
5 (g)(5) of this section, the driver of a motor vehicle is subject to a civil penalty if the  
6 motor vehicle is recorded by a traffic control signal monitoring system while being  
7 operated in violation of § 21–202(h) of this subtitle.

8 (2) A civil penalty under this subsection may not exceed \$100.

9 (3) For purposes of this section, the District Court shall prescribe:

10 (i) A uniform citation form consistent with subsection (e)(1) of  
11 this section and § 7–302 of the Courts and Judicial Proceedings Article; and

12 (ii) A civil penalty, which shall be indicated on the citation, to be  
13 paid by persons who choose to prepay the civil penalty without appearing in District  
14 Court.

15 21–809.

16 (c) (1) Unless the driver of the motor vehicle received a citation from a  
17 police officer at the time of the violation, the owner or, in accordance with subsection  
18 (f)(4) of this section, the driver of a motor vehicle is subject to a civil penalty if the  
19 motor vehicle is recorded by a speed monitoring system while being operated in  
20 violation of this subtitle.

21 (2) A civil penalty under this subsection may not exceed \$40.

22 (3) For purposes of this section, the District Court shall prescribe:

23 (i) A uniform citation form consistent with subsection (d)(1) of  
24 this section and § 7–302 of the Courts Article; and

25 (ii) A civil penalty, which shall be indicated on the citation, to be  
26 paid by persons who choose to prepay the civil penalty without appearing in District  
27 Court.

28 **Article – Courts and Judicial Proceedings**

29 7–301.

30 (a) (1) Except as provided in paragraphs (2) [and], (3), AND (4) of this  
31 subsection, the court costs in a traffic case, including parking and impounding cases,

1 cases under § 21–202.1, § 21–809, or § 21–810 of the Transportation Article in which  
2 costs are imposed, and cases under § 10–112 of the Criminal Law Article in which  
3 costs are imposed:

4 (i) Are \$22.50 plus the surcharge under subsection (f) of this  
5 section; and

6 (ii) Shall also be applicable to those cases in which the  
7 defendant elects to waive the defendant’s right to trial and pay the fine or penalty  
8 deposit established by the Chief Judge of the District Court by administrative  
9 regulation.

10 (2) In an uncontested case under § 21–202.1, § 21–809, or § 21–810 of  
11 the Transportation Article, an uncontested case under § 10–112 of the Criminal Law  
12 Article, or an uncontested parking or impounding case in which the fines are paid  
13 directly to a political subdivision or municipality, costs are \$2.00, which costs shall be  
14 paid to and retained by the political subdivision or municipality.

15 (3) (i) In an uncontested case in which the fine is paid directly to  
16 an agency of State government authorized by law to regulate parking of motor  
17 vehicles, the court costs are \$2.00.

18 (ii) The fine and the costs under this paragraph shall be paid to  
19 the agency, which shall receive and account for these funds as in all other cases  
20 involving sums due the State through a State agency.

21 **(4) (I) IN AN UNCONTESTED CASE UNDER § 21–202.1 OR §**  
22 **21–809 OF THE TRANSPORTATION ARTICLE OR AN UNCONTESTED PARKING**  
23 **CASE IN WHICH THE FINES ARE PAID DIRECTLY TO A POLITICAL SUBDIVISION**  
24 **OR MUNICIPALITY, IN ADDITION TO ANY OTHER COSTS IMPOSED UNDER THIS**  
25 **SECTION, THE POLITICAL SUBDIVISION OR MUNICIPALITY MAY CHARGE A LATE**  
26 **FEE TO A PERSON WHO PAYS THE FINE AFTER THE DEADLINE SPECIFIED IN THE**  
27 **CITATION TO COVER ADMINISTRATIVE COSTS ASSOCIATED WITH PROCESSING**  
28 **LATE PAYMENTS, INCLUDING ADMINISTRATIVE FLAGGING FEES ASSESSED**  
29 **UNDER COMAR 11.15.21.**

30 **(II) THE CHIEF JUDGE OF THE DISTRICT COURT, IN**  
31 **CONSULTATION WITH POLITICAL SUBDIVISIONS AND MUNICIPALITIES, SHALL**  
32 **SET THE AMOUNT OF THE LATE FEE CHARGED UNDER THIS PARAGRAPH.**

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
34 measure, is necessary for the immediate preservation of the public health or safety,  
35 has been passed by a yea and nay vote supported by three–fifths of all the members  
36 elected to each of the two Houses of the General Assembly, and shall take effect from  
37 the date it is enacted.