

SENATE BILL 271

E1, R4

3lr1359
CF HB 197

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

Introduced and read first time: January 18, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Illegal Dumping and Litter Control Law – Penalties**

3 FOR the purpose of requiring a court to notify a person who is convicted of a certain
4 litter disposal offense that the person's driver's license may be suspended;
5 requiring a court to notify the Motor Vehicle Administration of a certain
6 violation involving litter disposal; requiring the Chief Judge of the District
7 Court and the Administrative Office of the Courts, in conjunction with the
8 Administration, to establish certain procedures; authorizing for a first offense,
9 and requiring for a second or subsequent offense, the Administration to
10 suspend, for a certain period of time, the driver's license of a person who is
11 convicted of a certain litter disposal offense; providing for a certain hearing on
12 the request of a licensee under certain circumstances; making a certain
13 conforming change; and generally relating to illegal dumping and litter control.

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Law
16 Section 10–110(f)
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2012 Supplement)

19 BY adding to
20 Article – Transportation
21 Section 16–206.2
22 Annotated Code of Maryland
23 (2012 Replacement Volume)

24 BY repealing and reenacting, with amendments,
25 Article – Transportation
26 Section 26–305(a)
27 Annotated Code of Maryland
28 (2012 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Criminal Law**

4 10–110.

5 (f) (1) A person who violates this section is subject to the penalties
6 provided in this subsection.

7 (2) (i) A person who disposes of litter in violation of this section in
8 an amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain is
9 guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30
10 days or a fine not exceeding \$1,500 or both.

11 (ii) A person who disposes of litter in violation of this section in
12 an amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216
13 cubic feet, and not for commercial gain is guilty of a misdemeanor and on conviction is
14 subject to imprisonment not exceeding 1 year or a fine not exceeding \$12,500 or both.

15 (iii) A person who disposes of litter in violation of this section in
16 an amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial
17 gain is guilty of a misdemeanor and on conviction is subject to imprisonment not
18 exceeding 5 years or a fine not exceeding \$30,000 or both.

19 (3) In addition to the penalties provided under paragraph (2) of this
20 subsection, a court may order the violator to:

21 (i) remove or render harmless the litter disposed of in violation
22 of this section;

23 (ii) repair or restore any property damaged by, or pay damages
24 for, the disposal of the litter in violation of this section;

25 (iii) perform public service relating to the removal of litter
26 disposed of in violation of this section or to the restoration of an area polluted by litter
27 disposed of in violation of this section; or

28 (iv) reimburse the State, county, municipal corporation, or
29 bi-county unit for its costs incurred in removing the litter disposed of in violation of
30 this section.

31 (4) **(I)** [In addition to, or instead of, the penalties provided in
32 paragraphs (2) and (3) of this subsection,] **IF A PERSON IS CONVICTED OF A**
33 **VIOLATION UNDER THIS SECTION AND THE PERSON USED A MOTOR VEHICLE IN**
34 **THE COMMISSION OF THE VIOLATION,** the court [may suspend for up to 7 days the

1 license of the person to operate the type of conveyance used in the violation who is
 2 presumed to be responsible for the violation under subsection (d) of this section]
 3 **SHALL:**

4 **1. NOTIFY THE PERSON THAT THE PERSON'S**
 5 **DRIVER'S LICENSE MAY BE SUSPENDED UNDER § 16-206.2 OF THE**
 6 **TRANSPORTATION ARTICLE; AND**

7 **2. NOTIFY THE MOTOR VEHICLE ADMINISTRATION**
 8 **OF THE VIOLATION.**

9 **(II) THE CHIEF JUDGE OF THE DISTRICT COURT AND THE**
 10 **ADMINISTRATIVE OFFICE OF THE COURTS, IN CONJUNCTION WITH THE MOTOR**
 11 **VEHICLE ADMINISTRATION, SHALL ESTABLISH UNIFORM PROCEDURES FOR**
 12 **REPORTING A VIOLATION UNDER THIS PARAGRAPH.**

13 **Article – Transportation**

14 **16-206.2.**

15 **(A) SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF THIS**
 16 **SECTION, ON RECEIPT OF NOTICE DESCRIBED UNDER § 10-110(F) OF THE**
 17 **CRIMINAL LAW ARTICLE THAT AN INDIVIDUAL LICENSED IN THE STATE HAS**
 18 **BEEN CONVICTED OF A VIOLATION UNDER § 10-110 OF THE CRIMINAL LAW**
 19 **ARTICLE FOR DISPOSAL OF LITTER AND THE INDIVIDUAL USED A MOTOR**
 20 **VEHICLE IN THE COMMISSION OF THE VIOLATION, THE ADMINISTRATION:**

21 **(1) FOR A FIRST VIOLATION, MAY SUSPEND THE INDIVIDUAL'S**
 22 **LICENSE FOR UP TO 60 DAYS; AND**

23 **(2) FOR A SECOND OR SUBSEQUENT VIOLATION, SHALL SUSPEND**
 24 **THE INDIVIDUAL'S LICENSE FOR NO LESS THAN 60 DAYS AND NOT MORE THAN 1**
 25 **YEAR.**

26 **(B) SUBJECT TO THE PROVISIONS OF TITLE 12, SUBTITLE 2 OF THIS**
 27 **ARTICLE, A LICENSEE MAY REQUEST A HEARING ON A SUSPENSION UNDER THIS**
 28 **SECTION.**

29 **26-305.**

30 **(a) The Administration may not register or transfer the registration of any**
 31 **vehicle involved in a parking violation under this subtitle, a violation under any**
 32 **federal parking regulation that applies to property in this State under the jurisdiction**
 33 **of the U.S. government, a violation of § 21-202(h) of this article as determined under §**

1 21–202.1 of this article or Title 21, Subtitle 8 of this article as determined under §
2 21–809 or § 21–810 of this article, or a violation of the State **ILLEGAL DUMPING AND**
3 litter control law or a local law or ordinance adopted by Baltimore City relating to the
4 unlawful disposal of litter as determined under § 10–112 of the Criminal Law Article,
5 if:

6 (1) It is notified by a political subdivision or authorized State agency
7 that the person cited for the violation under this subtitle, § 21–202.1, § 21–809, or §
8 21–810 of this article, or § 10–112 of the Criminal Law Article has failed to either:

9 (i) Pay the fine for the violation by the date specified in the
10 citation; or

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

12 (2) It is notified by the District Court that a person who has elected to
13 stand trial for the violation under this subtitle, under § 21–202.1, § 21–809, or §
14 21–810 of this article, or under § 10–112 of the Criminal Law Article has failed to
15 appear for trial; or

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

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

20 (ii) Either has failed to file a notice of the person’s intention to
21 stand trial for the violation, or, if electing to stand trial, has failed to appear for trial.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2013.