

**Department of Legislative Services**  
Maryland General Assembly  
2017 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 136

(Senators Lee and Smith)

Judicial Proceedings

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**Vehicle Laws - Parking Violations - Authority of Political Subdivisions**

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This bill prohibits a political subdivision from adopting or enforcing a regulation or an ordinance that increases a penalty, authorizes referral for collection, or assesses a fee or late charge for an unpaid parking citation within 30 days after the issuance of the citation.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Local revenues decrease, potentially significantly, beginning in FY 2018, as discussed below. Any decrease in revenues depends on whether a local jurisdiction currently increases a penalty or assesses a fee or late charge within 30 days after a citation is issued. Expenditures are likely not directly affected. **This bill may impose a mandate on a unit of local government.**

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:** Any political subdivision may adopt ordinances and regulations that (1) regulate the parking of vehicles; (2) provide for the impounding of vehicles parked in violation of the ordinances or regulations; (3) regulate the towing of vehicles from publicly owned and privately owned parking lots; and (4) provide for the issuance of a citation by an officer for a violation of an ordinance or regulation.

Political subdivisions are prohibited from adopting or enforcing an ordinance or regulation that prohibits the parking of more than one motorcycle within a space served by a single parking meter.

Political subdivisions are authorized to establish public outreach efforts to educate law enforcement officers, businesses, medical practitioners, and the general public regarding parking laws and regulations, including (1) the authority of law enforcement officers to enter private parking lots used by the public and (2) specific eligibility criteria for, and requirements for the lawful use of, special registration plates and placards issued for individuals with disabilities.

If an officer discovers a vehicle parked in violation of an ordinance or regulation adopted by a political subdivision, the officer is required to (1) deliver a citation to the driver or, if the vehicle is unattended, attach a citation to the vehicle in a conspicuous place and (2) keep a copy of the citation, bearing the officer's certification under penalty of perjury that the facts stated in the citation are true. If the driver is absent, the registered owner of the vehicle is presumed to be the person receiving the citation.

A person who receives a citation must either pay for the parking violation directly to the political subdivision or elect to stand trial for the violation. If a person elects to stand trial, the person must send notice to the political subdivision at least five days before the payment date specified in the citation. If the person desires the officer who issued the citation to be present at the trial, the person must notify the political subdivision at the time the notice of intention to stand trial is given. If this notification is not given, the officer need not appear at the trial, and the copy of the citation bearing the officer's certification is *prima facie* evidence of the facts stated in it.

**Local Revenues:** Local revenues decrease, potentially significantly, beginning in fiscal 2018. Jurisdictions that increase a penalty or assess a fee or late charge within 30 days after a citation is issued are affected by the bill; jurisdictions that increase a penalty or assess a fee or late charge only after 30 days or more have elapsed are unlikely to be affected by the bill.

Although the exact number of jurisdictions in the State that increase a penalty or assess a fee or late charge before 30 days is not known, some jurisdictions indicated the bill's restriction is likely to have an impact on revenues.

Baltimore City advises that, in fiscal 2016, there were 33,811 penalty notices issued for unpaid fines between 16 and 30 days after the original violation date, totaling \$3.6 million in penalty revenues. Because of the bill's October 1, 2017 effective date, the city estimates a \$2.7 million decrease in revenues in fiscal 2018. In subsequent years, revenues decrease by approximately \$3.6 million.

Montgomery County advises that, in fiscal 2016, total fine revenue for parking violations was \$7.7 million. The county imposes a \$25 fine on day 15 of an unpaid parking citation and an additional \$25 fine on day 45 of an unpaid citation. Under the bill, the county is prohibited from imposing the current \$25 fine on day 15 of an unpaid citation. The county estimates total revenues are likely to decline by approximately \$1.1 million annually.

Washington County indicates a minimal decline in revenues beginning in fiscal 2018, while Worcester County advises there is no expected impact on revenues under the bill.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City; Montgomery, Washington, and Worcester counties; Maryland Association of Counties; Maryland Municipal League; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - January 23, 2017  
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