

HOUSE BILL 492

R4

8lr0917

By: **Delegates Ali, Morales, Mosby, and Proctor**

Introduced and read first time: January 25, 2018

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Civil Violations – Administrative Penalties**

3 FOR the purpose of requiring that a certain ordinance or regulation governing parking
4 violations in Baltimore City provide that a vehicle may not be impounded or
5 immobilized for unsatisfied parking citations under certain circumstances;
6 establishing that a registered owner of a vehicle that has at least a certain number
7 of certain citations for parking violations issued by Baltimore City may enter into a
8 payment plan to satisfy the charges owed under the citations; prohibiting Baltimore
9 City from providing certain notice to the Motor Vehicle Administration if a payment
10 plan is in effect and requiring Baltimore City under certain circumstances to provide
11 certain notice to the Administration if a payment plan is in effect; prohibiting a
12 registered owner of a vehicle under a payment plan from failing to make timely
13 payments under the payment plan; requiring Baltimore City to provide certain
14 notice to the Administration if a registered owner fails to make timely payments
15 under a payment plan; requiring the Administration to take certain administrative
16 action against the vehicle registration on receipt of certain notice from Baltimore
17 City; repealing the authority of the Administration to establish a restoration fee for
18 vehicle registrations that are subject to certain administrative penalties, and
19 establishing a certain restoration fee for the vehicle registrations; and generally
20 relating to administrative penalties for civil vehicle violations.

21 BY repealing and reenacting, with amendments,
22 Article – Transportation
23 Section 26–301(b), 26–303, and 26–305
24 Annotated Code of Maryland
25 (2012 Replacement Volume and 2017 Supplement)

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

28 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 26–301.

2 (b) (1) Subject to subsection (c) of this section, any State agency authorized by
3 law and any political subdivision of this State may adopt ordinances or regulations that:

4 [(1)] (I) Regulate the parking of vehicles;

5 [(2)] (II) Provide for the impounding of vehicles parked in violation of the
6 ordinances or regulations;

7 [(3)] (III) Regulate the towing of vehicles from publicly owned and
8 privately owned parking lots; and

9 [(4)] (IV) Provide for the issuance of a citation by an officer for a violation
10 of an ordinance or regulation that is adopted under this section.

11 (2) **IN BALTIMORE CITY, AN ORDINANCE OR REGULATION ADOPTED**
12 **UNDER THIS SUBSECTION SHALL PROVIDE THAT A VEHICLE MAY NOT BE**
13 **IMPOUNDED OR IMMOBILIZED FOR UNSATISFIED PARKING CITATIONS:**

14 (I) **UNLESS THE VEHICLE HAS THREE OR MORE CITATIONS FOR**
15 **PARKING VIOLATIONS FOR WHICH THE PAYMENT DATE SPECIFIED IN THE CITATION**
16 **HAS PASSED AND NO ELECTION TO STAND TRIAL HAS BEEN MADE; AND**

17 (II) **UNTIL 120 DAYS AFTER THE PAYMENT DATE SPECIFIED IN**
18 **THE THIRD UNSATISFIED CITATION.**

19 26–303.

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

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

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

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

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

30 (2) If proper notification is not given, the officer need not appear at the

1 trial, and the copy of the citation bearing the certification of the officer is prima facie
2 evidence of the facts stated in it.

3 (c) (1) THIS SUBSECTION APPLIES ONLY TO CITATIONS FOR PARKING
4 VIOLATIONS ISSUED BY BALTIMORE CITY.

5 (2) A REGISTERED OWNER OF A VEHICLE THAT HAS THREE OR MORE
6 CITATIONS FOR PARKING VIOLATIONS FOR WHICH THE PAYMENT DATE SPECIFIED
7 IN THE CITATION HAS PASSED AND NO ELECTION TO STAND TRIAL HAS BEEN MADE
8 MAY ENTER INTO A PAYMENT PLAN WITH BALTIMORE CITY TO SATISFY THE
9 CHARGES OWED UNDER THE CITATIONS.

10 (3) IF A REGISTERED OWNER OF A VEHICLE ENTERS INTO A PAYMENT
11 PLAN UNDER THIS SUBSECTION, BALTIMORE CITY:

12 (i) MAY NOT NOTIFY THE ADMINISTRATION THAT THE
13 CITATIONS FOR PARKING VIOLATIONS ARE UNSATISFIED FOR THE PURPOSES OF
14 THE SUSPENSION OF THE REGISTRATION OF THE VEHICLE, THE REFUSAL TO
15 REGISTER THE VEHICLE, OR THE REFUSAL TO TRANSFER THE REGISTRATION OF
16 THE VEHICLE IN ACCORDANCE WITH § 26-305 OF THIS SUBTITLE; AND

17 (ii) IF IT HAS ALREADY NOTIFIED THE ADMINISTRATION OF THE
18 UNSATISFIED CITATIONS, SHALL NOTIFY THE ADMINISTRATION THAT THE CHARGES
19 HAVE BEEN SATISFIED.

20 (4) A REGISTERED OWNER OF A VEHICLE THAT ENTERS INTO A
21 PAYMENT PLAN WITH BALTIMORE CITY UNDER THIS SUBSECTION MAY NOT FAIL TO
22 MAKE TIMELY PAYMENTS UNDER THE PAYMENT PLAN.

23 (5) IF A REGISTERED OWNER OF A VEHICLE ENTERS INTO A PAYMENT
24 PLAN WITH BALTIMORE CITY UNDER THIS SUBSECTION AND FAILS TO MAKE TIMELY
25 PAYMENTS UNDER THE PAYMENT PLAN:

26 (i) BALTIMORE CITY SHALL NOTIFY THE ADMINISTRATION
27 THAT THE PAYMENT PLAN HAS NOT BEEN SATISFIED; AND

28 (ii) THE ADMINISTRATION SHALL SUSPEND THE
29 REGISTRATION OF THE VEHICLE, REFUSE TO REGISTER THE VEHICLE, OR REFUSE
30 TO TRANSFER THE REGISTRATION OF THE VEHICLE IN ACCORDANCE WITH § 26-305
31 OF THIS SUBTITLE.

32 26-305.

33 (a) The Administration may not register or transfer the registration of any vehicle

1 involved in a parking violation under this subtitle, **A VIOLATION FOR FAILURE TO MAKE**
2 **TIMELY PAYMENTS UNDER A PAYMENT PLAN WITH BALTIMORE CITY UNDER §**
3 **26-303(C) OF THIS SUBTITLE**, a violation under any federal parking regulation that
4 applies to property in this State under the jurisdiction of the U.S. government, a violation
5 of § 21-202(h) of this article as determined under § 21-202.1 of this article or Title 21,
6 Subtitle 8 of this article as determined under § 21-809 or § 21-810 of this article, or a
7 violation of the Illegal Dumping and Litter Control Law under § 10-110 of the Criminal
8 Law Article or a local law or ordinance adopted by Baltimore City relating to the unlawful
9 disposal of litter as determined under § 10-112 of the Criminal Law Article, if:

10 (1) It is notified by a political subdivision or authorized State agency that
11 the person cited for the violation under this subtitle, § 21-202.1, § 21-809, or § 21-810 of
12 this article, or § 10-110 or § 10-112 of the Criminal Law Article has failed to either:

13 (i) Pay the fine for the violation by the date specified in the citation;
14 or

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

16 (2) It is notified by the District Court that a person who has elected to stand
17 trial for the violation under this subtitle, under § 21-202.1, § 21-809, or § 21-810 of this
18 article, or under § 10-110 or § 10-112 of the Criminal Law Article has failed to appear for
19 trial; or

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

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

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

26 (b) (1) Notwithstanding the provisions of subsection (a) of this section, the
27 Administration may suspend the registration of a vehicle involved in a parking violation
28 under this subtitle or a violation under any federal parking regulation that applies to
29 property in this State under the jurisdiction of the U.S. government if notified in accordance
30 with subsection (a) of this section that the violator is a chronic offender.

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

34 (c) The Administration shall continue the suspension and refusal to register or
35 transfer a registration of the vehicle until:

36 (1) If the suspension or refusal was required under subsection (a)(1) or

1 (b)(1) of this section, the political subdivision or State agency notifies the Administration
2 that the charge has been satisfied;

3 (2) If the suspension or refusal was required under subsection (a)(2) or
4 (b)(1) of this section, the District Court notifies the Administration that the person cited
5 has appeared for trial or has pleaded guilty and paid the fine for the violation; or

6 (3) If the suspension or refusal was required under subsection (a)(3) or
7 (b)(1) of this section, the U.S. District Court notifies the Administration that the charge has
8 been satisfied.

9 (d) If the registration of the vehicle has been suspended in accordance with
10 subsection (b)(1) of this section, a person may not drive the vehicle on any highway in this
11 State.

12 (e) The procedures specified in this section are in addition to any other penalty
13 provided by law for the failure to pay a fine or stand trial for a parking violation.

14 (f) The Administration shall adopt procedures by which the political
15 subdivisions, State agencies, the District Court, and the U.S. District Court shall notify it
16 of any restrictions and any rescission of restrictions placed on the registration of vehicles
17 under this section.

18 (g) (1) In addition to any other fee or penalty provided by law, an owner of a
19 vehicle who is denied registration of the vehicle under the provisions of this section shall
20 pay a **RESTORATION** fee [established by the Administration] **OF \$10** before renewal of the
21 registration of the vehicle.

22 (2) The fee described under paragraph (1) of this subsection:

23 (i) May be distributed in part to a political subdivision acting as an
24 agent of the Administration in the registration of a vehicle under § 13–404 of this article if,
25 based upon information provided to the Administration by the political subdivision under
26 this section, the vehicle's prior registration was suspended or the vehicle's registration
27 renewal was denied; and

28 (ii) Except as provided under item (i) of this paragraph, shall be
29 retained by the Administration and may not be credited to the Gasoline and Motor Vehicle
30 Revenue Account for distribution under § 8–403 or § 8–404 of this article.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2018.