

HOUSE BILL 1448

E2, R4

8lr1569

By: **Delegate Vallario**

Introduced and read first time: February 9, 2018

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2018

CHAPTER _____

1 AN ACT concerning

2 **Clerks of the Courts – Traffic Fines – Installment Payments**

3 FOR the purpose of allowing the District Court or a circuit court to authorize the clerk of
4 the court to approve certain agreements for the payment of certain fines for traffic
5 offenses under certain circumstances; authorizing a certain defendant to apply to the
6 clerk of the court to make certain installment payments; specifying certain duties of
7 the clerk of the court; providing for the content and posting of certain agreements;
8 prohibiting the Motor Vehicle Administration from suspending or continuing to
9 suspend a driver's license or privilege to drive under certain circumstances; and
10 generally relating to certain agreements for the payment of certain fines for traffic
11 offenses under certain circumstances.

12 BY adding to

13 Article – Courts and Judicial Proceedings

14 Section 7–504.1

15 Annotated Code of Maryland

16 (2013 Replacement Volume and 2017 Supplement)

17 BY repealing and reenacting, without amendments,

18 Article – Transportation

19 Section 26–204(e) and (g) and 27–103

20 Annotated Code of Maryland

21 (2012 Replacement Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Courts and Judicial Proceedings**

4 **7-504.1.**

5 (A) THIS SECTION APPLIES TO A DEFENDANT WHOSE DRIVER'S LICENSE OR
6 PRIVILEGE TO DRIVE MAY BE OR IS SUSPENDED FOR FAILURE TO PAY A FINE FOR
7 ONE OR MORE TRAFFIC OFFENSES, INCLUDING ONE OR MORE CITATIONS FOR A
8 VIOLATION OF A PARKING ORDINANCE OR REGULATION ADOPTED UNDER TITLE 26,
9 SUBTITLE 3 OF THE TRANSPORTATION ARTICLE.

10 (B) THE DISTRICT COURT OR A CIRCUIT COURT MAY AUTHORIZE THE
11 CLERK OF THE COURT TO APPROVE AN INDIVIDUAL INSTALLMENT PLAN
12 AGREEMENT IN ACCORDANCE WITH THIS SECTION FOR THE PAYMENT OF ONE OR
13 MORE FINES IMPOSED BY THE COURT.

14 (C) (1) A DEFENDANT WHO IS SENTENCED TO PAY ONE OR MORE FINES
15 THAT TOTAL AT LEAST \$300 AND CERTIFIES THAT THE DEFENDANT IS UNABLE TO
16 PAY THE FINE OR FINES MAY APPLY TO THE CLERK OF THE COURT TO MAKE
17 INSTALLMENT PAYMENTS IN ACCORDANCE WITH THIS SECTION.

18 (2) AN INSTALLMENT PLAN AGREEMENT UNDER THIS SECTION
19 SHALL:

20 (I) REQUIRE THAT THE DEFENDANT MAKE INSTALLMENT
21 PAYMENTS OF 10% PER MONTH ON THE TOTAL AMOUNT OF THE FINE OR FINES
22 COVERED BY THE AGREEMENT;

23 (II) SPECIFY THE OFFENSES AND CITATIONS TO WHICH THE
24 AGREEMENT APPLIES; AND

25 (III) STATE WHETHER THE DEFENDANT'S DRIVER'S LICENSE OR
26 DRIVING PRIVILEGES ARE CURRENTLY SUSPENDED FOR FAILURE TO PAY THE FINE
27 OR FINES TO WHICH THE AGREEMENT APPLIES.

28 (3) AS A CONDITION OF AN INSTALLMENT PLAN AGREEMENT, A
29 DEFENDANT WHO ENTERS INTO THE AGREEMENT SHALL INFORM THE CLERK OF THE
30 COURT OF ANY CHANGE OF ADDRESS DURING THE TERM OF THE AGREEMENT.

31 (4) THE CLERK OF THE COURT SHALL PROMPTLY:

1 (I) NOTIFY THE MOTOR VEHICLE ADMINISTRATION BY
2 SENDING A COPY OF THE INSTALLMENT PAYMENT AGREEMENT TO THE MOTOR
3 VEHICLE ADMINISTRATION, IF THE DRIVER'S LICENSE OR PRIVILEGE TO DRIVE OF
4 THE DEFENDANT IS CURRENTLY SUSPENDED FOR FAILURE TO PAY A FINE FOR ONE
5 OR MORE TRAFFIC OFFENSES TO WHICH THE AGREEMENT APPLIES;

6 (II) NOTIFY THE MOTOR VEHICLE ADMINISTRATION OF THE
7 FAILURE OF THE DEFENDANT TO PAY A FINE IN ACCORDANCE WITH AN
8 INSTALLMENT PLAN AGREEMENT UNDER THIS SECTION; AND

9 (III) SEND TO THE DEFENDANT A COPY OF THE NOTICES
10 REQUIRED UNDER ITEMS (I) AND (II) OF THIS PARAGRAPH.

11 (D) THE REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION SHALL BE
12 POSTED IN THE CLERK'S OFFICE AND ON THE WEBSITE OF THE COURT.

13 (E) (1) IF A DEFENDANT'S APPLICATION FOR INSTALLMENT PAYMENTS IS
14 GRANTED BY THE CLERK OF THE COURT, THE MOTOR VEHICLE ADMINISTRATION
15 MAY NOT SUSPEND OR CONTINUE TO SUSPEND THE DRIVER'S LICENSE OR DRIVING
16 PRIVILEGES OF THE DEFENDANT UNDER § 26-204 OR § 27-103 OF THE
17 TRANSPORTATION ARTICLE FOR THE VIOLATIONS SPECIFIED IN THE INSTALLMENT
18 PLAN AGREEMENT UNLESS THE DEFENDANT SUBSEQUENTLY FAILS TO MAKE AN
19 INSTALLMENT PAYMENT.

20 (2) THE CLERK OF THE COURT SHALL NOTIFY THE MOTOR VEHICLE
21 ADMINISTRATION IF A DEFENDANT FAILS TO MAKE AN INSTALLMENT PAYMENT
22 UNDER THIS SECTION.

23 Article – Transportation

24 26-204.

25 (e) If a person fails to pay the fine or post the bond or penalty deposit under
26 subsection (d) of this section, the Administration may suspend the driving privileges of the
27 person.

28 (g) With the cooperation of the District Court and circuit courts, the
29 Administration shall develop procedures to carry out those provisions of this section that
30 relate to the suspension of driving privileges.

31 27-103.

32 (a) (1) If a person fined under the Maryland Vehicle Law or under a federal
33 traffic law or regulation for a violation occurring in the State does not pay the fine in

1 accordance with the court’s directive, the court may certify the failure to pay to the
2 Administration.

3 (2) When the Administration receives a certification under paragraph (1)
4 of this subsection, after giving the person 10 days advance written notice, the
5 Administration may suspend the driving privileges or license of the person until the fine
6 has been paid.

7 (b) With the cooperation of the District Court and the U.S. District Court, the
8 Administration shall develop procedures to carry out this section.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.