

Chapter 792

**(House Bill 1448)**

AN ACT concerning

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

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

BY adding to

Article – Courts and Judicial Proceedings  
Section 7–504.1  
Annotated Code of Maryland  
(2013 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation  
Section 26–204(e) and (g) and 27–103  
Annotated Code of Maryland  
(2012 Replacement Volume and 2017 Supplement)

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

**Article – Courts and Judicial Proceedings**

**7–504.1.**

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

**(B) THE DISTRICT COURT OR A CIRCUIT COURT MAY AUTHORIZE THE CLERK OF THE COURT TO APPROVE AN INDIVIDUAL INSTALLMENT PLAN**

AGREEMENT IN ACCORDANCE WITH THIS SECTION FOR THE PAYMENT OF ONE OR MORE FINES IMPOSED BY THE COURT.

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

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

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

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

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

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

(4) THE CLERK OF THE COURT SHALL PROMPTLY:

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

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

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

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

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

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

### Article – Transportation

26-204.

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

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

27-103.

(a) (1) If a person fined under the Maryland Vehicle Law or under a federal traffic law or regulation for a violation occurring in the State does not pay the fine in accordance with the court's directive, the court may certify the failure to pay to the Administration.

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

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

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

**Approved by the Governor, May 15, 2018.**