

HOUSE BILL 1267

R4

9lr1299
CF 9lr3085

By: **Delegates Lierman and Wells**

Introduced and read first time: February 8, 2019

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Licensing and Registration – Unpaid Fines or Failure to Appear – Penalties**

3 FOR the purpose of repealing the requirement that an individual have a certain amount of
4 certain overdue fines before qualifying to enter into a payment plan with the clerk
5 of the court to pay the overdue fines; requiring the clerk of the court to notify the
6 Motor Vehicle Administration of the establishment of a payment plan; repealing the
7 requirement that the Administration suspend the license to drive and registration of
8 all vehicles of an individual for a failure of the individual to satisfy a certain
9 judgment; repealing the penalty of suspension of a driver's license for dispensing
10 motor fuel into a dirt bike from a retail pump at a service station in Baltimore City;
11 requiring that a traffic citation provide certain notice; requiring a court to provide
12 the Administration with information regarding the amount of an outstanding fine
13 under certain circumstances; authorizing the Administration to refuse to issue,
14 reissue, or renew a person's driver's license under certain circumstances; prohibiting
15 the issuance of a warrant by a court under certain circumstances; providing that the
16 Administration may register or transfer the registration of a vehicle involved in
17 certain civil violations if the owner enters into a payment plan with the clerk of the
18 court under certain provisions of law; clarifying the circumstances under which the
19 Administration may charge a fee to an individual, after the individual fails to satisfy
20 certain civil citations, for renewal of vehicle registration; requiring the
21 Administration to provide notice to the owner of a motor vehicle of certain
22 outstanding fines in a notice of renewal; providing for the application of this Act; and
23 generally relating to penalties for the failure to appear in court or pay fines for traffic
24 or parking violations.

25 BY repealing and reenacting, with amendments,
26 Article – Courts and Judicial Proceedings
27 Section 7–504.1
28 Annotated Code of Maryland
29 (2013 Replacement Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing
2 Article – Transportation
3 Section 17–204 and 21–1128(e)
4 Annotated Code of Maryland
5 (2012 Replacement Volume and 2018 Supplement)

6 BY repealing and reenacting, without amendments,
7 Article – Transportation
8 Section 21–1128(b) and (c) and 26–201(b)
9 Annotated Code of Maryland
10 (2012 Replacement Volume and 2018 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Transportation
13 Section 26–201(c), 26–204(c) through (g), 26–305, and 27–103(a)
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2018 Supplement)

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

18 **Article – Courts and Judicial Proceedings**

19 7–504.1.

20 (a) This section applies to a defendant [whose driver’s license or privilege to drive
21 may be or is suspended for failure] **WHO IS UNABLE** to pay a fine for one or more traffic
22 offenses, including one or more citations for a violation of a parking ordinance or regulation
23 adopted under Title 26, Subtitle 3 of the Transportation Article.

24 (b) The District Court or a circuit court may authorize the clerk of the court to
25 approve an individual installment plan agreement in accordance with this section for the
26 payment of one or more fines imposed by the court.

27 (c) (1) A defendant who is sentenced to pay one or more fines [that total at
28 least \$300] and certifies that the defendant is unable to pay the fine or fines may apply to
29 the clerk of the court to make installment payments in accordance with this section.

30 (2) An installment plan agreement under this section shall:

31 (i) Require that the defendant make installment payments of 10%
32 per month on the total amount of the fine or fines covered by the agreement;

33 (ii) Specify the offenses and citations to which the agreement
34 applies; and

1 (iii) State whether the defendant's driver's license or driving
2 privileges are currently suspended for failure to pay the fine or fines to which the agreement
3 applies.

4 (3) As a condition of an installment plan agreement, a defendant who
5 enters into the agreement shall inform the clerk of the court of any change of address during
6 the term of the agreement.

7 (4) The clerk of the court shall promptly:

8 (i) Notify the Motor Vehicle Administration by sending a copy of the
9 installment payment agreement to the Motor Vehicle Administration, if the [driver's
10 license or privilege to drive of the defendant is currently suspended for failure to pay a fine
11 for one or more traffic offenses to which the agreement applies] **DEFENDANT IS**
12 **CURRENTLY PREVENTED FROM HAVING THE DEFENDANT'S DRIVER'S LICENSE OR**
13 **PERMIT ISSUED, REISSUED, OR RENEWED;**

14 (ii) Notify the Motor Vehicle Administration of the failure of the
15 defendant to pay a fine in accordance with an installment plan agreement under this
16 section; and

17 (iii) Send to the defendant a copy of the notices required under items
18 (i) and (ii) of this paragraph.

19 (d) The requirements of subsection (c) of this section shall be posted in the clerk's
20 office and on the website of the court.

21 (e) (1) If a defendant's application for installment payments is granted by the
22 clerk of the court, the Motor Vehicle Administration [may not suspend or continue to
23 suspend the driver's license or driving privileges] **SHALL APPROPRIATELY RENEW,**
24 **REISSUE, OR ISSUE THE DRIVER'S LICENSE OR PERMIT** of the defendant under §
25 26–204 or § 27–103 of the Transportation Article for the violations specified in the
26 installment plan agreement unless the defendant subsequently fails to make an
27 installment payment.

28 (2) The clerk of the court shall notify the Motor Vehicle Administration if
29 a defendant fails to make an installment payment under this section.

30 Article – Transportation

31 [17–204.

32 Except as otherwise provided in this subtitle, on receipt of a certified copy of a
33 judgment and a certificate of facts, the Administration shall suspend:

34 (1) The license to drive of the judgment debtor; and

1 (2) The registration of all vehicles owned by the judgment debtor and
2 registered in this State.]

3 21–1128.

4 (b) (1) This section applies only in Baltimore City.

5 (2) This section does not apply to an owner or employee of a service station
6 who is subject to the provisions of the Baltimore City Code prohibiting the selling,
7 transferring, or dispensing of motor fuel for delivery into a dirt bike.

8 (c) A person may not dispense motor fuel into a dirt bike from a retail pump at a
9 service station.

10 [(e) (1) If a person is convicted of a violation of this section, the court shall
11 notify the Administration of the conviction.

12 (2) Subject to the provisions of paragraph (3) of this subsection, on receipt
13 of the notice described under paragraph (1) of this subsection the Administration:

14 (i) For a first violation, may suspend the person’s driver’s license for
15 up to 30 days; and

16 (ii) For a second or subsequent violation, shall suspend the person’s
17 driver’s license for 30 days.

18 (3) Subject to the provisions of Title 12, Subtitle 2 of this article, a licensee
19 may request a hearing on a suspension under this section.]

20 26–201.

21 (b) A police officer who charges a person under this section shall issue a traffic
22 citation, and provide a copy, to the person charged.

23 (c) A traffic citation issued to a person under this section shall contain:

24 (1) A notice in boldface type that, if the citation is a payable violation:

25 (i) The person must comply with one of the following within 30 days
26 after receipt of the citation:

27 1. Pay the full amount of the preset fine **OR ENTER INTO A**
28 **PAYMENT PLAN UNDER § 7–504.1 OF THE COURTS ARTICLE;**

29 2. Request a hearing regarding sentencing and disposition in
30 lieu of a trial as provided in § 26–204(b)(2) of this subtitle; or

1 3. Request a trial date at the date, time, and place
2 established by the District Court by writ or trial notice; and

3 (ii) [1.] If the person fails to comply within 30 days after receipt of
4 the citation, the Administration will be notified and [may take action to suspend] **THE**
5 **PERSON MAY BE UNABLE TO BE ISSUED, BE REISSUED, OR RENEW** the person's driver's
6 license[]; and

7 2. Driving on a suspended license is a criminal offense for
8 which the person could be incarcerated[]; or

9 (2) If the citation is for a must-appear violation, a notice that:

10 (i) The citation is a summons to appear as notified by a circuit court
11 or the District Court through a trial notice setting the date, time, and place for the person
12 to appear; or

13 (ii) A circuit court or the District Court will issue a writ setting the
14 date, time, and place for the person to appear;

15 (3) The name and address of the person;

16 (4) The number of the person's license to drive, if applicable;

17 (5) The State registration number of the vehicle, if applicable;

18 (6) The violation or violations charged;

19 (7) An acknowledgment of receipt of the citation, to be executed by the
20 person as required under § 1-605 of the Courts Article;

21 (8) Near the acknowledgment, a clear and conspicuous statement that:

22 (i) Acknowledgment of the citation by the person does not constitute
23 an admission of guilt; and

24 (ii) The failure to acknowledge receipt of the citation may subject the
25 person to arrest; and

26 (9) Any other necessary information.

27 26-204.

28 (c) If a person fails to comply with a notice under § 26-201(c)(1) of this subtitle, a
29 notice for a hearing date issued in accordance with a request made under § 26-201(c)(1)(i)2
30 of this subtitle, a writ or trial notice issued in accordance with a request made under §

1 26–201(c)(1)(i)3 of this subtitle, or a notice to appear under § 26–201(c)(2) of this subtitle,
2 the District Court or a circuit court may:

3 (1) Except as provided in subsection (f) of this section, issue a warrant for
4 the person’s arrest; or

5 (2) After 5 days, notify the Administration of the person’s noncompliance,
6 **INCLUDING THE MONETARY AMOUNT OF THE OUTSTANDING FINE.**

7 (d) On receipt of [a] notice of noncompliance from the District Court or a circuit
8 court **FOR FINES TOTALING \$500 OR MORE**, the Administration shall notify the person
9 that the [person’s driving privileges shall be suspended unless, by the end of the 15th day
10 after the date on which the notice is mailed,] **ADMINISTRATION MAY NOT ISSUE,**
11 **REISSUE, OR RENEW THE PERSON’S DRIVER’S LICENSE UNTIL** the person:

12 (1) Pays the fine on the original charge as provided for in the original
13 citations; [or]

14 (2) **ENTERS INTO A REPAYMENT PLAN UNDER § 7–504.1 OF THE**
15 **COURTS ARTICLE; OR**

16 **[(2)] (3)** Posts bond or a penalty deposit and requests a new date for a
17 trial or a hearing on sentencing and disposition.

18 (e) If a person fails to pay the fine, **ENTER INTO A PAYMENT PLAN UNDER §**
19 **7–504.1 OF THE COURTS ARTICLE**, or post the bond or penalty deposit under subsection
20 (d) of this section, the Administration may [suspend the driving privileges of the person]
21 **NOT ISSUE, REISSUE, OR RENEW THE PERSON’S DRIVER’S LICENSE.**

22 (f) When the offense is not punishable by incarceration, if the court notifies the
23 Administration of the person’s noncompliance under subsection (c) of this section, a
24 warrant may not be issued for the person under this section [until 20 days after:

25 (1) The expiration of the time period required to comply with §
26 26–201(c)(1)(i) of this subtitle, if the person has not requested a hearing regarding
27 sentencing and disposition or a trial date; or

28 (2) The original trial date if a trial has been scheduled in response to a
29 request under § 26–201(c)(1)(i)3 of this subtitle].

30 (g) With the cooperation of the District Court and circuit courts, the
31 Administration shall develop procedures to carry out those provisions of this section that
32 relate to the [suspension of driving privileges] **ISSUANCE, REISSUANCE, OR RENEWAL**
33 **OF A DRIVER’S LICENSE.**

1 26–305.

2 (a) The Administration may not register or transfer the registration of any vehicle
3 involved in a parking violation under this subtitle, a violation under any federal parking
4 regulation that applies to property in this State under the jurisdiction of the U.S.
5 government, a violation of § 21–202(h) of this article as determined under § 21–202.1 of this
6 article or Title 21, Subtitle 8 of this article as determined under § 21–809 or § 21–810 of
7 this article, or a violation of the Illegal Dumping and Litter Control Law under § 10–110 of
8 the Criminal Law Article or a local law or ordinance adopted by Baltimore City relating to
9 the unlawful disposal of litter as determined under § 10–112 of the Criminal Law Article,
10 if:

11 (1) It is notified by a political subdivision [or], AN authorized State agency,
12 **OR THE DISTRICT COURT** that the person cited for the violation under this subtitle, §
13 21–202.1, § 21–809, or § 21–810 of this article, or § 10–110 or § 10–112 of the Criminal Law
14 Article has [failed to either]:

15 (I) **FAILED TO PAY THE FINE FOR THE VIOLATION BY THE DATE**
16 **SPECIFIED, FAILED TO FILE NOTICE OF THE PERSON’S INTENT TO STAND TRIAL FOR**
17 **THE VIOLATION, OR ELECTED TO STAND TRIAL AND FAILED TO APPEAR FOR TRIAL;**
18 **AND**

19 (II) **A TOTAL OF \$500 OR MORE IN OUTSTANDING FINES AND**
20 **HAS NOT ENTERED INTO A PAYMENT PLAN UNDER § 7–504.1 OF THE COURTS AND**
21 **JUDICIAL PROCEEDINGS ARTICLE; OR**

22 (i) Pay the fine for the violation by the date specified in the citation;
23 or

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

25 (2) It is notified by the District Court that a person who has elected to stand
26 trial for the violation under this subtitle, under § 21–202.1, § 21–809, or § 21–810 of this
27 article, or under § 10–110 or § 10–112 of the Criminal Law Article has failed to appear for
28 trial; or]

29 [(3)] (2) It is notified by a U.S. District Court that a person cited for a
30 violation under a federal parking regulation:

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

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

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

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

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

11 (1) If the suspension or refusal was required under subsection (a)(1) or
12 (b)(1) of this section, the political subdivision or State agency notifies the Administration
13 that the charge has been satisfied;

14 (2) If the suspension or refusal was required under subsection [(a)(2) or]
15 (b)(1) of this section, the District Court notifies the Administration that the person cited
16 has appeared for trial or has pleaded guilty and paid the fine for the violation **OR HAS**
17 **MADE PAYMENTS AS PART OF A PAYMENT PLAN UNDER § 7-504.1 OF THE COURTS**
18 **ARTICLE**; or

19 (3) If the suspension or refusal was required under subsection [(a)(3)]
20 **(A)(2)** or (b)(1) of this section, the U.S. District Court notifies the Administration that the
21 charge has been satisfied.

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

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

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

31 (g) (1) **(I)** In addition to any other fee or penalty provided by law, an owner
32 of a vehicle **WHOSE REGISTRATION IS SUSPENDED OR** who is denied registration of the
33 vehicle under the provisions of this section shall pay a **SINGLE** fee **PER VEHICLE**
34 **REGISTRATION** established by the Administration **FOR THE RESCISSION OF THE**
35 **SUSPENSION OR DENIAL** before [renewal of] the registration of the vehicle **MAY BE**
36 **RENEWED**.

1 **(II) THE ADMINISTRATION MAY NOT CHARGE A FEE UNDER**
2 **SUBPARAGRAPH (I) OF THIS PARAGRAPH TO AN OWNER WHOSE REGISTRATION WAS**
3 **NOT SUSPENDED OR DENIED REGISTRATION.**

4 **(III) THE ADMINISTRATION SHALL NOTIFY THE OWNER OF A**
5 **MOTOR VEHICLE OF ANY OUTSTANDING RESTRICTIONS PLACED ON THE**
6 **REGISTRATION OF THE VEHICLE IN A NOTICE OF RENEWAL.**

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

8 (i) May be distributed in part to a political subdivision acting as an
9 agent of the Administration in the registration of a vehicle under § 13–404 of this article if,
10 based upon information provided to the Administration by the political subdivision under
11 this section, the vehicle’s prior registration was suspended or the vehicle’s registration
12 renewal was denied; and

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

16 27–103.

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

21 **(II) IF THE COURT CERTIFIES THE FAILURE TO PAY TO THE**
22 **ADMINISTRATION UNDER THIS PARAGRAPH, THE COURT SHALL INCLUDE THE**
23 **AMOUNT OF THE OUTSTANDING FINE.**

24 (2) When the Administration receives a certification under paragraph (1)
25 of this subsection, after [giving the person 10 days advance written notice] **THE PERSON**
26 **HAS ACCUMULATED A TOTAL OF \$500 OR MORE IN OUTSTANDING FINES,** the
27 Administration may [suspend the driving privileges or] **NOT ISSUE, REISSUE, OR RENEW**
28 **THE DRIVER’S** license of the person until the fine has been paid **OR THE PERSON OR THE**
29 **OFFENDER MAKES PAYMENTS AS PART OF A PAYMENT PLAN UNDER § 7–504.1 OF**
30 **THE COURTS ARTICLE.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
32 apply retroactively and shall be applied to and interpreted to affect any driver’s license or
33 driving privilege actively suspended under a provision affected by this Act at the time the
34 Act takes effect.

35 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
36 1, 2019.