

HOUSE BILL 1178

R5

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By: **Delegate Stewart**

Introduced and read first time: February 7, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Fines – Pilot Project for Income–Based Fines**
3 **(Fair Fines Act of 2020)**

4 FOR the purpose of prohibiting the prepayment of certain fines imposed for a violation of
5 certain provisions of the Maryland Vehicle Law; requiring the District Court to
6 establish a certain base fine for certain violations; providing for the calculation of a
7 fine imposed on an individual under this Act based on a certain adjusted gross
8 income of the individual; prohibiting a fine imposed under this Act from exceeding a
9 certain maximum amount; authorizing a court to consider certain income for the
10 purposes of determining a certain adjusted gross income of a defendant; prohibiting
11 a court from considering certain income for the purposes of determining a certain
12 adjusted gross income of a defendant; requiring a court to make certain deductions
13 from income in determining a certain adjusted gross income of a defendant;
14 providing that a defendant may establish the defendant's income through either
15 records or testimony; authorizing a defendant to elect to serve community service
16 instead of paying a fine under this Act; providing for the calculation of community
17 service time by a court; prohibiting a sentence of community service under this Act
18 from being fewer than a certain number of hours; authorizing an individual who has
19 suffered a certain hardship to petition the court for the adjustment of the imposed
20 fine or to perform community service instead of paying the fine; providing for the
21 calculation of community service for an individual who has entered into an
22 installment plan with the clerk of the court; providing for the application of this Act;
23 providing for the termination of this Act; and generally relating to penalties for
24 violations of the Maryland Vehicle Law.

25 BY repealing and reenacting, without amendments,
26 Article – Transportation
27 Section 27–101
28 Annotated Code of Maryland
29 (2012 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Transportation
3 Section 27–105
4 Annotated Code of Maryland
5 (2012 Replacement Volume and 2019 Supplement)

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

8 **Article – Transportation**

9 27–101.

10 (a) A person who violates a provision of the Maryland Vehicle Law is guilty of a
11 misdemeanor unless the violation:

12 (1) Is a felony under the Maryland Vehicle Law; or

13 (2) Is punishable by a civil penalty under the applicable provision of the
14 Maryland Vehicle Law.

15 (b) Except as otherwise provided in the Maryland Vehicle Law, a person convicted
16 of a misdemeanor for a violation of a provision of the Maryland Vehicle Law is subject to a
17 fine not exceeding \$500.

18 **27–105.**

19 **(A) THIS SECTION APPLIES ONLY TO A CITATION ISSUED BY A LAW**
20 **ENFORCEMENT OFFICER FOR A VIOLATION OF:**

21 **(1) TITLE 21, SUBTITLE 6 OF THIS ARTICLE (TURNING, STARTING,**
22 **AND STOPPING);**

23 **(2) §§ 21–701 THROUGH 21–704, § 21–705, OR § 21–707 OF THIS**
24 **ARTICLE (SPECIAL STOPS); OR**

25 **(3) §§ 21–801 AND 21–801.1 OF THIS ARTICLE (SPEED**
26 **RESTRICTIONS).**

27 **(B) A FINE UNDER THIS SECTION MAY NOT BE PREPAID.**

28 **(C) FOR A VIOLATION OF A PROVISION COVERED UNDER THIS SECTION, THE**
29 **DISTRICT COURT SHALL ESTABLISH A BASE FINE IN ACCORDANCE WITH § 27–101**
30 **OF THIS TITLE.**

1 **(D) A FINE IMPOSED BY A COURT ON AN INDIVIDUAL UNDER THIS SECTION**
2 **SHALL BE CALCULATED IN THE FOLLOWING MANNER:**

3 **(1) FOR AN INDIVIDUAL WITH AN ADJUSTED GROSS INCOME UP TO**
4 **100% OF THE FEDERAL POVERTY LEVEL, 0% OF THE BASE FINE ESTABLISHED BY**
5 **THE COURT;**

6 **(2) FOR AN INDIVIDUAL WITH AN ANNUAL ADJUSTED GROSS INCOME**
7 **UP TO 125% OF THE FEDERAL POVERTY LEVEL, 25% OF THE BASE FINE**
8 **ESTABLISHED BY THE COURT;**

9 **(3) FOR AN INDIVIDUAL WITH AN ANNUAL ADJUSTED GROSS INCOME**
10 **UP TO 150% OF THE FEDERAL POVERTY LEVEL, 50% OF THE BASE FINE**
11 **ESTABLISHED BY THE COURT;**

12 **(4) FOR AN INDIVIDUAL WITH AN ANNUAL ADJUSTED GROSS INCOME**
13 **UP TO 175% OF THE FEDERAL POVERTY LEVEL, 75% OF THE BASE FINE**
14 **ESTABLISHED BY THE COURT;**

15 **(5) FOR AN INDIVIDUAL WITH AN ADJUSTED GROSS INCOME UP TO**
16 **800% OF THE FEDERAL POVERTY LEVEL, 100% OF THE BASE FINE ESTABLISHED BY**
17 **THE COURT;**

18 **(6) FOR AN INDIVIDUAL WITH AN ADJUSTED GROSS INCOME UP TO**
19 **1,600% OF THE FEDERAL POVERTY LEVEL, 200% OF THE BASE FINE ESTABLISHED**
20 **BY THE COURT; AND**

21 **(7) FOR AN INDIVIDUAL WITH AN ADJUSTED GROSS INCOME THAT**
22 **EXCEEDS 1,600% OF THE FEDERAL POVERTY LEVEL, 300% OF THE BASE FINE**
23 **ESTABLISHED BY THE COURT.**

24 **(E) A FINE IMPOSED UNDER SUBSECTION (D) OF THIS SECTION MAY NOT**
25 **EXCEED THE MAXIMUM FINE ESTABLISHED UNDER § 27-101 OF THIS TITLE.**

26 **(F) EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, IN**
27 **DETERMINING THE ADJUSTED GROSS INCOME OF A DEFENDANT, A COURT MAY**
28 **CONSIDER INCOME FROM ANY LEGAL SOURCE, INCLUDING:**

29 **(1) EMPLOYMENT;**

30 **(2) PUBLIC BENEFITS;**

31 **(3) INVESTMENTS;**

1 **(4) RENTAL PROPERTY; AND**

2 **(5) INCOME FROM INTELLECTUAL PROPERTY.**

3 **(G) IN DETERMINING THE ADJUSTED GROSS INCOME OF A DEFENDANT, A**
4 **COURT MAY NOT CONSIDER PENSION OR OTHER RETIREMENT INCOME.**

5 **(H) IN CALCULATING ADJUSTED GROSS INCOME OF A DEFENDANT, A COURT**
6 **SHALL:**

7 **(1) IF THE INDIVIDUAL HAS TAXES WITHHELD FROM THE**
8 **INDIVIDUAL'S INCOME, DEDUCT 33% FROM THE INCOME OF THE INDIVIDUAL; AND**

9 **(2) DEDUCT UP TO 15% FROM THE INCOME OF THE INDIVIDUAL TO**
10 **ACCOUNT FOR NECESSARY EXPENSES, INCLUDING:**

11 **(I) THE COSTS OF SUPPORT CARE FOR DEPENDENT**
12 **INDIVIDUALS;**

13 **(II) MEDICAL EXPENSES;**

14 **(III) EDUCATIONAL COSTS, INCLUDING EDUCATION**
15 **INVESTMENT FUNDS; AND**

16 **(IV) THE PAYMENT OF CHILD SUPPORT.**

17 **(I) AN INDIVIDUAL MAY ESTABLISH THE INDIVIDUAL'S INCOME THROUGH**
18 **RECORDS OR TESTIMONY.**

19 **(J) (1) AN INDIVIDUAL MAY ELECT TO SERVE COMMUNITY SERVICE**
20 **RATHER THAN PAY THE FINE DETERMINED BY THE COURT UNDER THIS SECTION.**

21 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
22 **THE NUMBER OF COMMUNITY SERVICE HOURS IMPOSED BY A COURT SHALL BE**
23 **CALCULATED BY DETERMINING THE NUMBER OF HOURS THAT AN INDIVIDUAL**
24 **EARNING THE MINIMUM WAGE RATE FOR THE JURISDICTION WOULD BE REQUIRED**
25 **TO WORK TO PAY THE FINE THAT WOULD OTHERWISE BE DUE.**

26 **(3) COMMUNITY SERVICE IMPOSED UNDER THIS SUBSECTION MAY**
27 **NOT BE FEWER THAN 4 HOURS.**

28 **(K) (1) AN INDIVIDUAL WHO EXPERIENCES AN UNEXPECTED HARDSHIP**

1 FOLLOWING THE IMPOSITION OF A FINE UNDER THIS SECTION MAY PETITION THE
2 COURT FOR:

3 (I) A REDUCTION OF THE FINE IMPOSED BY THE COURT; OR

4 (II) THE IMPOSITION OF COMMUNITY SERVICE INSTEAD OF
5 PAYMENT OF THE FINE.

6 (2) IF AN INDIVIDUAL WHO HAS ENTERED INTO AN INSTALLMENT
7 PLAN IN ACCORDANCE WITH § 7-504.1 OF THE COURTS ARTICLE ELECTS TO
8 PERFORM COMMUNITY SERVICE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE
9 HOURS OF COMMUNITY SERVICE SHALL BE CALCULATED BASED ON THE AMOUNT OF
10 THE FINE REMAINING UNPAID.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2020. It shall remain effective for a period of 5 years and, at the end of September
13 30, 2025, this Act, with no further action required by the General Assembly, shall be
14 abrogated and of no further force and effect.