

HOUSE BILL 391

R7

3lr0972

By: **Delegates Healey, Boaf, Harris, Holmes, and Terrasa**

Introduced and read first time: January 26, 2023

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2023

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Parking Enforcement – Citations**

3 FOR the purpose of requiring a parking citation issued by a political ~~subdivision or~~
4 subdivision, a State agency, or a third-party contractor to have printed on it a box
5 that the person issued the citation may check to indicate that the registration plates
6 cited were not issued for the vehicle described in the citation; requiring a political
7 ~~subdivision or~~ subdivision, State agency, or a third-party contractor that receives a
8 parking citation from a person with the box checked to perform a certain
9 ~~investigation~~ verification process and dismiss the citation under certain
10 circumstances; prohibiting a person from returning a parking citation to a political
11 ~~subdivision or~~ subdivision, a State agency, or a third-party contractor with the box
12 checked inaccurately; and generally relating to parking enforcement.

13 BY repealing and reenacting, without amendments,
14 Article – Transportation
15 Section 26–301(a) and (b)
16 Annotated Code of Maryland
17 (2020 Replacement Volume and 2022 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Transportation
20 Section 26–302
21 Annotated Code of Maryland
22 (2020 Replacement Volume and 2022 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 – Transportation**

4 26–301.

5 (a) In this subtitle, “officer” means a police officer or a person other than a police
6 officer who is authorized to issue a citation for a violation of an ordinance or regulation that
7 is adopted under this section.

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

10 (1) Regulate the parking of vehicles;

11 (2) Provide for the impounding of vehicles parked in violation of the
12 ordinances or regulations;

13 (3) Regulate the towing of vehicles from publicly owned and privately
14 owned parking lots; and

15 (4) Provide for the issuance of a citation by an officer for a violation of an
16 ordinance or regulation that is adopted under this section.

17 26–302.

18 (a) An officer who discovers a vehicle parked in violation of an ordinance or
19 regulation adopted under this subtitle shall:

20 (1) Deliver a citation to the driver or, if the vehicle is unattended, attach a
21 citation to the vehicle in a conspicuous place; and

22 (2) Keep a copy of the citation, bearing his certification under penalty of
23 perjury that the facts stated in the citation are true.

24 (b) In the absence of the driver, the registered owner of the vehicle is presumed
25 to be the person receiving the citation.

26 **(C) (1) A CITATION ISSUED UNDER THIS SECTION SHALL INCLUDE A BOX**
27 **THAT THE PERSON ISSUED THE CITATION MAY CHECK TO INDICATE THAT THE**
28 **REGISTRATION PLATES CITED WERE NOT ISSUED FOR THE VEHICLE DESCRIBED IN**
29 **THE CITATION.**

30 **(2) A POLITICAL ~~SUBDIVISION OR~~ SUBDIVISION, STATE AGENCY, OR**
31 **THIRD-PARTY CONTRACTOR AUTHORIZED TO CONDUCT PARKING ENFORCEMENT**

1 ON BEHALF OF A POLITICAL SUBDIVISION OR STATE AGENCY THAT ISSUES A
2 CITATION UNDER THIS SECTION TO A PERSON WHO RETURNS THE CITATION WITH
3 THE BOX CHECKED AS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION:

4 (I) SHALL ~~INVESTIGATE~~ VERIFY THROUGH THE
5 ADMINISTRATION WHETHER THE PERSON ISSUED THE CITATION SHOULD BE HELD
6 LIABLE FOR THE VIOLATION; AND

7 (II) MAY CONTACT THE PERSON ISSUED THE CITATION AS PART
8 OF THE ~~INVESTIGATION~~ VERIFICATION PROCESS.

9 (3) AFTER AN ~~INVESTIGATION~~ THE VERIFICATION PROCESS
10 INITIATED UNDER PARAGRAPH (2) OF THIS SUBSECTION, IF THE POLITICAL
11 ~~SUBDIVISION OR~~ SUBDIVISION, STATE AGENCY, OR THIRD-PARTY CONTRACTOR
12 FINDS THAT THE PERSON ISSUED THE CITATION SHOULD NOT BE HELD LIABLE FOR
13 THE CITATION, THE POLITICAL ~~SUBDIVISION OR~~ SUBDIVISION, STATE AGENCY, OR
14 THIRD-PARTY CONTRACTOR SHALL DISMISS THE CITATION.

15 (4) A PERSON MAY NOT SUBMIT A CITATION WITH THE BOX CHECKED
16 AS INDICATED IN PARAGRAPH (1) OF THIS SUBSECTION TO A POLITICAL
17 ~~SUBDIVISION OR~~ SUBDIVISION, STATE AGENCY, OR THIRD-PARTY CONTRACTOR IF
18 THE REGISTRATION PLATES CITED WERE ISSUED FOR THE VEHICLE DESCRIBED IN
19 THE CITATION.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.