

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

A BILL ENTITLED

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 a State
4 agency to have printed on it a box that the person issued the citation may check to
5 indicate that the registration plates cited were not issued for the vehicle described
6 in the citation; requiring a political subdivision or State agency that receives a
7 parking citation from a person with the box checked to perform a certain
8 investigation and dismiss the citation under certain circumstances; prohibiting a
9 person from returning a parking citation to a political subdivision or a State agency
10 with the box checked inaccurately; and generally relating to parking enforcement.

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

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 26–302
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2022 Supplement)

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

23 **Article – Transportation**

24 26–301.

25 (a) In this subtitle, “officer” means a police officer or a person other than a police

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 officer who is authorized to issue a citation for a violation of an ordinance or regulation that
2 is adopted under this section.

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

5 (1) Regulate the parking of vehicles;

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

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

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

12 26–302.

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

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

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

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

21 **(C) (1) A CITATION ISSUED UNDER THIS SECTION SHALL INCLUDE A BOX**
22 **THAT THE PERSON ISSUED THE CITATION MAY CHECK TO INDICATE THAT THE**
23 **REGISTRATION PLATES CITED WERE NOT ISSUED FOR THE VEHICLE DESCRIBED IN**
24 **THE CITATION.**

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

28 **(I) SHALL INVESTIGATE WHETHER THE PERSON ISSUED THE**
29 **CITATION SHOULD BE HELD LIABLE FOR THE VIOLATION; AND**

30 **(II) MAY CONTACT THE PERSON ISSUED THE CITATION AS PART**
31 **OF THE INVESTIGATION.**

1 **(3) AFTER AN INVESTIGATION INITIATED UNDER PARAGRAPH (2) OF**
2 **THIS SUBSECTION, IF THE POLITICAL SUBDIVISION OR STATE AGENCY FINDS THAT**
3 **THE PERSON ISSUED THE CITATION SHOULD NOT BE HELD LIABLE FOR THE**
4 **CITATION, THE POLITICAL SUBDIVISION OR STATE AGENCY SHALL DISMISS THE**
5 **CITATION.**

6 **(4) A PERSON MAY NOT SUBMIT A CITATION WITH THE BOX CHECKED**
7 **AS INDICATED IN PARAGRAPH (1) OF THIS SUBSECTION TO A POLITICAL**
8 **SUBDIVISION OR STATE AGENCY IF THE REGISTRATION PLATES CITED WERE ISSUED**
9 **FOR THE VEHICLE DESCRIBED IN THE CITATION.**

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