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February 19, 2020

To: The Honorable Luke Clippinger  
Chair, Judiciary Committee

From: Brian E. Frosh, Attorney General

Re: HB 280 Vehicle Laws – Suspension of Driver's License or Registration – Unpaid Citations or Judgments (**SUPPORT WITH SPONSOR AMENDMENTS**)

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**The Problem:**

Nationwide, there are 11 million driver's license suspensions for unpaid fines and fees.<sup>1</sup> "Many lose their jobs and are unable to meet their basic needs such as attending doctor's appointments, taking care of their families, or getting to court."<sup>2</sup> Moreover, "because these basic needs are so important, 83% of Americans with suspended licenses report that they continue to drive multiple times a week. When they do, they risk a criminal conviction, more fines and fees and incarceration."<sup>3</sup>

The Maryland Department of Transportation Motor Vehicle Administration ("MVA") data indicate that as of June 4, 2019, some 292,865 driver's licenses were suspended for various reasons.<sup>4</sup> License suspensions disproportionately impact people with limited means, people of color, and the ex-offender population.<sup>5</sup>

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<sup>1</sup> See Free to Drive, Resources (last visited Dec. 6, 2019) available online at <https://www.freetodrive.org/resources/#page-content>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> See MVA Final Report License Suspensions as of June 4, 2019.xlsx (grounds for suspension include alcohol related, default in judgment payment, fail to comply, fail to appear, fail to pay, medical advisory board, MVA driver's license cancellation, re-examination failure, Driver's License Program, Graduated License System, violated reciprocity with another jurisdiction, point system, child support, etc.).

<sup>5</sup> Danielle Conley and Ariel Levinson-Waldman, *Discriminatory Driver's License Suspension Schemes*, ACS Issue Brief (Mar. 2019) at 2 ("[L]icense-for-payment schemes: deprive low-income families of money and opportunity while increasing their exposure to the criminal justice system; disproportionately impact communities of color; force courts, prosecutors, and police officers to divert resources away from public safety efforts; and, to the extent they do generate some revenue for the state government, do so largely as a wealth transfer to the state from low-income communities of color who can least afford it."), available online at: [https://www.acslaw.org/issue\\_brief/briefs-landing/discriminatory-drivers-license-suspension-schemes/](https://www.acslaw.org/issue_brief/briefs-landing/discriminatory-drivers-license-suspension-schemes/).



Jason Butler, a resident of Baltimore City, wrote our office about his experience with license suspension. He failed to pay a traffic ticket, and, in a complicated saga, not only lost his license, but ended up in jail to boot. Six years later, it continues to impact adversely his ability to earn a living and support his family.

Last April, the Washington Post quoted several returning citizens striving to earn a living while their driver's licenses were suspended:

- George Henry said, "It's the weight of the tickets . . . . You can't drive and be productive."<sup>6</sup>
- Dominique Johnson recalled that over a six month period of "driving dirty" without a license, he "got pulled over three times, and each time they would take my car and take it to the impound." He went on, "It's a snowball effect. Once you get that first one, you get in a hole you can't get out of because they keep piling stuff on. What can you do? And I'm not about to stop driving my car, because I've got to earn money."<sup>7</sup>

License suspensions, when applied to those with limited means, often result in the loss of jobs, thereby exacerbating Marylanders' inability to pay down the debt.<sup>8</sup> Maryland is lagging behind other states in addressing these realities. There is a wave of reform efforts in states and cities as diverse as Washington, California, Mississippi, Idaho, Maine, DC, Texas, Virginia and others. There are also lawsuits pending around the country challenging the constitutionality of existing suspension schemes.<sup>9</sup>

### **The Proposed Solution:**

HB 280 and SB 234: (1) repeal MVA's authority to suspend someone's driver's license merely because they cannot afford to pay a fine or fee imposed for a traffic violation; (2) make payment plans more flexible and available to people with fines of \$150 or more; and (3) apply retroactively to current license suspensions for failures to pay. We have received a great deal of constructive feedback since the original versions of the bills were filed, and we respectfully submit (1) an overview of the bill with the SPONSOR AMENDMENTS; and (2) a redline version of the Senate bill,<sup>10</sup> as revised by the SPONSOR AMENDMENTS.

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<sup>6</sup> Anne Kim, *You're out of prison. Now you have to get your driver's license back. Fines and fees are a high hurdle for job-seeking ex-offenders*, Washington Post (Apr. 4, 2019), available online at: [https://www.washingtonpost.com/outlook/youre-out-of-prison-now-you-have-to-get-your-drivers-license-back/2019/04/04/9e8325f8-5651-11e9-8ef3-fbd41a2ce4d5\\_story.html](https://www.washingtonpost.com/outlook/youre-out-of-prison-now-you-have-to-get-your-drivers-license-back/2019/04/04/9e8325f8-5651-11e9-8ef3-fbd41a2ce4d5_story.html).

<sup>7</sup> *Id.*

<sup>8</sup> Danielle Conley and Ariel Levinson-Waldman, *Discriminatory Driver's License Suspension Schemes*, ACS Issue Brief (Mar. 2019) at 3 ("License suspensions can result in reduced job prospects; further inability to pay (or for the government to collect) outstanding debts; and increased exposure to the criminal justice system, which in turn diverts criminal justice resources away from public safety efforts. These consequences disproportionately fall on our communities of color."), available online at: [https://www.acslaw.org/issue\\_brief/briefs-landing/discriminatory-drivers-license-suspension-schemes/](https://www.acslaw.org/issue_brief/briefs-landing/discriminatory-drivers-license-suspension-schemes/).

<sup>9</sup> *Id.* at 11 ("Lawsuits are now pending in Alabama, California, Michigan, Montana, Pennsylvania, North Carolina, Oregon, Tennessee, and Virginia."), available online at: [https://www.acslaw.org/issue\\_brief/briefs-landing/discriminatory-drivers-license-suspension-schemes/](https://www.acslaw.org/issue_brief/briefs-landing/discriminatory-drivers-license-suspension-schemes/).

<sup>10</sup> We propose to make adopt the same amendments to HB 280.

**HOUSE BILL 280**  
(with revised SPONSOR AMENDMENTS)

**SUMMARY**

- *License suspension:* Repeals MVA's authority to suspend driver's licenses solely for failure to pay fines imposed for traffic violations or judgments arising out of car accidents.
- *Payment plans:* Makes payment plans more flexible and available to people with fines of \$150 or more.
- *Pre-adjudication suspension permitted:* Retains MVA's pre-adjudication authority to suspend driver's license for failure to comply with a citation by either payment or hearing request. License may be reinstated after first suspension by payment of fine, entry into payment plan, or request for hearing without posting bond. After two or more failures to comply, license may be reinstated only by payment of fine in full or appearance at hearing.

**“Front-end” Adjudication of Traffic Citations**

- The MVA may not suspend a license solely for failure to pay a fine, but may suspend after 15 days' notice if a defendant fails to respond to the citation either by paying the fine in full, entering into a payment plan, or requesting a hearing/trial.
- After first failure to respond to a citation, the MVA must reinstate the license as soon as the defendant comes into compliance, and the current requirement that the defendant post bond before rescheduling a hearing/trial is repealed.
- After two or more failures to respond, the license may be reinstated only after payment of the fine in full or appearance at a hearing/trial.
- The agreement to enter into a payment plan constitutes a consent to a conviction in the same way as does a one-time, full payment of a fine.

**“Back-end changes to payment of fines**

- MVA may not suspend for failure to pay a fine. The court may certify a default and refer it for collection as it would any other debt in due course.

**Installment plan**

- Removes the requirement that installment plan payments must be 10% of the debt.
- Reduces the payment plan threshold from \$300 to \$150.
- Allows a defendant with a fine of \$150 or more to apply for a payment plan up front upon receiving the citation, instead of making the option available only to those who request a hearing or have defaulted.
- Provides that when a defendant defaults on an installment plan, the court may certify the default and refer it for collection.

**Retroactivity**

- For those defendants with licenses suspended solely for failure to pay, the license is reinstated and MVA gives the defendant required notice that the fine will be referred for collection.
- For those defendants with licenses suspended for failure to respond to a citation, they will be notified of the opportunity to be reinstated if they come into compliance by requesting a hearing or paying the fine in full or through installments, if applicable, and compliance will not require posting bond. After this initial, one-time opportunity, the license may only be reinstated by paying the fine in full or appearing at a hearing.

HOUSE SENATE BILL 28034

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By: ~~The Speaker~~ President (By Request - Office of the Attorney General)  
~~and Senators Griffith, Kelley, Lee, Smith, West, and Young~~  
Delegates Lierman, Attar, Brooks, Cardin, Charkoudian,  
Crutchfield, W. Fisher, Lehman, Patterson, and Pena-Melnyk

Introduced and read first time: January ~~2017,~~  
2020 Assigned to: ~~Judiciary~~ Judicial

~~Proceedings~~

A BILL  
ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Suspension of Driver's License or Registration -**  
3 **Unpaid**

3 **Citations or Judgments**

4 FOR the purpose of altering the requirements and procedures governing certain  
5 programs

5 that authorize installment plan payments for certain motor vehicle traffic  
6 citations

6 or judgment debts under certain circumstances; repealing certain  
7 provisions of law

7 governing the requirement, subject to certain exceptions, that the Motor  
8 Vehicle

8 Administration suspend the driver's license of, and the vehicle registrations of  
9 all

9 vehicles owned by, a debtor who has certain unsatisfied motor vehicle  
10 judgments; repealing the authority of the Motor Vehicle Administration to  
11 suspend the driver's license of a person solely for failure to pay certain fines;

10 altering the required contents of a traffic citation to include notices of the  
11 option to

11 enter a certain installment payment plan, which shall constitute a consent  
12 to a conviction, and of certain authorized enforcement

12 actions for failure to comply with the citation; requiring the  
Administration to withdraw the suspension of a driver's license under certain

circumstances upon a person's compliance with a traffic citation's requirement that a person either pay

14 or request and appear at a trial;  
15 clarifying that a person may satisfy certain traffic citations by entering  
into a certain  
16 installment payment plan under certain circumstances;  
providing for certain  
17 certification and referrals by a court and requiring notice to certain  
persons to include certain information;  
18 providing for the application of this Act; making certain stylistic changes;  
making  
19 certain conforming changes; and generally relating to administrative  
penalties for  
20 failure to pay motor vehicle citations or judgments.

21 BY repealing and reenacting, with amendments,  
22 Article - Courts and Judicial Proceedings  
23 Section 7-504.1  
24 Annotated Code of Maryland  
25 (2013 Replacement Volume and 2019 Supplement)

26 BY repealing and reenacting, without amendments,  
27 Article - Transportation

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 Section 17-201  
 2 Annotated Code of Maryland  
 3 (2012 Replacement Volume and 2019 Supplement)

4 BY repealing  
 5 Article -Transportation  
 6 Section 17-204 through 17-207  
 7 Annotated Code of Maryland  
 8 (2012 Replacement Volume and 2019 Supplement)

9 BY repealing and reenacting, with amendments,  
 10 Article - Transportation  
 11 Section 17-209, 26- 201, 26-204, and 27-103  
 12 Annotated Code of Maryland  
 13 (2012 Replacement Volume and 2019 Supplement)

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

16 **Article - Courts and Judicial Proceedings**

17 7-504.1.-+

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

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

25 (c) (1) A defendant who is sentenced to pay one or more fines that total at least  
 26 \$[30]150 and certifies that the defendant is unable to pay the fine or fines may apply to the  
 27 clerk of the court to make installment payments in accordance with this section.

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

29 (i) Require that the defendant make installment payments [of 10%  
 30 per month] on the total amount of the fine or fines covered by the agreement; **AND**

31 (ii) Specify the offenses and citations to which the agreement  
 32 applies[; and

33 (iii) State whether the defendant's driver's license or driving  
 34 privileges are currently suspended for failure to pay the fine or fines to which the agreement

1 applies].

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

5 (4)  The clerk of the court shall, ~~notify the~~ if  
7 a defendant fails to make an installment payment under this section:

8

- (1) REFER THE AMOUNT OF THE OUTSTANDING FINE FOR COLLECTION AS APPROPRIATE; AND ~~STATE OR LOCAL GOVERNMENT AGENCY OR AGENCIES THAT ISSUED THE CITATION OR CITATIONS FOR WHICH THE COURT IMPOSED THE FINE OR FINES.~~
- (2) COMPLY WITH APPLICABLE REQUIREMENTS TO NOTIFY THE PERSON OF THE REFERRAL.

6

#### **Article - Transportation**

30 17-201.

31 In this subtitle, "judgment" means any final judgment resulting from:

32 (1) A cause of action for damages arising out of the ownership,  
33 maintenance, or use on any highway or other property open to the public of any vehicle of

1 a type required to be registered in this State; or

2 (2) A cause of action on an agreement of settlement for damages arising  
3 out of the owner ship , maintenance, or use on any highway or other property open to the  
4 public of any vehicle of a type required to be registered in this State.

5 [17-204.

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

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

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

11 [17-205.

12 The Administration may not suspend a license or registration under this subtitle if  
13 the judgment arose out of an accident caused by a vehicle that, at the time of the accident:

14 (1) Was owned or leased by the United States, this State, or any political  
15 subdivision of this State; and

16 (2) Was operated with the permission of its owner or lessee.]

17 [17-206.

18 (a) (1) The Administration may not suspend a license or registration under  
19 this subtitle if the Administration finds that an insurer was obligated to pay the judgment,  
20 at least to the extent and amounts required by the Maryland Vehicle Law, even if the  
21 judgment has not been paid for any reason.

22 (2) A finding by the Administration that an insurer was obligated to pay a  
23 judgment does not bind the insurer and, except for administering the provisions of this  
24 section, has no legal effect.

25 (3) Notwithstanding any finding by the Administration, paragraph (1) of  
26 this subsection does not apply if, in a judicial proceeding, a court determines by a final order  
27 or decree that the insurer is not obligated to pay the judgment.

28 (b) The Administration may not suspend a license or registration under this  
29 subtitle if:

30 (1) The judgment debtor or the vehicle to which the judgment relates was  
31 insured by an insurer that was authorized to do business in this State;

1           (2) After the accident involving the owner or driver and before settlement  
2 of the claim, the insurer went into insolvency, reorganization, or liquidation; and

3           (3) As a result of the insolvency, reorganization, or liquidation, no benefit,  
4 other than benefits used exclusively towards satisfying the judgment, accrued to the owner  
5 or driver by reason of the insurance.]

6 [17-207.

7           A license or registration suspended under this subtitle shall remain suspended and  
8 may not be renewed or reissued, and a new or original license or registration may not be  
9 issued to the judgment debtor until the judgment:

10           (1) Is stayed;

11           (2) Is satisfied; or

12           (3) Is subject to one of the exceptions stated in § 17-206 or § 17-209 of this  
13 subtitle.]

14 17-209.

15           (a) **(1)** On due notice to the judgment creditor, a judgment debtor may apply  
16 to the court that rendered the judgment for the privilege of paying the judgment in  
17 installments.

18           **(2)** In its discretion, the court may order payment of the judgment in  
19 installments and may set and modify from time to time the amounts and times of the  
20 installment payments.

21           **(3) A JUDGMENT DEBTOR MAY CONTINUE TO MAKE PAYMENTS**  
22 **UNDER AN INSTALLMENT PLAN AS LONG AS THE INSTALLMENT PAYMENTS ARE NOT**  
23 **IN DEFAULT.**

24           (b) [If the judgment debtor obtains an order permitting payment of the judgment  
25 in installments:

26           (1) The Administration shall reinstate any license or registration of the  
27 judgment debtor suspended under this subtitle; and

28           (2) As long as the installment payments are not in default, the  
29 Administration may not suspend the license or registration of the judgment debtor under  
30 this subtitle.

31           (c) (1) On notice that the judgment debtor has failed to pay any installment as  
32 specified in the order, the Administration shall suspend:

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

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

4 (2) Except as provided in subsection (d) of this section, the license and  
5 registration shall remain suspended until the judgment is satisfied as provided in this  
6 subtitle.

7 (d)] **(1)** Except as provided for in subsection [(e)] (C) of this section, after  
8 default and on due notice to the judgment creditor, if past-due installments have been paid,  
9 the judgment debtor again may apply to the court that allowed the installment payments  
10 for the resumption of the privilege of installment payments.

11 (2) In its discretion, the court may order resumption of the installment  
12 payments as provided in subsection (a) of this section.

13 [(e)] **(C)** A judgment debtor under Title 20, Subtitle 6 of the Insurance Article  
14 who has been [suspended] **IN DEFAULT** at least 3 times under subsection [(c)] **(A)(3)** of  
15 this section may not resume the privilege of installment payments unless:

16 (1) The Fund receives payment in an amount satisfactory to the Fund; and

17 (2) The Fund consents to the resumption of installment payments.

18 [Cf)] **(D)** The actions of a court under this section are without prejudice to any  
19 other legal remedy of the judgment creditor.

20 26-201.

21 (a) THE ADMINISTRATION MAY NOT SUSPEND A DRIVER'S LICENSE OR  
DRIVING PRIVILEGES SOLELY FOR FAILURE TO PAY A FINE OR FINES IMPOSED  
BY THE COURT UNDER THIS SUBTITLE.

22 (B) A police officer may charge a person with a violation of any of the following, if  
23 the officer has probable cause to believe that the person has committed or is committing  
24 the violation:  
25

26 (1) The Maryland Vehicle Law, including any regulation adopted under  
27 any of its provisions;

26 (2) 29 (5)

27 (3)

28 (4)

**SENATE BILL 234**

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y local authority; Title 9, Subtitle 2 of the Tax -  
General Article; Title 9, Subtitle 3 of the Tax -  
General Article;  
Title 10, Subtitle 4 of the Business Regulation Article;

SENATE BILL 234

1 (6) § 10-323 of the Business Regulation Article; or

2 (7) § 10-323.2 of the Business Regulation Article.

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

5 (D) A traffic citation issued to a person under this section shall contain:

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

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

9 1. Pay the full amount of the preset fine;

10 2. **ENTER INTO A PAYMENT PLAN UNDER § 7-504.1 OF**  
11 **THE COURTS & JUDICIAL PROCEEDINGS ARTICLE, IF THE CITATION IMPOSES A**  
**FINE FOR A TRAFFIC VIOLATION OF \$150 OR MORE, WHICH SHALL CONSTITUTE A**  
**CONSENT TO A CONVICTION;**

12 3. Request a hearing regarding sentencing and disposition in  
13 lieu of a trial as provided in § 26-204(b)(2) of this subtitle; or

14 [3.] 4. Request a trial date at the date, time, and place  
15 established by the District Court by writ or trial notice; and

16 (ii) 1. If the person fails to comply within 30 days after receipt of  
17 the citation, the DISTRICT COURT OR A CIRCUIT COURT MAY, AFTER 5 DAYS,  
NOTIFY THE ADMINISTRATION OF THE PERSON'S NONCOMPLIANCE;

18 • (III) ON RECEIPT OF A NOTICE OF  
NONCOMPLIANCE WITH THE CITATION FROM THE  
DISTRICT COURT OR A CIRCUIT COURT, THE  
ADMINISTRATION SHALL NOTIFY THE PERSON  
THAT UNLESS, BY THE END OF THE 15<sup>TH</sup> DAY  
AFTER THE DATE ON WHICH THE NOTICE IS  
MAILED, THE PERSON COMPLIES WITH  
SUBPARAGRAPH (1)1, 2, 3, OR 4 OF THIS  
PARAGRAPH, THE PERSON'S DRIVING PRIVILEGES  
MAY BE SUSPENDED UNTIL THE PERSON COMES  
INTO COMPLIANCE;

(IV) IF, 15 DAYS AFTER THE NOTICE IS MAILED,  
THE PERSON DOES NOT COMPLY, THE ADMINISTRATION MAY  
SUSPEND THE PERSON'S DRIVING PRIVILEGES;

2 (V) WHEN A PERSON COMES INTO COMPLIANCE WITH SUBSECTION (D) 1, 2, 3,  
OR 4 OF THIS SECTION AFTER AN INITIAL FAILURE TO COMPLY WITH THE

CITATION, THE ADMINISTRATION SHALL WITHDRAW THE SUSPENSION OF THE PERSON'S DRIVING PRIVILEGES UNDER SUBPARAGRAPH (III);

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**(VI) AFTER TWO OR MORE FAILURES TO COMPLY WITH A CITATION BY PAYING THE FINE, ENTERING INTO A PAYMENT PLAN IF APPLICABLE, OR REQUESTING AND APPEARING AT A HEARING OR TRIAL, THE SUSPENSION OF A PERSON'S DRIVING PRIVILEGES UNDER SUBPARAGRAPH (III) SHALL NOT BE WITHDRAWN UNTIL THE PERSON PAYS THE FINE OR REQUESTS AND APPEARS AT A HEARING OR TRIAL. and**

19

(VI)[2]. Driving on a suspended license is a criminal offense for

which the person could be incarcerated; or

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

21

(i) The citation is a summons to appear as notified by a circuit court

22

or the District Court through a trial notice setting the date, time, and place for the person

23

to appear; or

24

(ii) A circuit court or the District Court will issue a writ setting the

25

date, time, and place for the person to appear;

28

(3) The name and address of the person;

29

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

- 1 (5) The State registration number of the vehicle , if applicable;
- 2 (6) The violation or violations charged;
- 3 (7) An acknowledgment of receipt of the citation, to be executed by the  
4 person as required under§ 1-605 of the Courts Article;
- 5 (8) Near the acknowledgment, a clear and conspicuous statement that:
- 6 (i) Acknowledgment of the citation by the person does not constitute  
7 an admission of guilt; and
- 8 (ii) The failure to acknowledge receipt of the citation may subject the  
9 person to arrest; and
- 10 (9) Any other necessary information.
- 11 (d) If a citation is marked "you have the right to stand trial":
- 12 (1) The form of the defendant's copy of the citation shall include in boldface  
13 type a description of the following options:
- 14 (i) Payment of the fine;
- 15 (ii) **ENTER INTO A PAYMENT PLAN UNDER § 7-504.1 OF THE**  
16 **COURTS & JUDICIAL PROCEEDINGS ARTICLE, IF APPLICABLE, FOR PAYMENT OF**  
17 **THE FINE FOR A PARTICULAR OFFENSE, IF THE FINE IS \$150 OR MORE AND**  
18 **PROVIDED FOR IN THE CITATION FOR THAT OFFENSE, WHICH SHALL CONSTITUTE A**  
19 **CONSENT TO A CONVICTION;**
- 17 (III) Request a trial; and
- 18 [(iii)] **(IV)** Request a "guilty with an explanation" hearing regarding  
19 sentencing and disposition in lieu of a trial; and
- 20 (2) The form of the "r et urn to court" copy of the citation shall include in  
21 boldface type a check-off box for each of the options described in item (1) of this subsection.
- 22 (e) A police officer who discovers a vehicle stopped, standing, or parked in  
23 violation of§ 21-1003 or§ 21-1010 of this article shall:
- 24 (1) Deliver a copy of a citation to the driver or, if the vehicle is unattended,  
25 attach a copy of a citation to the vehicle in a conspicuous place; and
- 26 (2) Keep a written or electronic copy of the cita tion, bearing the police  
27 office r's certification under penalty of perjury that the facts stated in the citation are true.
- 28 (f) (1) A police officer who discovers a motor vehicle parked in violation of§  
29 13-402 of this article shall:

1 (i) Deliver a copy of a citation to the driver or, if the motor vehicle  
2 is unattended, attach a copy of a citation to the motor vehicle in a conspicuous place; and

3 (ii) Keep a written or electronic copy of the citation, bearing the law  
4 enforcement officer's certification under penalty of perjury that the facts stated in the  
5 citation are true.

6 (2) In the absence of the driver, the owner of the motor vehicle is presumed  
7 to be the person receiving the copy of a citation or warning.

8 26-204.

9 (a) (1) A person shall comply with the notice to appear contained in a writ or  
10 a trial notice issued by either the District Court or a circuit court in an action on a traffic  
11 citation.

12 (2) Unless the person charged demands an earlier hearing, a time specified  
13 to appear shall be at least 5 days after the alleged violation.

14 (b) (1) For purposes of this section, the person may comply with the notice to  
15 appear by:

16 (i) Appearance in person;

17 (ii) Appearance by counsel; or

18 (iii) Payment of the fine for a particular offense, if provided for in the  
19 citation for that offense; OR

- 20
- (IV) AGREEMENT TO  
21 ENTER INTO A PAYMENT PLAN UNDER § 7-504.1 OF THE  
22 COURTS & JUDICIAL PROCEEDINGS ARTICLE, IF APPLICABLE, FOR  
23 PAYMENT OF THE FINE FOR A PARTICULAR OFFENSE, IF THE FINE  
24 IS \$150 OR MORE AND PROVIDED FOR IN THE CITATION FOR THAT  
25 OFFENSE, WHICH SHALL CONSTITUTE A CONSENT TO A  
CONVICTION.

21 (2) (i) Subject to the provisions of subparagraph (iii) of this paragraph,  
22 a person who intends to comply with the notice to appear contained in a traffic citation by  
23 appearance in person or by counsel may return a copy of the citation to the District Court  
24 within the time allowed for payment of the fine indicating in the appropriate space on the  
25 citation that the person:

25 1. Does not dispute the truth of the facts as alleged in the  
26 citation; and

27 2. Requests, in lieu of a trial, a hearing before the Court  
28 regarding sentencing and disposition.

29                                   (ii) A person who requests a hearing under the provisions of  
30 subparagraph (i) of this paragraph waives:

31   1. Any right to a trial of the facts as alleged in the citation;  
32 and



**PRIVILEGES UNDER SUBPARAGRAPH (III) SHALL NOT BE WITHDRAWN UNTIL THE PERSON PAYS THE FINE OR REQUESTS AND APPEARS AT A HEARING OR TRIAL.**

**26**

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32           (G)    When the offense is not punishable by incarceration, if the court noti fies the  
33 Administration of the person 's noncompliance under subsection (c) of this section , a  
34 warrant may not be issued for the person under this section until 20 days after:

35           (1)    The expiration of the time period required to comply with §  
36 26-201(c)(l)(i) of this subtitle, if the person has not requested a hearing regarding  
37 sentencing and disposition or a trial date; or

1 (2) The original trial date if a trial has been scheduled in response to a  
2 request under§ [26-201(c)(1)(i)3] ~~26-201(D)(I)(I)4~~ of this subtitle.

3 (g) (1) With the cooperation of the District Court and  
4 circuit courts, the  
5 Administration shall develop procedures to carry out those provisions of this section that  
6 relate to the suspension of driving privileges; AND

- (2) DEVELOP LANGUAGE IN THE CITATION AND NOTICE TO APPEAR THAT EXPLAINS A DEFENDANT’S OPTIONS FOR COMPLIANCE, INCLUDING, IF APPICABLE, ADJUDICATION THROUGH A ONE-TIME PAYMENT OF THE FINE OR FINES, OR AGREEMENT TO ENTER INTO AN INDIVIDUAL INSTALLMENT PLAN AGREEMENT FOR PAYMENT OF THE FINE OR FINES.

6 27-103.

9 (a) (1) (I) If a person fined under the Maryland Vehicle Law or under a  
10 federal traffic law or regulation for a violation occurring in the State does not pay the fine  
11 in accordance with the court's directive, the court may certify the failure to pay AND  
12 REFER THE AMOUNT OF THE OUTSTANDING FINE FOR COLLECTION AS APPROPRIATE; AND; ~~STATE OR LOCAL GOVERNMENT AGENCY OR AGENCIES THAT ISSUED THE CITATION OR CITATIONS FOR WHICH THE COURT IMPOSED THE FINE OR FINES.~~

12 (II) COMPLY WITH APPLICABLE REQUIREMENTS TO NOTIFY THE PERSON OF THE CERTIFICATION AND REFERRAL.

13 SECTION 2. AND BE IT FURTHER ENACTED, That:

14 (1) this Act shall be construed to  
15 apply retroactively and shall be applied to and interpreted to affect any driver's license or  
16 driving privilege actively suspended under a provision of law affected by this Act on the  
17 effective date of this Act'

18 (2) with respect to a person whose driver’s license or driving privilege is suspended  
19 solely for failure to pay a fine or fines imposed by the court under Section 27-103 of the Transportation Article, or solely for failure to make payments under an individual installment plan agreement under Section 7-504.1 of the Courts and Judicial Proceedings Article, the Administration shall:

- (A) withdraw the suspension of the person’s license or driving privileges;
- (B) refer the amount of the outstanding fine for collection as appropriate; and ~~state or local government agency or agencies that issued the citation or citations for which the court imposed the fine or fines.~~
- (C) comply with applicable requirements to notify the person of the referral ~~30-~~  
~~days written notice to the person that the fine or fines may be referred to the~~

~~state or local government agency or agencies that issued the citation or citations for which the court imposed the fine or fines;~~

- (3) (i) with respect to a person whose driver's license or driving privilege is suspended under Section 26-204(e) of the Transportation Article, the Administration shall provide notice to the person that the suspension of the person's driver's license or driving privileges may be withdrawn if the person comes into compliance with Section 26-204(d) of the Transportation Article; and

- (ii) if a person fails to comply with Section 26-204(d) **by paying the fine, entering into a payment plan if applicable, or requesting and appearing at a hearing or trial in response to the initial, one-time opportunity provided under paragraph (3)(i), the suspension of a person's driving privileges shall not be withdrawn until the person pays the fine or requests and appears at a hearing or trial.**

27

- (4) <sup>8</sup> (ii) the withdrawal of a suspension under this section will not otherwise impact the status of a person's driver's license or driving privilege under the Transportation Article.

- 20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect OCTOBER  
26 1, 2020.