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JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 941
Transportation-Related Fines and Tolls – Income-Based
Installment Payment Plans
DATE: February 19, 2025
(3/5)

INFORMATIONAL COMMENT PAPER

The Judiciary respects the separation of powers doctrine and acknowledges that the legislature is the policy-making branch. As such, the Judiciary has no position on the policy aims of this legislation and defers to the legislative branch on such matters.

Senate Bill 941 requires the Maryland Transportation Authority and the Department of Transportation to establish income-based installment payment plans for specific tolls, civil penalties, and transportation related fines.

Under the proposed income-based payment plan in Transportation § 21-1417, the District Court is only involved with toll monitoring citations when the defendant does not prepay the citation and requests a hearing to contest the violations. The District Court has no record of a citation until it is contested. Therefore, the Maryland Transportation Authority would be responsible for issuing and processing their payment plans. The bill is not clear on how the court is expected to collect the court costs that are associated with a contested citation that is included in an income-based payment plan through the Transportation

Authority. When a person contests a citation and is found liable, the penalty consists of the fine and any court costs assessed. Court costs are retained in the General Fund.

In addition, regarding the proposed income-based payment plan under Transportation § 27-103.1, the District Court is involved with recording traffic violations under Transportation § 26-201, sharing concurrent jurisdiction with circuit courts when appealed. The District Court currently prescribes an installment payment plan applicable to these traffic violations. Under this bill, however, if passed, the person alleged liable could have two different payment plan options, one with the courts (not income-based) and one with the Department of Transportation (income-based). The Judiciary is concerned that this will cause confusion as to which payment option is applicable to which type of citation. The Department of Transportation would be responsible for issuing and processing their payment plans.

cc. Hon. Charles Sydnor
Judicial Council
Legislative Committee
Kelley O'Connor