

SENATE BILL 234

R4

0lr1371
CF 0lr1611

By: **The President (By Request – Office of the Attorney General) and Senators Griffith, Kelley, Lee, Smith, West, and Young**

Introduced and read first time: January 17, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Suspension of Driver’s License or Registration – Unpaid**
3 **Citations or Judgments**

4 FOR the purpose of altering the requirements and procedures governing certain programs
5 that authorize installment plan payments for certain motor vehicle traffic citations
6 or judgment debts under certain circumstances; repealing certain provisions of law
7 governing the requirement, subject to certain exceptions, that the Motor Vehicle
8 Administration suspend the driver’s license of, and the vehicle registrations of all
9 vehicles owned by, a debtor who has certain unsatisfied motor vehicle judgments;
10 altering the required contents of a traffic citation to include notices of the option to
11 enter a certain installment payment plan and of certain authorized enforcement
12 actions for failure to comply with the citation; repealing the requirement that the
13 Administration suspend a person’s driver’s license for failure to pay a traffic citation
14 or request a trial; authorizing the Administration to initiate a court action for a
15 certain civil judgment for an unpaid traffic citation under certain circumstances;
16 clarifying that a person may satisfy certain traffic citations by entering into a certain
17 installment payment plan under certain circumstances; requiring certain
18 certification by a court to the Administration to include certain information;
19 providing for the application of this Act; making certain stylistic changes; making
20 certain conforming changes; and generally relating to administrative penalties for
21 failure to pay motor vehicle citations or judgments.

22 BY repealing and reenacting, with amendments,
23 Article – Courts and Judicial Proceedings
24 Section 7–504.1
25 Annotated Code of Maryland
26 (2013 Replacement Volume and 2019 Supplement)

27 BY repealing and reenacting, without amendments,
28 Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 17–201
Annotated Code of Maryland
(2012 Replacement Volume and 2019 Supplement)

BY repealing
Article – Transportation
Section 17–204 through 17–207
Annotated Code of Maryland
(2012 Replacement Volume and 2019 Supplement)

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

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

Article – Courts and Judicial Proceedings

7–504.1.

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

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

(c) (1) A defendant who is sentenced to pay one or more fines that total at least \$300 and certifies that the defendant is unable to pay the fine or fines may apply to the clerk of the court to make installment payments in accordance with this section.

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

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

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

(iii) State whether the defendant’s driver’s license or driving 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 promptly:

6 (i) [Notify the Motor Vehicle Administration by sending a copy of
7 the installment payment agreement to the Motor Vehicle Administration, if the driver's
8 license or privilege to drive of the defendant is currently suspended for failure to pay a fine
9 for one or more traffic offenses to which the agreement applies;

10 (ii)] Notify the Motor Vehicle Administration of the failure of the
11 defendant to pay a fine in accordance with an installment plan agreement under this
12 section; and

13 [(iii)] (II) Send to the defendant a copy of the [notices] NOTICE
14 required under [items (i) and (ii)] ITEM (I) of this paragraph.

15 (5) IF THE MOTOR VEHICLE ADMINISTRATION RECEIVES NOTICE
16 FROM THE CLERK OF THE COURT OF THE FAILURE OF THE DEFENDANT TO PAY A
17 FINE IN ACCORDANCE WITH AN INSTALLMENT PLAN AGREEMENT, THE MOTOR
18 VEHICLE ADMINISTRATION MAY INITIATE AN ACTION TO OBTAIN A CIVIL JUDGMENT
19 AGAINST THE DEFENDANT IN THE AMOUNT OF THE UNPAID FINE.

20 (d) The requirements of subsection (c) of this section shall be posted in the clerk's
21 office and on the website of the court.

22 [(e) (1) If a defendant's application for installment payments is granted by the
23 clerk of the court, the Motor Vehicle Administration may not suspend or continue to
24 suspend the driver's license or driving privileges of the defendant under § 26–204 or §
25 27–103 of the Transportation Article for the violations specified in the installment plan
26 agreement unless the defendant subsequently fails to make an installment payment.

27 (2) The clerk of the court shall notify the Motor Vehicle Administration if
28 a defendant fails to make an installment payment under this section.]

29 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 ownership, 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;

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

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

[17–207.

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

(1) Is stayed;

(2) Is satisfied; or

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

17–209.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26–201.

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

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

(2) A traffic law or ordinance of any local authority;

(3) Title 9, Subtitle 2 of the Tax – General Article;

(4) Title 9, Subtitle 3 of the Tax – General Article;

(5) Title 10, Subtitle 4 of the Business Regulation Article;

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

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

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

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

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

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

1. Pay the full amount of the preset fine;

2. **ENTER INTO A PAYMENT PLAN UNDER § 7–504.1 OF THE COURTS ARTICLE, IF APPLICABLE;**

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

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

(ii) [1.] If the person fails to comply within 30 days after receipt of the citation, the Administration will be notified and may [take action to suspend the person's driver's license; and

2. Driving on a suspended license is a criminal offense for which the person could be incarcerated; or] **INITIATE AN ACTION TO OBTAIN A CIVIL JUDGMENT AGAINST THE PERSON;**

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

(i) The citation is a summons to appear as notified by a circuit court or the District Court through a trial notice setting the date, time, and place for the person to appear; or

(ii) A circuit court or the District Court will issue a writ setting the date, time, and place for the person to appear;

(3) The name and address of the person;

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

(5) The State registration number of the vehicle, if applicable;

(6) The violation or violations charged;

(7) An acknowledgment of receipt of the citation, to be executed by the person as required under § 1–605 of the Courts Article;

(8) Near the acknowledgment, a clear and conspicuous statement that:

(i) Acknowledgment of the citation by the person does not constitute an admission of guilt; and

(ii) The failure to acknowledge receipt of the citation may subject the person to arrest; and

(9) Any other necessary information.

(d) If a citation is marked “you have the right to stand trial”:

(1) The form of the defendant’s copy of the citation shall include in boldface type a description of the following options:

(i) Payment of the fine;

(ii) **ENTER INTO A PAYMENT PLAN UNDER § 7–504.1 OF THE COURTS ARTICLE, IF APPLICABLE;**

(III) Request a trial; and

[(iii)] (IV) Request a “guilty with an explanation” hearing regarding sentencing and disposition in lieu of a trial; and

(2) The form of the “return to court” copy of the citation shall include in boldface type a check–off box for each of the options described in item (1) of this subsection.

(e) A police officer who discovers a vehicle stopped, standing, or parked in violation of § 21–1003 or § 21–1010 of this article shall:

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

(2) Keep a written or electronic copy of the citation, bearing the police officer’s certification under penalty of perjury that the facts stated in the citation are true.

(f) (1) A police officer who discovers a motor vehicle parked in violation of § 13–402 of this article shall:

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

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

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

26–204.

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

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

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

(i) Appearance in person;

(ii) Appearance by counsel; or

(iii) Payment of the fine for a particular offense, if provided for in the citation for that offense.

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

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

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

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

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

2. Any right to compel the appearance of the police officer who issued the citation.

(iii) A person may request a hearing under the provisions of subparagraph (i) of this paragraph only if the traffic citation is for an offense that is not punishable by incarceration.

(c) If a person fails to comply with a notice under § 26–201(c)(1) of this subtitle, a notice for a hearing date issued in accordance with a request made under § [26–201(c)(1)(i)2] **26–201(C)(1)(I)3** of this subtitle, a writ or trial notice issued in accordance with a request made under § [26–201(c)(1)(i)3] **26–201(C)(1)(I)4** of this subtitle, or a notice to appear under § 26–201(c)(2) of this subtitle, the District Court or a circuit court may:

(1) Except as provided in subsection (f) of this section, issue a warrant for the person's arrest; or

(2) After 5 days, notify the Administration of the person's noncompliance.

(d) On receipt of a notice of noncompliance from the District Court or a circuit court, the Administration shall notify the person that the [person's driving privileges shall be suspended] **ADMINISTRATION MAY INITIATE AN ACTION TO OBTAIN A CIVIL JUDGMENT IN THE AMOUNT OF THE UNPAID FINE** unless, by the end of the 15th day after the date on which the notice is mailed, the person:

(1) Pays the fine on the original charge as provided for in the original citations; [or]

(2) **ENTERS INTO A PAYMENT PLAN UNDER § 7–504.1 OF THE COURTS ARTICLE, IF APPLICABLE; OR**

(3) Posts bond or a penalty deposit and requests a new date for a trial or a hearing on sentencing and disposition.

(e) If a person fails to pay the fine, **ENTER INTO A PAYMENT PLAN**, or post the bond or penalty deposit under subsection (d) of this section, the Administration may [suspend the driving privileges of the person] **INITIATE AN ACTION TO OBTAIN A CIVIL JUDGMENT IN THE AMOUNT OF THE UNPAID FINE.**

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

(1) The expiration of the time period required to comply with § 26–201(c)(1)(i) of this subtitle, if the person has not requested a hearing regarding 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(C)(1)(I)4** of this subtitle.

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

6 27–103.

7 (a) (1) **(I)** If a person fined under the Maryland Vehicle Law or under a
8 federal traffic law or regulation for a violation occurring in the State does not pay the fine
9 in accordance with the court’s directive, the court may certify the failure to pay to the
10 Administration.

11 **(II) IF THE COURT CERTIFIES THE FAILURE TO PAY A FINE**
12 **UNDER THIS PARAGRAPH, THE COURT SHALL INCLUDE THE AMOUNT OF THE**
13 **OUTSTANDING FINE.**

14 (2) When the Administration receives a certification under paragraph (1)
15 of this subsection, after giving the person 10 days advance written notice, the
16 Administration may [suspend the driving privileges or license of the person until the fine
17 has been paid] **INITIATE AN ACTION SEEKING A CIVIL JUDGMENT AGAINST THE**
18 **DEFENDANT IN THE AMOUNT OF THE FINE.**

19 (b) With the cooperation of the District Court and the U.S. District Court, the
20 Administration shall develop procedures to carry out this section.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
22 apply retroactively and shall be applied to and interpreted to affect any driver’s license or
23 driving privilege actively suspended under a provision of law affected by this Act on the
24 effective date of this Act.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
26 1, 2020.