

HOUSE BILL 1308

R7

1lr2503

By: **Delegate Brooks**

Introduced and read first time: February 8, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Delinquent Traffic Citations – Enforcement**

3 FOR the purpose of repealing the requirement that the Motor Vehicle Administration
4 suspend the driving privileges of a person for delinquent unpaid traffic fines;
5 requiring the District Court or a circuit court to refer delinquent unpaid traffic fines
6 to the Central Collection Unit in the Department of Budget and Management for
7 collection; making certain conforming changes governing the contents of a traffic
8 citation; requiring the District Court or a circuit court to provide certain notice that
9 a delinquent unpaid fine will be referred to the Central Collection Unit; requiring
10 the District Court or a circuit court to recall a delinquent unpaid fine from or
11 re-refer a delinquent unpaid fine to the Central Collection Unit under certain
12 circumstances; repealing a requirement that the Administration adopt certain
13 procedures; and generally relating to the enforcement of delinquent unpaid traffic
14 fines.

15 BY repealing and reenacting, without amendments,

16 Article – Transportation
17 Section 26–201(a) and (b)
18 Annotated Code of Maryland
19 (2020 Replacement Volume)

20 BY repealing and reenacting, with amendments,

21 Article – Transportation
22 Section 26–201(c) and 26–204
23 Annotated Code of Maryland
24 (2020 Replacement Volume)

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

27 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 26–201.

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

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

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

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

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

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

11 (6) § 10–323 of the Business Regulation Article; or

12 (7) § 10–323.2 of the Business Regulation Article.

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

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

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

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

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

20 2. Enter into a payment plan under § 7–504.1 of the Courts
21 Article, if the defendant has at least \$150 in total outstanding fines and is otherwise
22 qualified to enter into a payment plan;

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

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

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

1 2. Driving on a suspended license is a criminal offense for
2 which the person could be incarcerated] **DISTRICT COURT WILL REFER THE**
3 **DELINQUENT UNPAID FINE TO THE CENTRAL COLLECTION UNIT FOR COLLECTION;**
4 or

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

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

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

11 (3) The name and address of the person;

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

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

14 (6) The violation or violations charged;

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

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

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

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

22 (9) Any other necessary information.

23 26-204.

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

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

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

1 (i) Appearance in person;

2 (ii) Appearance by counsel;

3 (iii) Payment of the fine for a particular offense, if provided for in the
4 citation for that offense; or

5 (iv) Entering into a payment plan under § 7–504.1 of the Courts
6 Article, if applicable.

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

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

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

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

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

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

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

25 (c) If a person fails to comply with a notice under § 26–201(c)(1) of this subtitle, a
26 notice for a hearing date issued in accordance with a request made under § 26–201(c)(1)(i)3
27 of this subtitle, a writ or trial notice issued in accordance with a request made under §
28 26–201(c)(1)(i)4 of this subtitle, or a notice to appear under § 26–201(c)(2) of this subtitle,
29 the District Court or a circuit court may:

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

32 (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] **NOTIFY** the person that the [person's driving privileges shall be suspended] **DELINQUENT UNPAID FINE WILL BE REFERRED TO THE CENTRAL COLLECTION UNIT FOR COLLECTION** unless, by the end of the 15th day after the date on which the notice is mailed, the person:

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

[(2)] **(II)** Enters into a payment plan under § 7–504.1 of the Courts Article, if applicable; or

[(3)] **(III)** Requests a new date for a trial or a hearing on sentencing and disposition.

[(e)] **(D)** (1) If a person fails to pay the fine, enter into a payment plan, or request a new date for a trial or hearing under subsection [(d)] **(C)** of this section, the [Administration may suspend the driving privileges of the person] **DISTRICT COURT OR A CIRCUIT COURT SHALL REFER THE DELINQUENT UNPAID FINE TO THE CENTRAL COLLECTION UNIT FOR COLLECTION.**

(2) [On notice from the District Court or a circuit court that] **IF** a person [has paid] **WHO IS NONCOMPLIANT UNDER PARAGRAPH (1) OF THIS SUBSECTION PAYS** the fine, [entered] **ENTERS** into a payment plan, or [requested] **REQUESTS** a new date for a trial or hearing, the [Administration shall withdraw the suspension of the driver's license or driving privileges of the person] **DISTRICT COURT OR A CIRCUIT COURT SHALL RECALL THE DELINQUENT UNPAID FINE FROM THE CENTRAL COLLECTION UNIT.**

(3) [On notice from the District Court or a circuit court that] **IF** a person who requested a new date for a trial or a hearing under paragraph (2) of this subsection [failed] **FAILS** to attend the new trial or hearing, the [Administration shall suspend the driver's license or driving privileges of the person until the person:

(i) Appears before the court at a trial or hearing;

(ii) Pays the fine, if provided for in the original charge; or

(iii) Enters into a payment plan under § 5–504.1 of the Courts Article, if applicable] **DISTRICT COURT OR A CIRCUIT COURT SHALL RE-REFER THE DELINQUENT UNPAID FINE TO THE CENTRAL COLLECTION UNIT FOR COLLECTION.**

[(f)] **(E)** 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 (1) The expiration of the time period required to comply with §
2 26–201(c)(1)(i) of this subtitle, if the person has not requested a hearing regarding
3 sentencing and disposition or a trial date; or

4 (2) The original trial date if a trial has been scheduled in response to a
5 request under § 26–201(c)(1)(i)4 of this subtitle.

6 [(g) With the cooperation of the District Court and circuit courts, the
7 Administration shall develop procedures to carry out this section.]

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2021.