

Chapter 196

(House Bill 829)

AN ACT concerning

Vehicle Laws – Traffic Citations – Option to Request Trial

FOR the purpose of requiring that a certain traffic citation issued to a person contain a notice that, if the citation is a payable violation, the person must comply within a certain time period with one of a certain list of options, including the option to request, ~~within a certain time period,~~ a trial date at the date, time, and place established by the District Court by writ or trial notice; requiring the notice to include a certain statement of the possible consequences if the person fails to comply within a certain time period; authorizing the District Court or circuit court to issue a warrant or provide a certain notice to the Motor Vehicle Administration if a person fails to comply with certain notices; providing that a warrant may not be issued for a certain noncompliance until after the expiration of certain time periods; establishing requirements for certain copies of a citation form; making conforming changes; declaring the intent of the General Assembly; providing for the effective dates of this Act; and generally relating to traffic citations.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 26–201(c), (d), and (e) and 26–204
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – Transportation
Section 26–201(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Article – Transportation

26–201.

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

(1) [A notice to appear in court, including a notice that, if the offense is not punishable by incarceration, the person may request a hearing regarding sentencing and disposition in lieu of a trial as provided in § 26–204(b)(2) of this subtitle] **A NOTICE IN BOLDFACE TYPE THAT, IF THE CITATION IS A PAYABLE VIOLATION,**~~THE:~~

(I) THE PERSON MUST COMPLY WITH ONE OF THE FOLLOWING WITHIN 30 DAYS AFTER RECEIPT OF THE CITATION:

~~(I)~~ **1. PAY THE FULL AMOUNT OF THE PRESET FINE;**

~~(II)~~ **2. REQUEST A HEARING REGARDING SENTENCING AND DISPOSITION IN LIEU OF A TRIAL AS PROVIDED IN § 26–204(B)(2) OF THIS SUBTITLE; OR**

~~(III)~~ **3. REQUEST,** ~~WITHIN 15 DAYS OF RECEIPT OF THE CITATION,~~ **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

(2) [A] **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) REQUEST A TRIAL; AND

(III) 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.

[(d)] (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.

[(e)] (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 [the] 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 OF THIS SUBTITLE, A WRIT OR TRIAL NOTICE ISSUED IN ACCORDANCE WITH A REQUEST MADE UNDER § 26-201(C)(1)(I)3 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 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) 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 or post the bond or penalty deposit under subsection (d) of this section, the Administration may suspend the driving privileges of the person.

(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 [the original trial date]:

(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

(2) THE ORIGINAL TRIAL DATE IF A TRIAL HAS BEEN SCHEDULED IN RESPONSE TO A REQUEST UNDER § 26-201(C)(1)(I)3 OF THIS SUBTITLE.

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

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.~~

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that funding of up to \$250,000 be provided to the Judicial Branch in fiscal 2011 by the Governor's Office of Crime Control and Prevention to the Administrative Office of the Courts for computer programming changes to the case management system and written and electronic citations.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 1, 2011.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this Act, this Act shall take effect July 1, 2010.

Approved by the Governor, May 4, 2010.