

SENATE BILL 560

R7

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CF HB 829

By: Senators Forehand, King, and ~~Madaleno~~ Madaleno, Frosh, Gladden, Brochin, Haines, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone

Introduced and read first time: February 4, 2010

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 22, 2010

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Traffic Citations – Option to Request Trial**

3 FOR the purpose of requiring that a certain traffic citation issued to a person contain
4 a notice that, if the citation is a payable violation, the person must comply
5 within a certain time period with one of a certain list of options, including the
6 option to request, ~~within a certain time period,~~ a trial date at the date, time,
7 and place established by the District Court by writ or trial notice; requiring the
8 notice to include a certain statement of the possible consequences if the person
9 fails to comply within a certain time period; authorizing the District Court or
10 circuit court to issue a warrant or provide a certain notice to the Motor Vehicle
11 Administration if a person fails to comply with certain notices; providing that a
12 warrant may not be issued for a certain noncompliance until after the
13 expiration of certain time periods; making conforming changes; and generally
14 relating to traffic citations.

15 BY repealing and reenacting, with amendments,
16 Article – Transportation
17 Section 26–201(c) and 26–204
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2009 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Transportation**

2 26–201.

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

4 (1) [A notice to appear in court, including a notice that, if the offense
 5 is not punishable by incarceration, the person may request a hearing regarding
 6 sentencing and disposition in lieu of a trial as provided in § 26–204(b)(2) of this
 7 subtitle] **A NOTICE IN AT LEAST 14 POINT BOLDFACE TYPE THAT, IF THE**
 8 **CITATION IS A PAYABLE VIOLATION, ~~THE~~:**

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

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

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

15 ~~(III)~~ **3. REQUEST, ~~WITHIN 15 DAYS OF RECEIPT OF THE~~**
 16 **CITATION, A TRIAL DATE AT THE DATE, TIME, AND PLACE ESTABLISHED BY THE**
 17 **DISTRICT COURT BY WRIT OR TRIAL NOTICE; AND**

18 **(II) 1. IF THE PERSON FAILS TO COMPLY WITHIN 30**
 19 **DAYS AFTER RECEIPT OF THE CITATION, THE ADMINISTRATION WILL BE**
 20 **NOTIFIED AND MAY TAKE ACTION TO SUSPEND THE PERSON’S DRIVER’S**
 21 **LICENSE; AND**

22 **2. DRIVING ON A SUSPENDED LICENSE IS A**
 23 **CRIMINAL OFFENSE FOR WHICH THE PERSON COULD BE INCARCERATED; OR**

24 (2) [A] **IF THE CITATION IS FOR A MUST–APPEAR VIOLATION, A**
 25 **notice that:**

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

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

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

32 (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
7 constitute an admission of guilt; and
- 8 (ii) The failure to acknowledge receipt of the citation may
9 subject the person to arrest; and
- 10 (9) Any other necessary information.

11 26–204.

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

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

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

19 (i) Appearance in person;

20 (ii) Appearance by counsel; or

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

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

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

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

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

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

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

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

12 (c) If a person fails to comply with [the] A NOTICE UNDER § 26-201(C)(1)
13 OF THIS SUBTITLE, A NOTICE FOR A HEARING DATE ISSUED IN ACCORDANCE
14 WITH A REQUEST MADE UNDER § 26-201(C)(1)(I)2 OF THIS SUBTITLE, A WRIT
15 OR TRIAL NOTICE ISSUED IN ACCORDANCE WITH A REQUEST MADE UNDER §
16 26-201(C)(1)(I)3 OF THIS SUBTITLE, OR A notice to appear UNDER § 26-201(C)(2)
17 OF THIS SUBTITLE, the District Court or a circuit court may:

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

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

22 (d) On receipt of a notice of noncompliance from the District Court or a
23 circuit court, the Administration shall notify the person that the person's driving
24 privileges shall be suspended unless, by the end of the 15th day after the date on
25 which the notice is mailed, the person:

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

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

30 (e) If a person fails to pay the fine or post the bond or penalty deposit under
31 subsection (d) of this section, the Administration may suspend the driving privileges of
32 the person.

33 (f) When the offense is not punishable by incarceration, if the court notifies
34 the Administration of the person's noncompliance under subsection (c) of this section.

1 a warrant may not be issued for the person under this section until 20 days after [the
2 original trial date]:

3 (1) THE EXPIRATION OF THE TIME PERIOD REQUIRED TO COMPLY
4 WITH § 26-201(C)(1)(I) OF THIS SUBTITLE, IF THE PERSON HAS NOT REQUESTED
5 A HEARING REGARDING SENTENCING AND DISPOSITION OR A TRIAL DATE; OR

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.