

# SENATE BILL 707

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By: **Senator McFadden (By Request – Baltimore County Administration)**

Introduced and read first time: February 10, 2010

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Parking Violations – Administrative Enforcement by Counties**  
3 **and Municipal Corporations**

4 FOR the purpose of authorizing a county or municipal corporation, by ordinance, to  
5 establish an alternative enforcement program for the issuance of civil parking  
6 citations for violations of certain restrictions on the stopping, standing, or  
7 parking of vehicles; establishing certain requirements for an ordinance adopted  
8 under this Act; requiring an ordinance adopted under this Act to provide for a  
9 certain judicial review in the District Court; requiring an ordinance adopted  
10 under this Act to require a certain agency or board to provide a certain  
11 notification to the Motor Vehicle Administration; requiring the Administration  
12 to treat the failure to pay a certain fine, request a certain adjudication, or  
13 appear at a certain adjudication in a certain manner; establishing that a civil  
14 parking citation issued under a certain ordinance is not a civil citation subject  
15 to the jurisdiction of the District Court; establishing that an adjudication of a  
16 certain civil parking citation is not a criminal conviction and does not impose  
17 certain liabilities; establishing that a certain person may appeal to the District  
18 Court in a certain manner from certain civil parking citations; establishing that  
19 the District Court does not have jurisdiction over certain civil parking citations,  
20 except under certain circumstances; providing that certain provisions limiting  
21 the authority of local jurisdictions over the Maryland Vehicle Law do not apply  
22 to an ordinance adopted in accordance with this Act; requiring the Chief Judge  
23 of the District Court to adopt certain procedures for the appeal of civil parking  
24 citations issued in accordance with an ordinance adopted under this Act;  
25 prohibiting the Administration from registering or transferring the registration  
26 of a vehicle under certain circumstances; authorizing the Administration to  
27 suspend the registration of a vehicle under certain circumstances; establishing  
28 that certain provisions relating to the disposition and records of traffic citations  
29 do not affect or modify certain procedures established under an ordinance  
30 adopted in accordance with this Act; providing that certain provisions relating  
31 to violations of license restrictions or rules or regulations adopted under the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Maryland Vehicle Law do not apply to an ordinance adopted in accordance with  
2 this Act; and generally relating to the enforcement of parking violations.

3 BY adding to  
4 Article – Courts and Judicial Proceedings  
5 Section 4–402(g); and 12–801 to be under the new subtitle “Subtitle 8. Review of  
6 Decisions of Local Adjudicatory Boards”  
7 Annotated Code of Maryland  
8 (2006 Replacement Volume and 2009 Supplement)

9 BY repealing and reenacting, without amendments,  
10 Article – Transportation  
11 Section 21–1003, 25–102(a)(1), and 26–301(b)  
12 Annotated Code of Maryland  
13 (2009 Replacement Volume and 2009 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Transportation  
16 Section 25–101.1(b) and (d), 26–303, 26–304, 26–407(a), and 27–102  
17 Annotated Code of Maryland  
18 (2009 Replacement Volume and 2009 Supplement)

19 BY adding to  
20 Article – Transportation  
21 Section 26–301.1  
22 Annotated Code of Maryland  
23 (2009 Replacement Volume and 2009 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article – Transportation  
26 Section 26–305(a) and (b)  
27 Annotated Code of Maryland  
28 (2009 Replacement Volume and 2009 Supplement)  
29 (As enacted by Chapter 500 of the Acts of the General Assembly of 2009)

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

32 **Article – Courts and Judicial Proceedings**

33 4–402.

34 **(G) EXCEPT IN AN APPEAL UNDER § 12–801 OF THIS ARTICLE, THE**  
35 **DISTRICT COURT DOES NOT HAVE JURISDICTION OVER A CIVIL PARKING**  
36 **CITATION ISSUED IN ACCORDANCE WITH AN ORDINANCE ADOPTED UNDER §**  
37 **26–301.1 OF THE TRANSPORTATION ARTICLE.**

1        **SUBTITLE 8. REVIEW OF DECISIONS OF LOCAL ADJUDICATORY BOARDS.**

2        **12-801.**

3                **(A) A PERSON WHO IS FOUND TO HAVE COMMITTED A CIVIL PARKING**  
4 **VIOLATION BY AN ADJUDICATORY AGENCY OR BOARD IN ACCORDANCE WITH AN**  
5 **ORDINANCE ADOPTED UNDER § 26-301.1 OF THE TRANSPORTATION ARTICLE**  
6 **MAY APPEAL TO THE DISTRICT COURT.**

7                **(B) AN APPEAL FROM AN ADJUDICATION OF AN AGENCY OR BOARD IN**  
8 **ACCORDANCE WITH AN ORDINANCE ADOPTED UNDER § 26-301.1 OF THE**  
9 **TRANSPORTATION ARTICLE SHALL BE HEARD ON THE RECORD MADE BY THE**  
10 **AGENCY OR BOARD.**

11                **(C) THE COSTS AND PROCEDURES FOR TAKING THE APPEAL SHALL BE**  
12 **ESTABLISHED BY THE CHIEF JUDGE OF THE DISTRICT COURT.**

13                                **Article – Transportation**

14        **21-1003.**

15                **(a) The provisions of this section apply except as necessary to avoid conflict**  
16 **with other traffic or in compliance with law or the directions of a police officer or**  
17 **traffic control device.**

18                **(b) A person may not stop, stand, or park a vehicle in front of a public**  
19 **driveway.**

20                **(c) A person may not stop, stand, or park a vehicle on a sidewalk.**

21                **(d) A person may not stop, stand, or park a vehicle in an intersection.**

22                **(e) A person may not stop, stand, or park a vehicle on a crosswalk.**

23                **(f) A person may not stop, stand, or park a vehicle between a safety zone and**  
24 **the adjacent curb or within 30 feet of points on the curb immediately opposite the ends**  
25 **of a safety zone, unless the State Highway Administration or local authority indicates**  
26 **a different length by signs or markings.**

27                **(g) A person may not stop, stand, or park a vehicle alongside or opposite any**  
28 **highway excavation or obstruction if to do so would obstruct traffic.**

29                **(h) A person may not stop, stand, or park a vehicle on any bridge or other**  
30 **elevated structure on a highway.**

31                **(i) A person may not stop, stand, or park a vehicle in a highway tunnel.**

1 (j) A person may not stop, stand, or park a vehicle at any place where  
2 stopping is prohibited by an official sign.

3 (k) A person may not stop, stand, or park a vehicle on any entrance or exit  
4 ramp of any highway with two or more lanes for traffic moving in the same direction.

5 (l) A person may not stand or park a vehicle in front of a private driveway  
6 without the consent of the owner or occupant of the premises.

7 (m) A person may not stand or park a vehicle within 15 feet of a fire hydrant.

8 (n) (1) This subsection does not apply in Baltimore City.

9 (2) A person may not stand or park a vehicle within 20 feet of a  
10 crosswalk at an intersection.

11 (o) A person may not stand or park a vehicle within 30 feet on the approach  
12 to any flashing signal, stop sign, yield sign, or traffic control signal located at the side  
13 of a roadway.

14 (p) A person may not stand or park a vehicle within 20 feet of the driveway  
15 entrance to any fire station or on the side of a highway opposite the entrance to any  
16 fire station within 75 feet of the entrance, if properly signposted.

17 (q) A person may not stand or park a vehicle at any place where standing is  
18 prohibited by an official sign.

19 (r) A person may not stand or park a vehicle on the roadway side of any  
20 other vehicle that is stopped or parked at the edge or curb of a highway.

21 (s) A person may not stand or park a vehicle on a curve or hill where solid  
22 lines on the surface of the roadway indicate a zone in which passing is prohibited.

23 (t) A person may not park a vehicle within 50 feet of the nearest rail in a  
24 railroad grade crossing.

25 (u) A person may not stop, stand, or park a vehicle unless for the use of an  
26 individual with a disability, in a space or zone marked as restricted for the use of  
27 individuals with disabilities.

28 (v) A person may not park a vehicle on any property owned by the Board of  
29 Education of Montgomery County or Montgomery College where parking is prohibited  
30 by an official sign.

31 (w) A person may not park a vehicle on any property owned by the Board of  
32 Education of Baltimore County or the community colleges of Baltimore County where  
33 parking is prohibited by an official sign.

1 (x) A person may not park a vehicle on any property owned by the Board of  
2 Education of Wicomico County or the community colleges of Wicomico County where  
3 parking is prohibited by an official sign.

4 (y) A person may not park a vehicle on any property owned by the Board of  
5 Education of Prince George's County where parking is prohibited by an official sign.

6 (z) A person may not park a vehicle on any property owned by the Board of  
7 Education of Calvert County, Charles County, or St. Mary's County or the community  
8 colleges of Calvert County, Charles County, or St. Mary's County where parking is  
9 prohibited by an official sign.

10 (aa) A person may not park a vehicle at any other place where parking is  
11 prohibited by an official sign.

12 (bb) A person may not move a vehicle that he does not lawfully control into  
13 any prohibited area.

14 (cc) A person may not move a vehicle that the person does not lawfully control  
15 away from a curb for an unlawful distance.

16 (dd) A person may not stop, stand, or park a vehicle in front of a curb ramp  
17 designed for the use of individuals with disabilities.

18 (ee) A person may not stop, stand, or park a vehicle in front of or on a  
19 passenger loading zone designed or marked for the use of individuals with disabilities.

20 25-101.1.

21 (b) Except as otherwise expressly authorized in this subsection [or], by a  
22 public local law on the regulation of taxicabs and taxicab drivers, **BY AN ORDINANCE**  
23 **ADOPTED IN ACCORDANCE WITH § 26-301.1 OF THIS ARTICLE**, or by any public  
24 general law, no local authority or political subdivision of this State may:

25 (1) Require the registration or licensing of any vehicle or driver in  
26 addition to the registration and licensing required or authorized in the Maryland  
27 Vehicle Law;

28 (2) Impose on the owner or driver of any vehicle any tax, registration  
29 fee, license fee, assessment, or charge of any kind for the use of a vehicle on any  
30 highway in this State, except for tolls to finance the cost of the construction,  
31 maintenance, and operation of any bridge, tunnel or approach thereto constructed as  
32 part of the interstate system of highways under Title 23 of the United States Code and  
33 from the payment of which vehicles owned by the State are exempt; or

1 (3) Otherwise make or enforce any local law, ordinance, or regulation  
2 on any subject covered by the Maryland Vehicle Law.

3 (d) Notwithstanding any other provision of this section, the Maryland  
4 Vehicle Law does not preclude enactment, adoption, or enforcement of:

5 (1) A public local law, **OR AN ORDINANCE OR REGULATION**  
6 **ADOPTED UNDER A PUBLIC LOCAL LAW**, for the regulation of taxicabs and taxicab  
7 drivers; or

8 (2) An ordinance [or regulation] adopted [under such a public local  
9 law] **IN ACCORDANCE WITH § 26–301.1 OF THIS ARTICLE.**

10 25–102.

11 (a) The provisions of the Maryland Vehicle Law do not prevent a local  
12 authority, in the reasonable exercise of its police power, from exercising the following  
13 powers as to highways under its jurisdiction:

14 (1) Subject to the provisions of § 21–1003.1 of this article, regulating  
15 or prohibiting the stopping, standing, or parking of vehicles;

16 26–301.

17 (b) Subject to subsection (c) of this section, any State agency authorized by  
18 law and any political subdivision of this State may adopt ordinances or regulations  
19 that:

20 (1) Regulate the parking of vehicles;

21 (2) Provide for the impounding of vehicles parked in violation of the  
22 ordinances or regulations;

23 (3) Regulate the towing of vehicles from publicly owned and privately  
24 owned parking lots; and

25 (4) Provide for the issuance of a citation by an officer for a violation of  
26 an ordinance or regulation that is adopted under this section.

27 **26–301.1.**

28 **(A) BY ORDINANCE, A COUNTY OR MUNICIPAL CORPORATION MAY**  
29 **PROVIDE FOR AN ALTERNATIVE ENFORCEMENT PROGRAM FOR THE ISSUANCE**  
30 **OF CIVIL PARKING CITATIONS FOR VIOLATIONS OF § 21–1003 OF THIS ARTICLE**  
31 **OR AN ORDINANCE ADOPTED BY THE COUNTY OR MUNICIPAL CORPORATION TO**  
32 **REGULATE OR PROHIBIT THE STOPPING, STANDING, OR PARKING OF VEHICLES.**

1           **(B) AN ORDINANCE ADOPTED UNDER THIS SECTION SHALL:**

2                   **(1) PROVIDE FOR THE CONTENTS OF CIVIL PARKING CITATIONS;**

3                   **(2) DETERMINE THE AMOUNT OF THE FINES FOR PARKING**  
4 **VIOLATIONS ENFORCED BY CIVIL PARKING CITATIONS;**

5                   **(3) IDENTIFY THE INDIVIDUALS AUTHORIZED TO ISSUE CIVIL**  
6 **PARKING CITATIONS;**

7                   **(4) ESTABLISH AN AGENCY OR BOARD TO PROCESS CIVIL**  
8 **PARKING CITATIONS, COLLECT FINES, AND ADJUDICATE CONTESTED**  
9 **CITATIONS;**

10                  **(5) PROVIDE THAT A PERSON ISSUED A CITATION HAS THE RIGHT**  
11 **TO AN IN-PERSON HEARING BEFORE THE AGENCY OR BOARD ADJUDICATING**  
12 **CITATIONS; AND**

13                  **(6) SPECIFY THAT THE STANDARD OF PROOF IN CONTESTED**  
14 **CASES IS THE PREPONDERANCE OF EVIDENCE STANDARD OR A MORE**  
15 **STRINGENT STANDARD ADOPTED BY THE COUNTY OR MUNICIPAL**  
16 **CORPORATION.**

17           **(C) AN ORDINANCE ADOPTED UNDER THIS SECTION SHALL PROVIDE**  
18 **THAT A PERSON AGGRIEVED BY A FINAL DECISION OF AN ADJUDICATING**  
19 **AGENCY OR BOARD ON THE DISPOSITION OF A CIVIL PARKING CITATION MAY**  
20 **SEEK JUDICIAL REVIEW IN THE DISTRICT COURT.**

21           **(D) (1) AN ORDINANCE ADOPTED UNDER THIS SECTION SHALL**  
22 **REQUIRE THE AGENCY OR BOARD ESTABLISHED TO ADMINISTER CIVIL PARKING**  
23 **CITATIONS TO NOTIFY THE ADMINISTRATION OF A PERSON'S FAILURE TO PAY A**  
24 **FINE ON A CIVIL PARKING CITATION, REQUEST AN ADJUDICATION OF THE CIVIL**  
25 **PARKING CITATION, OR APPEAR AT AN ADJUDICATION OF A CIVIL PARKING**  
26 **CITATION.**

27                   **(2) THE ADMINISTRATION SHALL TREAT THE FAILURE TO PAY A**  
28 **FINE, REQUEST AN ADJUDICATION OF A CIVIL PARKING CITATION, OR APPEAR**  
29 **AT AN ADJUDICATION IN THE SAME MANNER AS OTHER PARKING CITATIONS**  
30 **FOR PURPOSES OF § 26-305 OF THIS SUBTITLE.**

31           **(E) (1) A CIVIL PARKING CITATION ISSUED IN ACCORDANCE WITH AN**  
32 **ORDINANCE ADOPTED UNDER THIS SECTION IS NOT A CIVIL CITATION SUBJECT**  
33 **TO THE ORIGINAL JURISDICTION OF THE DISTRICT COURT.**

1           **(2) THE ADJUDICATION OF A CIVIL PARKING VIOLATION IN**  
2 **ACCORDANCE WITH AN ORDINANCE ADOPTED UNDER THIS SECTION IS NOT A**  
3 **CRIMINAL CONVICTION FOR ANY PURPOSE AND DOES NOT IMPOSE ANY OF THE**  
4 **CIVIL DISABILITIES ORDINARILY IMPOSED BY A CRIMINAL CONVICTION.**

5 26–303.

6           (a) (1) The person receiving a citation under this subtitle shall:

7                           (i) Pay for the parking violation directly to the political  
8 subdivision or State agency serving the citation; or

9                           (ii) Elect to stand trial for the violation.

10           (2) An election to stand trial shall be made by sending a notice of  
11 intention to stand trial to the political subdivision or State agency at least 5 days  
12 before the payment date specified in the citation.

13           (b) (1) If a person elects to stand trial and desires the presence at trial of  
14 the officer who issued the citation, he shall so notify the political subdivision or State  
15 agency at the time the notice of intention to stand trial is given.

16           (2) If proper notification is not given, the officer need not appear at the  
17 trial, and the copy of the citation bearing the certification of the officer is prima facie  
18 evidence of the facts stated in it.

19           **(C) THIS SECTION DOES NOT APPLY TO CITATIONS FOR CIVIL PARKING**  
20 **VIOLATIONS ISSUED IN ACCORDANCE WITH AN ORDINANCE ADOPTED UNDER §**  
21 **26–301.1 OF THIS SUBTITLE.**

22 26–304.

23           (a) The Chief Judge of the District Court shall adopt procedures for the trial  
24 of parking violations under this subtitle **AND FOR THE APPEAL OF CIVIL PARKING**  
25 **CITATIONS ISSUED IN ACCORDANCE WITH AN ORDINANCE ADOPTED UNDER §**  
26 **26–301.1 OF THIS SUBTITLE.**

27           (b) The procedures adopted under this section shall include provisions for  
28 notifying the person receiving a citation of:

29                           (1) The date of trial, which may not be less than 15 days from the date  
30 on which the notice of intention of the person to stand trial is received;

31                           (2) The place of trial; and

32                           (3) The time of trial.



1 26–305.

2 (a) The Administration may not register or transfer the registration of any  
 3 vehicle involved in a parking violation under this subtitle, **A PARKING VIOLATION**  
 4 **ENFORCED BY A CIVIL PARKING CITATION UNDER AN ORDINANCE ADOPTED IN**  
 5 **ACCORDANCE WITH § 26–301.1 OF THIS SUBTITLE**, a violation under any federal  
 6 parking regulation that applies to property in this State under the jurisdiction of the  
 7 U.S. government, a violation of § 21–202(h) of this article as determined under §  
 8 21–202.1 of this article or Title 21, Subtitle 8 of this article as determined under §  
 9 21–809 or § 21–810 of this article, or a violation of the State litter control law or a local  
 10 law or ordinance adopted by Baltimore City relating to the unlawful disposal of litter  
 11 as determined under § 10–112 of the Criminal Law Article, if:

12 (1) It is notified by a political subdivision or authorized State agency  
 13 that the person cited for the violation under this subtitle, § 21–202.1, § 21–809, or §  
 14 21–810 of this article, or § 10–112 of the Criminal Law Article has failed to either:

15 (i) Pay the fine for the violation by the date specified in the  
 16 citation; or

17 (ii) File a notice of his intention to stand trial for the violation;

18 (2) It is notified by the District Court that a person who has elected to  
 19 stand trial for the violation under this subtitle, under § 21–202.1, § 21–809, or §  
 20 21–810 of this article, or under § 10–112 of the Criminal Law Article has failed to  
 21 appear for trial; [or]

22 (3) It is notified by a U.S. District Court that a person cited for a  
 23 violation under a federal parking regulation:

24 (i) Has failed to pay the fine for the violation by the date  
 25 specified in the federal citation; or

26 (ii) Either has failed to file a notice of the person's intention to  
 27 stand trial for the violation, or, if electing to stand trial, has failed to appear for trial;  
 28 **OR**

29 **(4) IT IS NOTIFIED BY A COUNTY OR MUNICIPAL CORPORATION**  
 30 **THAT A PERSON GIVEN A CIVIL PARKING CITATION ISSUED IN ACCORDANCE**  
 31 **WITH AN ORDINANCE ADOPTED UNDER § 26–301.1 OF THIS SUBTITLE:**

32 **(I) HAS FAILED TO PAY THE FINE FOR THE VIOLATION BY**  
 33 **THE DATE SPECIFIED IN THE CIVIL PARKING CITATION; OR**

34 **(II) 1. HAS FAILED TO REQUEST ADJUDICATION OF THE**  
 35 **CIVIL PARKING CITATION; OR**

1 **2. IF REQUESTING ADJUDICATION, HAS FAILED TO**  
2 **APPEAR AT THE SCHEDULED ADJUDICATION.**

3 (b) (1) Notwithstanding the provisions of subsection (a) of this section, the  
4 Administration may suspend the registration of a vehicle involved in a parking  
5 violation under this subtitle, **A CIVIL PARKING CITATION ISSUED IN ACCORDANCE**  
6 **WITH AN ORDINANCE ADOPTED UNDER § 26-301.1 OF THIS SUBTITLE**, or a  
7 violation under any federal parking regulation that applies to property in this State  
8 under the jurisdiction of the U.S. government if notified in accordance with subsection  
9 (a) of this section that the violator is a chronic offender.

10 (2) The Administration may adopt rules and regulations to define  
11 chronic offender and develop procedures to carry out the suspension of registration as  
12 authorized by this subsection.

13 26-407.

14 (a) This section does not affect or modify [the]:

15 (1) **THE** procedures established under Subtitle 3 of this title as to  
16 violations of parking ordinances or regulations adopted under that subtitle; **OR**

17 (2) **THE PROCEDURES ESTABLISHED BY AN ORDINANCE ADOPTED**  
18 **UNDER § 26-301.1 OF THIS TITLE, INCLUDING PROCEDURES REQUIRING THE**  
19 **ADMINISTRATIVE ADJUDICATION OF CIVIL PARKING CITATIONS.**

20 27-102.

21 Except as provided in § 21-1207.1 **AND § 26-301.1** of this article, any person  
22 who violates a restriction imposed on any license under the Maryland Vehicle Law or  
23 who violates any rule or regulation adopted under any provision of the Maryland  
24 Vehicle Law is guilty of a misdemeanor and, in addition to any administrative penalty  
25 provided for in the Maryland Vehicle Law, is subject to the penalties provided for in §  
26 27-101(b) or (c) of this title or, if greater, to the same penalties as are provided for a  
27 violation of the statute for or under which the restriction is imposed or the rule or  
28 regulation adopted.

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