

HOUSE BILL 902

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HB 757/03 - JUD

2004 Regular Session  
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By: **Delegates Petzold, Franchot, Jones, Kaiser, and Menes**  
Introduced and read first time: February 11, 2004  
Assigned to: Judiciary

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 23, 2004

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Moving Violations - ~~Life-Threatening Injury or Death~~ - Notice to Appear**

3 FOR the purpose of providing that a person issued a traffic citation for a moving  
4 violation contributing to an accident that results in ~~life-threatening injury to or~~  
5 the death of another person may not comply with a notice to appear in court by  
6 prepayment of a fine and must appear in person; providing that, if a person who  
7 receives a certain citation fails to appear in court, the court may issue a warrant  
8 for the person's arrest or notify the Motor Vehicle Administration of the  
9 noncompliance within a certain period of time; ~~requiring a certain traffic~~  
10 citation to include a certain notice requiring a police officer who issues a certain  
11 citation to indicate on the citation that the person to whom the citation is issued  
12 must appear for trial when notified by the court; and generally relating to  
13 moving violations contributing to accidents resulting in ~~life-threatening injury~~  
14 ~~or~~ death.

15 BY repealing and reenacting, with amendments,  
16 Article - Transportation  
17 Section 26-201 and 26-204  
18 Annotated Code of Maryland  
19 (2002 Replacement Volume and 2003 Supplement)

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

1 **Article - Transportation**

2 26-201.

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

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

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

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

10 (4) Title 9, Subtitle 3 of the Tax - General Article; or

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

12 (b) A police officer who charges a person under this section shall issue a  
13 written traffic citation to the person charged.

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

15 (1) A notice to appear in court, including a notice that, if the offense is  
16 not punishable by incarceration, the person may request a hearing regarding  
17 sentencing and disposition in lieu of a trial as provided in § 26-204(b)(2) of this  
18 subtitle;

19 (2) The name and address of the person;

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

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

22 (5) The violation charged;

23 (6) Unless otherwise to be determined by the court, the time when and  
24 place where the person is required to appear in court;

25 (7) A statement acknowledging receipt of the citation, to be signed by the  
26 person;

27 (8) On the side of the citation to be signed by the person, a clear and  
28 conspicuous statement that:

29 (i) The signing of the citation by the person does not constitute an  
30 admission of guilt; and

31 (ii) The failure to sign may subject the person to arrest; {and}

1           ~~(9)~~     IF THE CITATION IS BEING ISSUED FOR A MOVING VIOLATION THAT  
2 CONTRIBUTES TO AN ACCIDENT THAT RESULTS IN LIFE THREATENING INJURY TO  
3 OR DEATH OF ANOTHER PERSON, A STATEMENT THAT THE NOTICE TO APPEAR IN  
4 COURT MAY NOT BE COMPLIED WITH BY THE PREPAYMENT OF THE FINE; AND

5           ~~(10)~~    (9)     Any other necessary information.

6     (D)     A POLICE OFFICER WHO ISSUES A TRAFFIC CITATION FOR A MOVING  
7 VIOLATION THAT CONTRIBUTES TO AN ACCIDENT THAT RESULTS IN THE DEATH OF  
8 ANOTHER PERSON SHALL CHECK THE APPROPRIATE BOX ON THE CITATION  
9 INDICATING THAT THE PERSON TO WHOM THE CITATION IS ISSUED MUST APPEAR  
10 FOR TRIAL WHEN NOTIFIED BY THE COURT.

11   ~~(d)~~     (E)     Unless the person charged demands an earlier hearing, a time  
12 specified in the notice to appear shall be at least 5 days after the alleged violation.

13   ~~(e)~~     (F)     A place specified in the notice to appear shall be before a judge of the  
14 District Court, as specified in § 26-401 of this title.

15   ~~(f)~~     (G)     An officer who discovers a vehicle stopped, standing, or parked in  
16 violation of § 21-1003 of this article shall:

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

19           (2)     Keep a copy of the citation, bearing his certification under penalty of  
20 perjury that the facts stated in the citation are true.

21   ~~(g)~~     (H)     (1)     A law enforcement officer who discovers a motor vehicle parked  
22 in violation of § 13-402 of this article shall:

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

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

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

30 26-204.

31   (a)     A person shall comply with the notice to appear contained:

32           (1)     In a traffic citation issued to the person under this subtitle; or

33           (2)     In a summons, other writ, or a trial notice issued by either the  
34 District Court or a circuit court in an action on a traffic citation.

1 (b) (1) For purposes of this section AND SUBJECT TO PARAGRAPH (3) OF THIS  
2 SUBSECTION, the person may comply with the notice to appear by:

3 (i) Appearance in person;

4 (ii) Appearance by counsel; or

5 (iii) Payment of the fine, if provided for in the citation.

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

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

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

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

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

19 2. Any right to compel the appearance of the law  
20 enforcement officer who issued the citation.

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

24 (3) IF A TRAFFIC CITATION IS ISSUED FOR A MOVING VIOLATION THAT  
25 CONTRIBUTES TO AN ACCIDENT THAT RESULTS IN ~~LIFE THREATENING INJURY TO~~  
26 ~~OR THE~~ DEATH OF ANOTHER PERSON, THE PERSON ISSUED THE CITATION:

27 (I) MAY NOT COMPLY WITH THE NOTICE TO APPEAR BY  
28 PREPAYMENT OF A FINE UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION; AND

29 (II) SHALL APPEAR IN COURT IN PERSON.

30 (c) If a person fails to comply with the notice to appear, the District Court or a  
31 circuit court may:

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

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

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

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

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

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

12 (f) (1) [When] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
13 SUBSECTION, WHEN the offense is not punishable by incarceration, if the court  
14 notifies the Administration of the person's noncompliance under subsection (c) of this  
15 section, a warrant may not be issued for the person under this section until 20 days  
16 after the original trial date.

17 (2) THIS SUBSECTION DOES NOT APPLY WHEN THE OFFENSE IS A  
18 MOVING VIOLATION THAT CONTRIBUTES TO AN ACCIDENT THAT RESULTS IN  
19 ~~LIFE-THREATENING INJURY TO OR~~ THE DEATH OF ANOTHER PERSON.

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
24 effect October 1, 2004.