

HOUSE BILL 1389

E2, R7

0lr1235

By: **Delegates Vallario, Conway, Anderson, Aumann, Bohanan, Branch, Bronrott, Cane, DeBoy, Doory, Eckardt, Elmore, Gaines, Griffith, Gutierrez, Guzzone, Haddaway, Haynes, Heller, James, Jones, Levy, Mathias, Mizeur, Proctor, Robinson, Rosenberg, and Wood**

Introduced and read first time: February 18, 2010

Assigned to: Environmental Matters and Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Traffic Cases – Funds for State Police Helicopters and Ambulance, Fire, and**
3 **Rescue Companies**

4 FOR the purpose of providing that a certain District Court surcharge that provides
5 revenue to certain public safety funds shall apply to certain traffic cases;
6 requiring that a certain surcharge be imposed as a court cost; making stylistic
7 and conforming changes; providing for the application of this Act; and generally
8 relating to a certain surcharge in certain traffic cases in the District Court.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 1–605(d)(8) and 7–301(a) and (f)
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2009 Supplement)

14 BY repealing
15 Article – Transportation
16 Section 27–101.2
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2009 Supplement)

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

21 **Article – Courts and Judicial Proceedings**

22 1–605.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (d) In addition to the powers and duties granted and imposed in subsections
2 (a), (b), and (c) of this section, or elsewhere by law or rule, the Chief Judge of the
3 District Court shall:

4 (8) After consultation with police administrators and the Motor
5 Vehicle Administrator, design arrest – citation forms that[:

6 (i) Shall] **SHALL** be used by all law enforcement agencies in the
7 State when charging a person with a criminal, civil, or traffic offense, [excepting]
8 **EXCEPT FOR:**

9 [1.] **(I)** Violations by juveniles listed in § 3–8A–33(a) of
10 this article;

11 [2.] **(II)** Violations of parking ordinances or regulations
12 adopted under Title 26, Subtitle 3 of the Transportation Article; and

13 [3.] **(III)** Other violations as expressly provided by law;
14 [and

15 (ii) Shall include a line on which to add the \$7.50 surcharge
16 assessed under § 27–101.2 of the Transportation Article;]

17 7–301.

18 (a) **(1)** [The] **EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF**
19 **THIS SUBSECTION, THE** court costs in a traffic case, including parking and
20 impounding cases, cases under § 21–202.1, § 21–809, or § 21–810 of the
21 Transportation Article in which costs are imposed, and cases under § 10–112 of the
22 Criminal Law Article in which costs are imposed [are]:

23 **(I)** **ARE \$22.50[.] PLUS THE SURCHARGE UNDER**
24 **SUBSECTION (F) OF THIS SECTION; AND**

25 **(II)** [Such costs shall] **SHALL** also be applicable to those cases in
26 which the defendant elects to waive [his] **THE DEFENDANT’S** right to trial and pay
27 the fine or penalty deposit established by the Chief Judge of the District Court by
28 administrative regulation.

29 **(2)** In an uncontested case under § 21–202.1, § 21–809, or § 21–810 of
30 the Transportation Article, an uncontested case under § 10–112 of the Criminal Law
31 Article, or an uncontested parking or impounding case in which the fines are paid
32 directly to a political subdivision or municipality, costs are \$2.00, which costs shall be
33 paid to and retained by the political subdivision or municipality.

1 **(3) (I)** In an uncontested case in which the fine is paid directly to
2 an agency of State government authorized by law to regulate parking of motor
3 vehicles, the **COURT** costs are \$2.00.

4 **(II)** The fine and the costs **UNDER THIS PARAGRAPH** shall be
5 paid to the agency, which shall receive and account for these funds as in all other
6 cases involving sums due the State through a State agency.

7 **(f) (1) THIS SUBSECTION DOES NOT APPLY TO A TRAFFIC CASE**
8 **UNDER § 21-202.1, § 21-809, OR § 21-810 OF THE TRANSPORTATION ARTICLE.**

9 **[(1) (2)** In a traffic case **UNDER SUBSECTION (A)(1) OF THIS**
10 **SECTION** [in which points may be assessed under § 16-402 of the Transportation
11 Article, after conviction] the court shall add a \$7.50 surcharge to [any fine] **THE**
12 **COURT COSTS** imposed by the court.

13 **[(2) (3)** Subject to paragraph **[(3) (4)** of this subsection, the
14 surcharges collected under this subsection shall be credited as follows:

15 (i) 50% to the Volunteer Company Assistance Fund to be used
16 in accordance with the provisions of Title 8, Subtitle 2 of the Public Safety Article; and

17 (ii) 50% to the State Helicopter Replacement Fund to be used in
18 accordance with the provisions of § 2-801 of the Public Safety Article.

19 **[(3) (4)** After \$20,000,000 is credited to the Volunteer Company
20 Assistance Fund in accordance with paragraph **[(2) (3)** of this subsection, 100% of the
21 surcharges collected under this subsection shall be credited to the State Police
22 Helicopter Replacement Fund to be used in accordance with the provisions of § 2-801
23 of the Public Safety Article.

24 **(5) THE COMPTROLLER ANNUALLY SHALL CREDIT THE**
25 **SURCHARGES ON COURT COSTS COLLECTED UNDER THIS SUBSECTION IN**
26 **ACCORDANCE WITH PARAGRAPHS (3) AND (4) OF THIS SUBSECTION.**

27 **Article – Transportation**

28 **[27-101.2.**

29 (a) After computing the fine to be assessed under the District Court's
30 schedule of preset fines or penalty deposits, a police officer issuing a traffic citation for
31 a violation for which points may be assessed under § 16-402 of this article shall add a
32 \$7.50 surcharge to the amount of the total fine before presenting the citation to the
33 driver being charged.

1 (b) The Comptroller shall annually pay the surcharges collected under this
2 section as required under § 7-301(f) of the Courts Article.]

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
4 construed to apply only prospectively and may not be applied or interpreted to have
5 any effect on or application to any traffic violation committed before the effective date
6 of this Act.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2010.