

Chapter 735

(House Bill 1389)

AN ACT concerning

Traffic Cases – ~~Funds for~~ State Police Helicopters and Ambulance, Fire, and Rescue Companies

FOR the purpose of providing that a certain District Court surcharge ~~that provides revenue to certain public safety funds~~ shall apply to certain traffic cases; requiring that a certain surcharge be imposed as a court cost; altering the funds to which the Comptroller is required to credit certain surcharges collected under certain circumstances; making stylistic and conforming changes; providing for the application of this Act; and generally relating to a certain surcharge in certain traffic cases in the District Court.

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

BY repealing
Article – Transportation
Section 27–101.2
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 – Courts and Judicial Proceedings

1–605.

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

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

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

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

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

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

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

7–301.

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) THE COMPTROLLER ANNUALLY SHALL CREDIT THE SURCHARGES COLLECTED UNDER THIS SUBSECTION TO:

(I) THE VOLUNTEER COMPANY ASSISTANCE FUND TO BE USED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE; AND

(II) THE GENERAL FUND AFTER \$20,000,000 IS CREDITED TO THE VOLUNTEER COMPANY ASSISTANCE FUND IN ACCORDANCE WITH ITEM (I) OF THIS PARAGRAPH.

Article – Transportation

[27–101.2.

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

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

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

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

Approved by the Governor, May 20, 2010.