

HOUSE BILL 1022

R1

2lr1889
CF SB 283

By: **Delegates K. Kelly, Alston, Anderson, Bromwell, Clippinger, Cluster, Conaway, Dwyer, Elliott, Glass, Glenn, Haddaway–Riccio, Krebs, McConkey, O’Donnell, Parrott, Ready, Simmons, Stocksdale, Szeliga, Valderrama, Valentino–Smith, and Wood**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Accidents Resulting in Death – Appearance in Court for**
3 **Traffic Citations**

4 FOR the purpose of requiring a person who receives a traffic citation with a certain
5 notice for a violation that contributed to an accident that resulted in the death
6 of another to comply with the notice to appear in court contained in a certain
7 writ or trial notice by appearance in person; and generally relating to accidents
8 resulting in death and appearance in court for traffic citations.

9 BY repealing and reenacting, with amendments,
10 Article – Transportation
11 Section 26–204
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2011 Supplement)

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

16 **Article – Transportation**

17 26–204.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) [For] **EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS**
2 **SECTION, FOR** purposes of this section, the person may comply with the notice to
3 appear by:

4 (i) Appearance in person;

5 (ii) Appearance by counsel; or

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

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

13 1. Does not dispute the truth of the facts as alleged in
14 the citation; and

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

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

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

21 2. Any right to compel the appearance of the police
22 officer who issued the citation.

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

26 (c) If a person fails to comply with a notice under § 26–201(c)(1) of this
27 subtitle, a notice for a hearing date issued in accordance with a request made under §
28 26–201(c)(1)(i)2 of this subtitle, a writ or trial notice issued in accordance with a
29 request made under § 26–201(c)(1)(i)3 of this subtitle, or a notice to appear under §
30 26–201(c)(2) of this subtitle, the District Court or a circuit court may:

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

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

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

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

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

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

14 (f) When the offense is not punishable by incarceration, if the court notifies
15 the Administration of the person's noncompliance under subsection (c) of this section,
16 a warrant may not be issued for the person under this section until 20 days after:

17 (1) The expiration of the time period required to comply with §
18 26-201(c)(1)(i) of this subtitle, if the person has not requested a hearing regarding
19 sentencing and disposition or a trial date; or

20 (2) The original trial date if a trial has been scheduled in response to a
21 request under § 26-201(c)(1)(i)3 of this subtitle.

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

25 **(H) FOR PURPOSES OF THIS SECTION, A PERSON WHO RECEIVES A**
26 **TRAFFIC CITATION WITH A NOTICE TO APPEAR IN PERSON FOR A VIOLATION**
27 **THAT CONTRIBUTED TO AN ACCIDENT THAT RESULTED IN THE DEATH OF**
28 **ANOTHER SHALL COMPLY WITH THE NOTICE TO APPEAR BY APPEARANCE IN**
29 **PERSON.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2012.