

# SENATE BILL 522

R4

5lr0502

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By: **Senator Mathias**

Introduced and read first time: February 6, 2015

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Registration – Outstanding Arrest Warrants**

3 FOR the purpose of requiring rather than authorizing State and local law enforcement  
4 agencies in the State to meet certain criteria relating to notifying the Motor Vehicle  
5 Administration of certain individuals named in outstanding warrants for purposes  
6 relating to a requirement that the Administration refuse to register or transfer  
7 certain individuals' registrations; and generally relating to vehicle registration and  
8 outstanding arrest warrants.

9 BY repealing and reenacting, with amendments,  
10 Article – Transportation  
11 Section 13–406.1  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume and 2014 Supplement)

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

16 **Article – Transportation**

17 13–406.1.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) “Law enforcement agency” means:

20 (i) A state, county, or municipal police department or agency;

21 (ii) A sheriff's office; or

22 (iii) A federal law enforcement agency.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) “Outstanding warrant” means an arrest warrant that:

2 (i) A law enforcement agency has attempted, but failed, to serve on  
3 the individual named in the warrant due to the inability to locate the individual; and

4 (ii) Is at least 31 days old.

5 (4) “Primary law enforcement officer” means:

6 (i) In a municipal corporation, the chief of police, if any, or the chief’s  
7 designee;

8 (ii) In a county that has a county police department, the chief of  
9 police or the chief’s designee;

10 (iii) In a county without a police department, the sheriff or the  
11 sheriff’s designee;

12 (iv) In Baltimore City, the Police Commissioner or the Police  
13 Commissioner’s designee;

14 (v) The Secretary of State Police; or

15 (vi) The principal law enforcement officers of a federal law  
16 enforcement agency or the officer’s designee.

17 (b) Subject to subsection (h) of this section, on notification by a law enforcement  
18 agency that an applicant for vehicle registration is named in an outstanding warrant, the  
19 Administration shall refuse to register or transfer the registration of any vehicle owned by  
20 the applicant.

21 (c) (1) Before refusing to register or transfer the registration of a vehicle under  
22 subsection (b) of this section, the Administration shall notify the applicant of the proposed  
23 action and inform the applicant of the applicant’s right to contest the accuracy of the  
24 information on which the refusal is based.

25 (2) Any contest under this subsection shall be limited to whether the  
26 Administration has mistaken the identity of the individual named in the outstanding  
27 warrant or the individual whose registration or transfer of registration has been refused.

28 (d) An individual named in an outstanding warrant may appeal a decision of the  
29 Administration under this section to refuse to register or transfer the registration of the  
30 individual’s vehicle.

1 (e) An applicant shall be referred to the law enforcement agency that notified the  
2 Administration of the outstanding warrant to resolve any question of whether the  
3 outstanding warrant has been satisfied.

4 (f) (1) The Administration shall continue the refusal to register or transfer the  
5 registration of a vehicle owned by an individual named in an outstanding warrant until:

6 (i) The Administration is ordered by a court to register or transfer  
7 the registration of the vehicle; or

8 (ii) A law enforcement agency notifies the Administration that:

9 1. The individual named in the outstanding warrant has  
10 been arrested; or

11 2. The outstanding warrant has been otherwise satisfied.

12 (2) On receipt of an order or notice under paragraph (1) of this subsection,  
13 the Administration shall allow the applicant to register the vehicle or transfer the  
14 registration unless the registration or transfer has been restricted under any other  
15 provision of the Maryland Vehicle Law.

16 (g) (1) The Administration, in consultation with the primary law enforcement  
17 officers of the State, shall adopt regulations to implement this section.

18 (2) The regulations shall include:

19 (i) Criteria that a law enforcement agency must meet prior to  
20 notifying the Administration that an individual is named in an outstanding warrant;

21 (ii) A procedure for informing an individual named in an outstanding  
22 warrant:

23 1. That the registration or transfer of the registration of the  
24 individual's vehicle has been refused; and

25 2. Of the manner in which the individual may contest or  
26 resolve the refusal;

27 (iii) A procedure that must be followed by a law enforcement agency  
28 to notify the Administration of changes in the status of an outstanding warrant; and

29 (iv) A procedure for the Administration to carry out the refusal of  
30 registration as authorized under this section.

1           (h)   **(1) EACH STATE AND LOCAL LAW ENFORCEMENT AGENCY IN THE**  
2 **STATE SHALL MEET THE CRITERIA ESTABLISHED UNDER SUBSECTION (G) OF THIS**  
3 **SECTION.**

4           **(2)** If a law enforcement agency meets the criteria established under  
5 subsection (g) of this section, the Administration shall enter into an agreement with the  
6 appropriate primary law enforcement officer that provides for the notification to the  
7 Administration of persons named in outstanding warrants.

8           (i)   (1) In addition to any other fee or penalty provided by law, the owner of a  
9 vehicle refused registration under this section shall pay a fee established by the  
10 Administration before renewal of the registration of the vehicle.

11           (2) The fee under paragraph (1) of this subsection shall be retained by the  
12 Administration and may not be credited to the Gasoline and Motor Vehicle Revenue  
13 Account for distribution under § 8-403 or § 8-404 of this article.

14           (j) The procedures specified in this section are in addition to any other penalty  
15 provided by law for the failure to meet the demands specified in a warrant.

16           (k) This section may not be construed to require the Administration to arrest a  
17 person named in an outstanding warrant.

18           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2015.