

~~(2) — A PENALTY ADOPTED UNDER THIS SECTION MAY NOT EXCEED \$100 FOR EACH VIOLATION.~~

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 66 1/2, §14-112(c) and (d).

In subsection (d) (2) of this section, the present provision for a minimum penalty of \$10 is deleted to conform to the legislative policy contained in Art. 27, §643 of the Code, which sets forth the general rule that, notwithstanding a prescribed minimum penalty, the court nevertheless may impose a lesser penalty of the same character.

As to subsections (b) (3) and (d) (2), however, the Commission wonders whether the penalties are intended to be civil or criminal in nature. If the latter, more specific legislative standards might be appropriate to avoid an invalid delegation of legislative powers and otherwise being violative of due process of law requirements. Cf., County Council v. Investors Funding, 270 Md. 403, 441-443 (1973); discussed 35 Md. L. Rev. 414, 449 et seq. (1976).

24-114. JURISDICTION AND APPEALS IN OFFENSES INVOLVING VEHICLE WEIGHTS.

AS TO VIOLATIONS RELATING TO VEHICLE WEIGHTS AND THE IMPOSITION OF FINES ALLOWED FOR THESE VIOLATIONS, IF EITHER PARTY IS AGGRIEVED BY THE JUDGMENT OF A DISTRICT COURT, THE PARTY HAS A RIGHT OF APPEAL UNDER §§ 12-401 AND 12-403 OF THE COURTS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the last clause of Art. 66 1/2, §14-115.

The first clause of that section, which relates to the jurisdiction of the District Court to hear these matters, is deleted as unnecessary. Its retention is but a vestige of an obsolete predecessor statute granting jurisdiction to a "trial magistrate, justice of the peace", etc.

As to penalties for weight violations, see §27-107 of this article.

SUBTITLE 2. HIGHWAY PRESERVATION.

24-201. DEFINITIONS.