

appear, even if there is no notice to the person charged of the consequences of that act; certainly, the citation should be required to give that notice and, in fact, it is current practice to do so. Accordingly, subsection (b) (6) is added and, in subsection (c), reference to the form inserted.

The only other changes are in style.

As noted above, present Art. 1A, §10-1001(c) appears on its face to apply only to "offenses...punishable under §10-1002". However, the specific reference to that section is inconsistent somewhat with the broader language in present §10-1001(c), which refers to a "violation of any...provisions of this article". The Commission believes that the statutory cross-reference was intended to be to present Art. 1A, §10-1003, the general penalty section, now §5-1105 of this subtitle. This suspicion is supported by the Administration's "reviser's note" to its 1974 revision of Article 1A, which states, as to §10-1001(c): "Subsection (c) is new language.... It is felt that the State Police who are enforcing the provisions of this Article, particularly those relating to registration of aircraft, should be authorized to issue a citation for this offense.... There does not appear to be any distinction between aircraft registration violations and similar violations of provisions in the Natural Resources and Motor Vehicle Articles" (emphasis added).

The Commission suggests that there may be an inadvertent gap in the provisions of this subtitle. As presently worded, the "written promise to appear in court", itself, appears to be unenforceable due to the absence of express statutory language requiring a person to comply with it. When the Administration proposed the legislation that first added this section to Art. 1A, it noted that the section is patterned after the similar provisions in NR §1-205 and Art. 66 1/2. In §26-207 of this article, which is derived without substantive change from present Art. 66 1/2, §16-113(a) and (b), the following additional language appears:

"Regardless of the disposition of the charge ..., a person may not violate his written promise to appear .... A written promise to appear ... may be complied with by an appearance by counsel".