

HOUSE BILL 263

R5

7lr1304

By: **Delegates Carr, Beidle, and Stein**

Introduced and read first time: January 23, 2017

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2017

CHAPTER _____

1 AN ACT concerning

2 **School Bus Monitoring Cameras – Exclusion of Vehicle Rental**
3 **Companies – Repeal and Notification Requirement**

4 FOR the purpose of altering a certain definition to repeal the exclusion of motor vehicle
5 rental companies as owners of motor vehicles for the purpose of the enforcement of
6 violations of overtaking and passing school vehicles operating alternately flashing
7 red lights that are recorded by school bus monitoring cameras; requiring a law
8 enforcement agency to provide a certain notice to a motor vehicle rental company
9 before issuing a certain citation; prohibiting a law enforcement agency from mailing
10 a motor vehicle rental company a certain citation if the motor vehicle rental company
11 provides the law enforcement agency with certain information or pays a certain
12 penalty; making conforming changes; and generally relating to vehicle rental
13 companies and school bus monitoring cameras.

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 21–706.1(a)(3) and (f)
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2016 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Transportation
21 Section 21–706.1(e) and (h)(5)
22 Annotated Code of Maryland
23 (2012 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

Article – Transportation

21–706.1.

(a) (3) (i) “Owner” means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or more.

(ii) “Owner” does not include:

1. A motor vehicle [rental or] leasing company; or

2. A holder of a special registration plate issued under Title 13, Subtitle 9, Part III of this article.

(e) (1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection (h)(5) of this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a school bus monitoring camera during the commission of a violation.

(2) A civil penalty under this subsection may not exceed \$250.

(3) For purposes of this section, the District Court shall prescribe:

(i) A uniform citation form consistent with subsection (f)(1) of this section and § 7–302 of the Courts Article; and

(ii) A civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

(f) (1) Subject to the provisions of paragraphs (2) through [(4)] (5) of this subsection, a law enforcement agency shall mail to the owner liable under subsection (e) of this section a citation that shall include:

(i) The name and address of the registered owner of the vehicle;

(ii) The registration number of the motor vehicle involved in the violation;

(iii) The violation charged;

(iv) To the extent possible, the location of the violation;

(v) The date and time of the violation;

(vi) A copy of the recorded image;

(vii) The amount of the civil penalty imposed and the date by which the civil penalty must be paid;

(viii) A signed statement by a technician employed by the law enforcement agency that, based on inspection of recorded images, the motor vehicle was being operated during the commission of a violation;

(ix) A statement that recorded images are evidence of a violation; and

(x) Information advising the person alleged to be liable under this section:

1. Of the manner and time in which liability as alleged in the citation may be contested in the District Court; and

2. That failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in refusal or suspension of the motor vehicle registration.

(2) The law enforcement agency may mail a warning notice in place of a citation to the owner liable under subsection (e) of this section.

(3) (I) BEFORE MAILING A CITATION TO A MOTOR VEHICLE RENTAL COMPANY LIABLE UNDER SUBSECTION (E) OF THIS SECTION, A LAW ENFORCEMENT AGENCY SHALL MAIL A NOTICE TO THE MOTOR VEHICLE RENTAL COMPANY STATING THAT A CITATION WILL BE MAILED TO THE MOTOR VEHICLE RENTAL COMPANY UNLESS, WITHIN 45 DAYS OF RECEIVING THE NOTICE, THE MOTOR VEHICLE RENTAL COMPANY PROVIDES THE LAW ENFORCEMENT AGENCY WITH:

1. A STATEMENT MADE UNDER OATH THAT STATES THE NAME AND LAST KNOWN MAILING ADDRESS OF THE INDIVIDUAL DRIVING OR RENTING THE MOTOR VEHICLE WHEN THE VIOLATION OCCURRED;

2. A. A STATEMENT MADE UNDER OATH THAT STATES THAT THE MOTOR VEHICLE RENTAL COMPANY IS UNABLE TO DETERMINE WHO WAS DRIVING OR RENTING THE VEHICLE AT THE TIME THE VIOLATION OCCURRED BECAUSE THE MOTOR VEHICLE WAS STOLEN AT THE TIME OF THE VIOLATION; AND

B. A COPY OF THE POLICE REPORT ASSOCIATED WITH THE MOTOR VEHICLE THEFT CLAIMED UNDER ITEM A OF THIS ITEM; OR

1 **3. PAYMENT FOR THE PENALTY ASSOCIATED WITH THE**
2 **VIOLATION.**

3 **(II) A LAW ENFORCEMENT AGENCY MAY NOT MAIL A CITATION**
4 **TO A MOTOR VEHICLE RENTAL COMPANY LIABLE UNDER SUBSECTION (E) OF THIS**
5 **SECTION IF THE MOTOR VEHICLE RENTAL COMPANY COMPLIES WITH**
6 **SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

7 **(4) Except as provided in PARAGRAPH (3) OF THIS SUBSECTION AND**
8 **subsection (h)(5) of this section, a citation issued under this section shall be mailed no later**
9 **than 2 weeks after the alleged violation.**

10 **[(4)] (5) A person who receives a citation under paragraph (1) of this**
11 **subsection may:**

12 **(i) Pay the civil penalty, in accordance with instructions on the**
13 **citation, directly to the county; or**

14 **(ii) Elect to stand trial for the alleged violation.**

15 (h) (5) (i) If the District Court finds that the person named in the citation
16 was not operating the vehicle at the time of the violation or receives evidence under
17 paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at the time
18 of the violation, the clerk of the court shall provide to the law enforcement agency issuing
19 the citation a copy of any evidence substantiating who was operating the vehicle at the time
20 of the violation.

21 (ii) On the receipt of substantiating evidence from the District Court
22 under subparagraph (i) of this paragraph, the law enforcement agency may issue a citation
23 as provided in subsection (f) of this section to the person that the evidence indicates was
24 operating the vehicle at the time of the violation.

25 (iii) A citation issued under subparagraph (ii) of this paragraph shall
26 be mailed no later than 2 weeks after receipt of the evidence from the District Court.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2017.