

HOUSE BILL 947

R5, R1, L1

7lr1663

By: **Delegate Carr**

Introduced and read first time: February 6, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Vehicle Presence Monitoring Systems – Authorization by Local**
3 **Jurisdictions**

4 FOR the purpose of authorizing and establishing requirements for the use of certain vehicle
5 presence monitoring systems in local jurisdictions to enforce State and local laws
6 restricting the presence of vehicles during certain times; establishing that a vehicle
7 presence monitoring system may be used in a local jurisdiction under this Act only
8 if its use is authorized by a local law adopted by the local jurisdiction; requiring a
9 local jurisdiction to conduct a certain analysis before it places a vehicle presence
10 monitoring system at a particular location; requiring a local jurisdiction to take
11 certain steps related to notice before activating a vehicle presence monitoring
12 system; providing that certain persons recorded by a vehicle presence monitoring
13 system while operating a motor vehicle in violation of a State or local law restricting
14 the presence of vehicles during certain times are subject to certain penalties;
15 establishing maximum fines for violations of law enforced by a vehicle presence
16 monitoring system; requiring the District Court to prescribe a certain citation form
17 and a civil penalty to be indicated on the citation; requiring a certain agency to mail
18 a citation to the owner of a motor vehicle recorded by a vehicle presence monitoring
19 system under certain circumstances; requiring a citation to include certain
20 information; requiring the issuance of a warning for a first violation under this Act;
21 requiring a citation to be mailed within a certain period of time; authorizing a person
22 who receives a citation under this Act to pay the civil penalty in a certain manner or
23 elect to stand trial in the District Court; providing for the admissibility and use of
24 certain evidence; authorizing a person receiving a citation to have a certain vehicle
25 presence monitoring system operator be present and testify at trial; establishing the
26 standard of proof in a trial for a violation of law enforced by a vehicle presence
27 monitoring system; establishing defenses that the District Court may consider;
28 requiring a person to submit a certain proof in order to demonstrate a certain
29 defense; prohibiting imposition of liability under this Act from being considered for
30 certain purposes; requiring the Chief Judge of the District Court, in consultation
31 with a local jurisdiction, to adopt certain procedures; requiring the agency, or a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



designated contractor, to administer citations issued under this Act in coordination with the District Court; prohibiting the fee of a contractor who operates a vehicle presence monitoring system on behalf of a local jurisdiction to be contingent on the number of citations issued or paid; modifying the jurisdiction of the District Court to include certain proceedings; providing for the handling of certain court costs and penalties; prohibiting the custodian of recorded images produced by a vehicle presence monitoring system from allowing inspection of the recorded images, subject to certain exceptions; restricting and providing for the use of certain revenues generated by this Act; defining certain terms; and generally relating to imposing liability on certain owners of motor vehicles recorded by a vehicle presence monitoring system while being operated in violation of a State or local law restricting the presence of vehicles during certain times.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–401(13), 7–301(a), 7–302(e), and 10–311
Annotated Code of Maryland
(2013 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 4–321
Annotated Code of Maryland
(2014 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 11–215(e) and 11–318(e)
Annotated Code of Maryland
(2011 Replacement Volume and 2016 Supplement)

BY adding to
Article – Transportation
Section 21–1130
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 26–401
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

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

Article – Courts and Judicial Proceedings

1 4-401.

2 Except as provided in § 4-402 of this subtitle, and subject to the venue provisions of
3 Title 6 of this article, the District Court has exclusive original civil jurisdiction in:

4 (13) A proceeding for a civil infraction under § 21-202.1, § 21-704.1, §
5 21-706.1, § 21-809, § 21-810, **§ 21-1130**, or § 24-111.3 of the Transportation Article or §
6 10-112 of the Criminal Law Article;

7 7-301.

8 (a) (1) Except as provided in paragraphs (2) and (3) of this subsection, the
9 court costs in a traffic case, including parking and impounding cases, cases under §
10 21-202.1, § 21-809, § 21-810, **§ 21-1130**, § 21-1414, or § 24-111.3 of the Transportation
11 Article in which costs are imposed, and cases under § 10-112 of the Criminal Law Article
12 in which costs are imposed:

13 (i) Are \$22.50; and

14 (ii) Shall also be applicable to those cases in which the defendant
15 elects to waive the defendant's right to trial and pay the fine or penalty deposit established
16 by the Chief Judge of the District Court by administrative regulation.

17 (2) In an uncontested case under § 21-202.1, § 21-809, § 21-810, **§**
18 **21-1130**, § 21-1414, or § 24-111.3 of the Transportation Article, an uncontested case
19 under § 10-112 of the Criminal Law Article, or an uncontested parking or impounding case
20 in which the fines are paid directly to a political subdivision or municipality, costs are \$2.00,
21 which costs shall be paid to and retained by the political subdivision or municipality.

22 (3) (i) In an uncontested case in which the fine is paid directly to an
23 agency of State government authorized by law to regulate parking of motor vehicles, the
24 court costs are \$2.00.

25 (ii) The fine and the costs under this paragraph shall be paid to the
26 agency, which shall receive and account for these funds as in all other cases involving sums
27 due the State through a State agency.

28 7-302.

29 (e) (1) A citation issued pursuant to § 21-202.1, § 21-706.1, § 21-809, §
30 21-810, **§ 21-1130**, or § 24-111.3 of the Transportation Article shall provide that the
31 person receiving the citation may elect to stand trial by notifying the issuing agency of the
32 person's intention to stand trial at least 5 days prior to the date of payment as set forth in
33 the citation. On receipt of the notice to stand trial, the agency shall forward to the District
34 Court having venue a copy of the citation and a copy of the notice from the person who
35 received the citation indicating the person's intention to stand trial. On receipt thereof, the

District Court shall schedule the case for trial and notify the defendant of the trial date under procedures adopted by the Chief Judge of the District Court.

[(2) A citation issued as the result of a vehicle height monitoring system, a traffic control signal monitoring system, or a speed monitoring system, including a work zone speed control system, controlled by a political subdivision or a school bus monitoring camera shall provide that, in an uncontested case, the penalty shall be paid directly to that political subdivision. A citation issued as the result of a traffic control signal monitoring system or a work zone speed control system controlled by a State agency, or as a result of a vehicle height monitoring system, a traffic control signal monitoring system, a speed monitoring system, or a school bus monitoring camera in a case contested in District Court, shall provide that the penalty shall be paid directly to the District Court.]

(2) (I) IN AN UNCONTESTED CASE, THE PENALTY SHALL BE PAID DIRECTLY TO THE POLITICAL SUBDIVISION FOR A CITATION ISSUED FOR A VIOLATION ENFORCED BY:

- 1. A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM;**
- 2. A SPEED MONITORING SYSTEM;**
- 3. A WORK ZONE SPEED CONTROL SYSTEM;**
- 4. A SCHOOL BUS MONITORING CAMERA;**
- 5. A VEHICLE HEIGHT MONITORING SYSTEM; OR**
- 6. A VEHICLE PRESENCE MONITORING SYSTEM.**

(II) IN A CASE CONTESTED IN THE DISTRICT COURT, THE PENALTY SHALL BE PAID DIRECTLY TO THE DISTRICT COURT FOR A CITATION ISSUED FOR A VIOLATION ENFORCED BY:

- 1. A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM;**
- 2. A SPEED MONITORING SYSTEM;**
- 3. A WORK ZONE SPEED CONTROL SYSTEM;**
- 4. A SCHOOL BUS MONITORING CAMERA;**
- 5. A VEHICLE HEIGHT MONITORING SYSTEM; OR**
- 6. A VEHICLE PRESENCE MONITORING SYSTEM.**

(3) Civil penalties resulting from citations issued using a vehicle height monitoring system, traffic control signal monitoring system, speed monitoring system, work zone speed control system, [or] school bus monitoring camera, **OR VEHICLE PRESENCE MONITORING SYSTEM** that are collected by the District Court shall be collected in accordance with subsection (a) of this section and distributed in accordance with § 12–118 of the Transportation Article.

(4) (i) From the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems or school bus monitoring cameras, a political subdivision:

1. May recover the costs of implementing and administering the speed monitoring systems or school bus monitoring cameras; and

2. Subject to subparagraph (ii) of this paragraph, may spend any remaining balance solely for public safety purposes, including pedestrian safety programs.

(ii) 1. For any fiscal year, if the balance remaining from the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems, after the costs of implementing and administering the systems are recovered in accordance with subparagraph (i)1 of this paragraph, is greater than 10% of the total revenues of the political subdivision for the fiscal year, the political subdivision shall remit any funds that exceed 10% of the total revenues to the Comptroller.

2. The Comptroller shall deposit any money remitted under this subparagraph to the General Fund of the State.

(5) From the fines collected by Baltimore City as a result of violations enforced by vehicle height monitoring systems, Baltimore City may:

(i) Recover the costs of implementing and administering the vehicle height monitoring systems; and

(ii) Spend the remaining balance solely on roadway improvements.

(6) FROM THE FINES COLLECTED BY A POLITICAL SUBDIVISION AS A RESULT OF VIOLATIONS ENFORCED BY VEHICLE PRESENCE MONITORING SYSTEMS, THE POLITICAL SUBDIVISION MAY:

(I) RECOVER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE VEHICLE PRESENCE MONITORING SYSTEMS; AND

(II) SPEND THE REMAINING BALANCE SOLELY ON ROADWAY IMPROVEMENTS.

1 10–311.

2 (a) A recorded image of a motor vehicle produced by a traffic control signal
3 monitoring system in accordance with § 21–202.1 of the Transportation Article is
4 admissible in a proceeding concerning a civil citation issued under that section for a
5 violation of § 21–202(h) of the Transportation Article without authentication.

6 (b) A recorded image of a motor vehicle produced by a speed monitoring system
7 in accordance with § 21–809 or § 21–810 of the Transportation Article is admissible in a
8 proceeding concerning a civil citation issued under that section for a violation of Title 21,
9 Subtitle 8 of the Transportation Article without authentication.

10 (c) A recorded image of a motor vehicle produced by a school bus monitoring
11 camera in accordance with § 21–706.1 of the Transportation Article is admissible in a
12 proceeding concerning a civil citation issued under that section for a violation of §
13 21–706 of the Transportation Article without authentication.

14 (d) A recorded image of a motor vehicle produced by a vehicle height monitoring
15 system in accordance with § 24–111.3 of the Transportation Article is admissible in a
16 proceeding concerning a civil citation issued under that section for a violation of a State or
17 local law restricting the presence of certain vehicles during certain times without
18 authentication.

19 (e) **A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A VEHICLE**
20 **PRESENCE MONITORING SYSTEM IN ACCORDANCE WITH § 21–1130 OF THE**
21 **TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A CIVIL**
22 **CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION OF A STATE OR LOCAL**
23 **LAW RESTRICTING THE PRESENCE OF CERTAIN MOTOR VEHICLES WITHOUT**
24 **AUTHENTICATION.**

25 (F) In any other judicial proceeding, a recorded image produced by a vehicle
26 height monitoring system, traffic control signal monitoring system, speed monitoring
27 system, work zone speed control system, [or] school bus monitoring camera, **OR VEHICLE**
28 **PRESENCE MONITORING SYSTEM** is admissible as otherwise provided by law.

29 Article – General Provisions

30 4–321.

31 (a) In this section, “recorded images” has the meaning stated in § 21–202.1, §
32 21–809, § 21–810, **§ 21–1130**, or § 24–111.3 of the Transportation Article.

33 (b) Except as provided in subsection (c) of this section, a custodian shall deny
34 inspection of recorded images produced by:

(1) a traffic control signal monitoring system operated under § 21–202.1 of the Transportation Article;

(2) a speed monitoring system operated under § 21–809 of the Transportation Article;

(3) a work zone speed control system operated under § 21–810 of the Transportation Article; [or]

(4) **A VEHICLE PRESENCE MONITORING SYSTEM OPERATED UNDER § 21–1130 OF THE TRANSPORTATION ARTICLE; OR**

(5) a vehicle height monitoring system operated under § 24–111.3 of the Transportation Article.

(c) A custodian shall allow inspection of recorded images:

(1) as required in § 21–202.1, § 21–809, § 21–810, **§ 21–1130**, or § 24–111.3 of the Transportation Article;

(2) by any person issued a citation under § 21–202.1, § 21–809, § 21–810, **§ 21–1130**, or § 24–111.3 of the Transportation Article, or by an attorney of record for the person; or

(3) by an employee or agent of an agency in an investigation or a proceeding relating to the imposition of or indemnification from civil liability under § 21–202.1, § 21–809, § 21–810, **§ 21–1130**, or § 24–111.3 of the Transportation Article.

Article – Insurance

11–215.

(e) For purposes of reclassifying an insured in a classification that entails a higher premium, an insurer under an automobile insurance policy may not consider a probation before judgment disposition of a motor vehicle law offense, a civil penalty imposed pursuant to § 21–202.1, § 21–809, § 21–810, **§ 21–1130**, or § 24–111.3 of the Transportation Article, or a first offense of driving with an alcohol concentration of 0.08 or more under § 16–205.1 of the Transportation Article on record with the Motor Vehicle Administration, as provided in § 16–117(b) of the Transportation Article.

11–318.

(e) For purposes of reclassifying an insured in a classification that entails a higher premium, an insurer under an automobile insurance policy may not consider a probation before judgment disposition of a motor vehicle law offense, a civil penalty imposed pursuant to § 21–202.1, § 21–809, § 21–810, **§ 21–1130**, or § 24–111.3 of the Transportation

Article, or a first offense of driving with an alcohol concentration of 0.08 or more under § 16–205.1 of the Transportation Article on record with the Motor Vehicle Administration, as provided in § 16–117(b) of the Transportation Article.

Article – Transportation

21–1130.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “AGENCY” MEANS:

(I) A LAW ENFORCEMENT AGENCY OF A LOCAL POLITICAL SUBDIVISION THAT IS AUTHORIZED TO ISSUE A CITATION FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR REGULATIONS; OR

(II) FOR A MUNICIPAL CORPORATION THAT DOES NOT MAINTAIN A POLICE FORCE, AN AGENCY ESTABLISHED OR DESIGNATED BY THE MUNICIPAL CORPORATION TO IMPLEMENT THIS SUBTITLE USING SPEED MONITORING SYSTEMS IN ACCORDANCE WITH THIS SECTION.

(3) “OWNER” MEANS THE REGISTERED OWNER OF A MOTOR VEHICLE.

(4) “RECORDED IMAGE” MEANS AN IMAGE RECORDED BY A VEHICLE PRESENCE MONITORING SYSTEM:

(I) ON:

- 1. A PHOTOGRAPH;**
- 2. A MICROPHOTOGRAPH;**
- 3. AN ELECTRONIC IMAGE;**
- 4. VIDEOTAPE; OR**
- 5. ANY OTHER MEDIUM; AND**

(II) SHOWING:

- 1. THE FRONT OR SIDE OF A MOTOR VEHICLE;**

1 2. AT LEAST TWO TIME-STAMPED IMAGES OF THE
2 MOTOR VEHICLE THAT INCLUDE THE SAME STATIONARY OBJECT NEAR THE MOTOR
3 VEHICLE; AND

4 3. ON AT LEAST ONE IMAGE OR PORTION OF TAPE, A
5 CLEAR AND LEGIBLE IDENTIFICATION OF THE ENTIRE REGISTRATION PLATE
6 NUMBER OF THE MOTOR VEHICLE.

7 (5) “VEHICLE PRESENCE MONITORING SYSTEM” MEANS A DEVICE
8 WITH ONE OR MORE MOTOR VEHICLE SENSORS THAT IS CAPABLE OF PRODUCING
9 RECORDED IMAGES OF VEHICLES.

10 (B) (1) A VEHICLE PRESENCE MONITORING SYSTEM MAY BE USED IN A
11 LOCAL JURISDICTION UNDER THIS SECTION ONLY IF THE USE OF VEHICLE
12 PRESENCE MONITORING SYSTEMS IS AUTHORIZED BY THE GOVERNING BODY OF THE
13 LOCAL JURISDICTION BY LOCAL LAW ENACTED AFTER REASONABLE NOTICE AND A
14 PUBLIC HEARING.

15 (2) BEFORE A LOCAL JURISDICTION PLACES OR INSTALLS A VEHICLE
16 PRESENCE MONITORING SYSTEM AT A PARTICULAR LOCATION, THE LOCAL
17 JURISDICTION SHALL CONDUCT AN ANALYSIS TO DETERMINE THE
18 APPROPRIATENESS OF THE LOCATION.

19 (3) BEFORE ACTIVATING A VEHICLE PRESENCE MONITORING
20 SYSTEM, A LOCAL JURISDICTION SHALL:

21 (I) PUBLISH NOTICE OF THE LOCATION OF THE VEHICLE
22 PRESENCE MONITORING SYSTEM ON THE LOCAL JURISDICTION’S WEB SITE AND IN
23 A NEWSPAPER OF GENERAL CIRCULATION IN THE JURISDICTION; AND

24 (II) ENSURE THAT ALL SIGNS STATING RESTRICTIONS ON THE
25 PRESENCE OF CERTAIN VEHICLES THAT ARE, DURING CERTAIN TIMES,
26 APPROACHING AND WITHIN THE SEGMENT OF HIGHWAY ON WHICH THE VEHICLE
27 PRESENCE MONITORING SYSTEM IS LOCATED:

28 1. ARE IN ACCORDANCE WITH THE MANUAL AND
29 SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES ADOPTED
30 BY THE STATE HIGHWAY ADMINISTRATION UNDER § 25-104 OF THIS ARTICLE; AND

31 2. INDICATE THAT A VEHICLE PRESENCE MONITORING
32 SYSTEM IS IN USE.

1 **(C) A VEHICLE PRESENCE MONITORING SYSTEM OPERATOR SHALL FILL**
2 **OUT AND SIGN A DAILY SET-UP LOG FOR A VEHICLE PRESENCE MONITORING SYSTEM**
3 **THAT:**

4 **(1) STATES THAT THE OPERATOR SUCCESSFULLY PERFORMED THE**
5 **MANUFACTURER-SPECIFIED SELF-TEST OF THE VEHICLE PRESENCE MONITORING**
6 **SYSTEM BEFORE PRODUCING A RECORDED IMAGE;**

7 **(2) SHALL BE KEPT ON FILE; AND**

8 **(3) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING**
9 **FOR A VIOLATION OF THIS SECTION.**

10 **(D) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A**
11 **CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER OF**
12 **A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS**
13 **RECORDED BY A VEHICLE PRESENCE MONITORING SYSTEM WHILE BEING OPERATED**
14 **IN VIOLATION OF A STATE OR LOCAL LAW RESTRICTING THE PRESENCE OF MOTOR**
15 **VEHICLES DURING CERTAIN TIMES.**

16 **(2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED \$40.**

17 **(3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT SHALL**
18 **PRESCRIBE:**

19 **(I) A UNIFORM CITATION FORM CONSISTENT WITH**
20 **SUBSECTION (D)(1) OF THIS SECTION AND § 7-302 OF THE COURTS ARTICLE; AND**

21 **(II) A CIVIL PENALTY, WHICH SHALL BE INDICATED ON THE**
22 **CITATION, TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL PENALTY**
23 **WITHOUT APPEARING IN DISTRICT COURT.**

24 **(E) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) AND (3) OF**
25 **THIS SUBSECTION, THE AGENCY SHALL MAIL TO AN OWNER LIABLE UNDER THIS**
26 **SECTION A CITATION THAT SHALL INCLUDE:**

27 **(I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF**
28 **THE MOTOR VEHICLE INVOLVED IN THE VIOLATION;**

29 **(II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE**
30 **INVOLVED IN THE VIOLATION;**

31 **(III) THE VIOLATION CHARGED;**

1 (IV) THE LOCATION AT WHICH THE VIOLATION OCCURRED;

2 (V) THE DATE AND TIME OF THE VIOLATION;

3 (VI) A COPY OF THE RECORDED IMAGE;

4 (VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE
5 DATE BY WHICH THE CIVIL PENALTY MUST BE PAID;

6 (VIII) A SIGNED STATEMENT BY A DULY AUTHORIZED LAW
7 ENFORCEMENT OFFICER EMPLOYED BY OR UNDER CONTRACT WITH THE AGENCY
8 THAT, BASED ON INSPECTION OF THE RECORDED IMAGE, THE MOTOR VEHICLE WAS
9 BEING OPERATED IN VIOLATION OF A STATE OR LOCAL LAW RESTRICTING THE
10 PRESENCE OF MOTOR VEHICLES DURING CERTAIN TIMES;

11 (IX) A STATEMENT THAT THE RECORDED IMAGE IS EVIDENCE OF
12 THE VIOLATION;

13 (X) INFORMATION ADVISING THE OWNER ALLEGED TO BE
14 LIABLE UNDER THIS SECTION OF THE MANNER AND TIME IN WHICH LIABILITY AS
15 ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND

16 (XI) INFORMATION ADVISING THE OWNER ALLEGED TO BE
17 LIABLE UNDER THIS SECTION THAT FAILURE TO PAY THE CIVIL PENALTY OR TO
18 CONTEST LIABILITY IN A TIMELY MANNER IS AN ADMISSION OF LIABILITY.

19 (2) AN AGENCY SHALL, FOR A FIRST VIOLATION, MAIL A WARNING
20 NOTICE INSTEAD OF A CITATION TO AN OWNER LIABLE UNDER THIS SECTION.

21 (3) A CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NOT
22 LATER THAN 30 DAYS AFTER THE ALLEGED VIOLATION.

23 (4) A PERSON WHO RECEIVES A CITATION UNDER THIS SECTION MAY:

24 (I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH
25 INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE LOCAL JURISDICTION; OR

26 (II) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR THE
27 ALLEGED VIOLATION.

28 (F) (1) A CERTIFICATE ALLEGING THAT A VIOLATION OF A STATE OR
29 LOCAL LAW RESTRICTING THE PRESENCE OF MOTOR VEHICLES DURING CERTAIN

1 TIMES OCCURRED AND THAT THE REQUIREMENTS UNDER SUBSECTIONS (B) AND (C)
2 OF THIS SECTION HAVE BEEN AFFIRMED BY A DULY AUTHORIZED LAW
3 ENFORCEMENT OFFICER EMPLOYED BY OR UNDER CONTRACT WITH THE AGENCY,
4 BASED ON INSPECTION OF THE RECORDED IMAGE PRODUCED BY THE VEHICLE
5 PRESENCE MONITORING SYSTEM, SHALL BE:

6 (I) EVIDENCE OF THE FACTS CONTAINED IN THE CERTIFICATE;
7 AND

8 (II) ADMISSIBLE IN A PROCEEDING ALLEGING A VIOLATION
9 UNDER THIS SECTION WITHOUT THE PRESENCE OR TESTIMONY OF THE VEHICLE
10 PRESENCE MONITORING SYSTEM OPERATOR.

11 (2) IF A PERSON WHO RECEIVED A CITATION UNDER THIS SECTION
12 DESIRES THE VEHICLE PRESENCE MONITORING SYSTEM OPERATOR TO BE PRESENT
13 AND TESTIFY AT TRIAL, THE PERSON SHALL NOTIFY THE COURT AND THE STATE IN
14 WRITING NOT LATER THAN 20 DAYS BEFORE TRIAL.

15 (3) ADJUDICATION OF LIABILITY SHALL BE BASED ON A
16 PREPONDERANCE OF EVIDENCE.

17 (G) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A
18 VIOLATION:

19 (I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THAT
20 THE MOTOR VEHICLE OR THE REGISTRATION PLATES OF THE MOTOR VEHICLE WERE
21 STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL
22 OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION; AND

23 (II) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT
24 COURT DEEMS PERTINENT.

25 (2) TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE
26 REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND
27 WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF
28 THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT
29 REGARDING THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN
30 A TIMELY MANNER.

31 (H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS
32 SECTION:

1 **(1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING**
2 **POINTS UNDER § 16-402 OF THIS ARTICLE;**

3 **(2) MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE**
4 **DRIVING RECORD OF THE OWNER OF THE VEHICLE;**

5 **(3) MAY NOT BE TREATED AS A PARKING VIOLATION FOR PURPOSES**
6 **OF § 26-305 OF THIS ARTICLE; AND**

7 **(4) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE**
8 **INSURANCE COVERAGE.**

9 **(I) IN CONSULTATION WITH THE APPROPRIATE LOCAL GOVERNMENT**
10 **AGENCIES, THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT**
11 **PROCEDURES FOR THE ISSUANCE OF CITATIONS, THE TRIAL OF CIVIL VIOLATIONS,**
12 **AND THE COLLECTION OF CIVIL PENALTIES UNDER THIS SECTION.**

13 **(J) (1) AN AGENCY OR AN AGENT OR A CONTRACTOR DESIGNATED BY THE**
14 **AGENCY SHALL ADMINISTER AND PROCESS CIVIL CITATIONS ISSUED UNDER THIS**
15 **SECTION IN COORDINATION WITH THE DISTRICT COURT.**

16 **(2) IF A CONTRACTOR OPERATES A VEHICLE PRESENCE MONITORING**
17 **SYSTEM ON BEHALF OF A LOCAL JURISDICTION, THE CONTRACTOR'S FEE MAY NOT**
18 **BE CONTINGENT ON THE NUMBER OF CITATIONS ISSUED OR PAID.**

19 26-401.

20 If a person is taken before a District Court commissioner or is given a traffic citation
21 or a civil citation under § 21-202.1, § 21-809, § 21-810, **§ 21-1130**, § 21-1414, or §
22 24-111.3 of this article containing a notice to appear in court, the commissioner or court
23 shall be one that sits within the county in which the offense allegedly was committed.

24 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
25 **October 1, 2017.**