

# HOUSE BILL 749

R5

8lr1670  
CF SB 551

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By: **Delegates R. Lewis, Angel, and Lierman**

Introduced and read first time: February 1, 2018

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2018

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws – ~~Bus Lane Monitoring Cameras – Authorization~~ Dedicated Bus**  
3 **Lanes – Enforcement**

4 FOR the purpose of ~~prohibiting a person from driving a motor vehicle in a dedicated bus~~  
5 ~~lane unless authorized by a local jurisdiction, subject to certain exceptions;~~  
6 ~~prohibiting the use of a bus lane monitoring camera in a local jurisdiction unless~~  
7 ~~authorized by the governing body by local law enacted after reasonable notice and a~~  
8 ~~public hearing; modifying the jurisdiction of the District Court to include certain~~  
9 ~~proceedings related to bus lane monitoring cameras; providing for the payment of~~  
10 ~~finer imposed and the distribution of revenues collected as a result of violations~~  
11 ~~enforced by a bus lane monitoring camera; providing for the admissibility of recorded~~  
12 ~~images produced by bus lane monitoring cameras; requiring a local jurisdiction,~~  
13 ~~before using a bus lane monitoring camera, to publish notice of the use of the bus~~  
14 ~~lane monitoring camera in a certain manner and install a certain sign identifying~~  
15 ~~the use of a bus lane monitoring camera; prohibiting the issuance of a citation for a~~  
16 ~~violation recorded by a bus lane monitoring camera for a certain period of time after~~  
17 ~~the sign is installed; requiring a local jurisdiction that uses a bus lane monitoring~~  
18 ~~camera in accordance with this Act to designate a certain official or employee as a~~  
19 ~~bus lane monitoring camera operator; requiring the bus lane monitoring camera~~  
20 ~~operator to investigate and respond to certain questions and review certain citations;~~  
21 ~~requiring the bus lane monitoring camera operator to complete certain training and~~  
22 ~~follow certain procedures; requiring the manufacturer of the bus lane monitoring~~  
23 ~~camera to issue a certain certificate to the bus lane monitoring camera operator on~~  
24 ~~completion of the training; requiring that the certificate of training be admitted as~~  
25 ~~evidence in a certain court proceeding; requiring a bus lane monitoring camera to~~

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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.



~~undergo a certain calibration check; requiring an independent calibration laboratory to issue a certain certificate of calibration after the calibration check that is kept on file and admitted as evidence in a certain court proceeding; providing that the driver of a motor vehicle recorded committing a certain violation is subject to a certain civil penalty under certain circumstances; providing that a civil penalty under this Act may not exceed a certain amount; requiring the District Court to prescribe a certain uniform citation form and civil penalty; requiring a law enforcement agency to mail a certain citation to the owner of a certain motor vehicle within a certain time period; specifying the contents of a certain citation; authorizing a law enforcement agency to mail a warning instead of a citation; requiring a law enforcement agency to mail a certain notice to a motor vehicle rental company liable under certain provisions of this Act before mailing a certain citation to the motor vehicle rental company; specifying the contents of a certain notice; prohibiting a law enforcement agency from mailing a certain citation to a certain motor vehicle rental company if the motor vehicle rental company complies with certain provisions of this Act; authorizing a person receiving a certain citation to pay the civil penalty or elect to stand trial; providing that a certain certificate is admissible as evidence in a proceeding concerning a certain violation; providing that a certain adjudication of liability is based on a preponderance of evidence; establishing certain defenses, and requirements for proving the defenses, for a certain violation recorded by a bus lane monitoring camera; requiring the District Court to provide certain evidence to a law enforcement agency under certain circumstances; authorizing a law enforcement agency to mail a certain citation within a certain time period after receiving certain evidence; authorizing the Motor Vehicle Administration to refuse to register or reregister a motor vehicle or suspend the registration of a motor vehicle under certain circumstances; establishing that a violation for which a civil penalty may be imposed under this Act is not a moving violation for certain purposes, may be treated as a parking violation for certain purposes, and may not be considered for certain insurance purposes; requiring the Chief Judge of the District Court, in consultation with law enforcement agencies, to adopt certain procedures; requiring a certain local jurisdiction to submit a certain annual report on or before a certain date and make the report available to the public; specifying the contents of the report; defining certain terms; making certain conforming and stylistic changes; and generally relating to the use of bus lane monitoring cameras to enforce offenses relating to the operation of a motor vehicle in a designated bus lane~~ requiring the Maryland Transit Administration, in consultation with Baltimore City, to examine and analyze dedicated bus lane enforcement mechanisms in use by certain other transit agencies; requiring the analysis to include a certain examination of best practices and technologies, a review of certain potential capital and operating costs, and an evaluation of the most effective methods for ensuring compliance with and enforcement of existing law; requiring the Administration to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; and generally relating to the enforcement of dedicated bus lanes.

~~BY repealing and reenacting, with amendments,  
Article — Courts and Judicial Proceedings  
Section 4-401(13), 7-302(c), and 10-311~~

1 ~~Annotated Code of Maryland~~  
 2 ~~(2013 Replacement Volume and 2017 Supplement)~~

3 ~~BY repealing and reenacting, without amendments,~~  
 4 ~~Article — Transportation~~  
 5 ~~Section 21-101(a)~~  
 6 ~~Annotated Code of Maryland~~  
 7 ~~(2012 Replacement Volume and 2017 Supplement)~~

8 ~~BY adding to~~  
 9 ~~Article — Transportation~~  
 10 ~~Section 21-101(i-1), 21-1132, and 21-1133~~  
 11 ~~Annotated Code of Maryland~~  
 12 ~~(2012 Replacement Volume and 2017 Supplement)~~

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

15 (a) The Maryland Transit Administration, in consultation with Baltimore City,  
 16 shall examine and analyze dedicated bus lane enforcement mechanisms used by peer  
 17 transit agencies in the United States.

18 (b) The analysis shall include:

19 (1) an examination of best practices and technologies that have been  
 20 effective in reducing violations of dedicated bus lanes by unauthorized users;

21 (2) a review of potential capital and operating costs associated with  
 22 dedicated bus lane enforcement mechanisms; and

23 (3) an evaluation of the most effective methods for ensuring compliance  
 24 with and enforcement of existing law, including the issuance of fines and exceptions from  
 25 current prohibitions.

26 (c) On or before December 1, 2018, the Administration shall report its findings  
 27 and recommendations to the Governor and, in accordance with § 2-1246 of the State  
 28 Government Article, the General Assembly.

29 ~~**Article — Courts and Judicial Proceedings**~~

30 ~~4-401.~~

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

~~(13) A proceeding for a civil infraction under § 21-202.1, § 21-704.1, § 21-706.1, § 21-809, § 21-810, § 21-1133, or § 24-111.3 of the Transportation Article or § 10-112 of the Criminal Law Article;~~

~~7-302.~~

~~(e) (1) (I) A citation issued pursuant to § 21-202.1, § 21-706.1, § 21-809, § 21-810, § 21-1133, or § 24-111.3 of the Transportation Article shall provide that the person receiving the citation may elect to stand trial by notifying the issuing agency of the person's intention to stand trial at least 5 days prior to the date of payment as set forth in the citation.~~

~~(II) On receipt of the notice to stand trial, the agency shall forward to the District Court having venue a copy of the citation and a copy of the notice from the person who received the citation indicating the person's intention to stand trial.~~

~~(III) 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) (I) 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, OR A BUS LANE MONITORING CAMERA shall provide that, in an uncontested case, the penalty shall be paid directly to that political subdivision.~~

~~(II) 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, OR A BUS LANE MONITORING CAMERA in a case contested in District Court, shall provide that the penalty shall be paid directly to the District Court.~~

~~(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 A BUS LANE MONITORING CAMERA 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, OR BUS LANE MONITORING CAMERAS, a political subdivision:~~

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

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

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

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

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

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

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

17 ~~10-311.~~

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

22 ~~(b) A recorded image of a motor vehicle produced by a speed monitoring system~~  
23 ~~in accordance with § 21-800 or § 21-810 of the Transportation Article is admissible in a~~  
24 ~~proceeding concerning a civil citation issued under that section for a violation of Title 21,~~  
25 ~~Subtitle 8 of the Transportation Article without authentication.~~

26 ~~(c) A recorded image of a motor vehicle produced by a school bus monitoring~~  
27 ~~camera in accordance with § 21-706.1 of the Transportation Article is admissible in a~~  
28 ~~proceeding concerning a civil citation issued under that section for a violation of § 21-706~~  
29 ~~of the Transportation Article without authentication.~~

30 ~~(d) A recorded image of a motor vehicle produced by a vehicle height monitoring~~  
31 ~~system in accordance with § 24-111.3 of the Transportation Article is admissible in a~~  
32 ~~proceeding concerning a civil citation issued under that section for a violation of a State or~~  
33 ~~local law restricting the presence of certain vehicles during certain times without~~  
34 ~~authentication.~~

~~(e) A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A BUS LANE MONITORING CAMERA IN ACCORDANCE WITH § 21 1133 OF THE TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A CIVIL CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION OF § 21 1132 OF THE TRANSPORTATION ARTICLE WITHOUT AUTHENTICATION.~~

~~(F) In any other judicial proceeding, a recorded image produced by a vehicle height monitoring system, traffic control signal monitoring system, speed monitoring system, work zone speed control system, [or] school bus monitoring camera, OR BUS LANE MONITORING CAMERA is admissible as otherwise provided by law.~~

### ~~Article — Transportation~~

~~21 101.~~

~~(a) In this title and Title 25 of this article the following words have the meanings indicated.~~

~~(1) “DEDICATED BUS LANE” MEANS A LANE DESIGNATED FOR USE BY MASS TRANSIT VEHICLES OWNED BY THE MARYLAND TRANSIT ADMINISTRATION.~~

~~21 1132.~~

~~(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON MAY NOT DRIVE A VEHICLE IN A DEDICATED BUS LANE UNLESS AUTHORIZED BY THE LOCAL JURISDICTION IN WHICH THE DEDICATED BUS LANE IS LOCATED.~~

~~(B) THE FOLLOWING VEHICLES MAY BE DRIVEN IN A DEDICATED BUS LANE:~~

~~(1) A MARYLAND TRANSIT ADMINISTRATION BUS;~~

~~(2) A SCHOOL BUS;~~

~~(3) A BICYCLE; AND~~

~~(4) AN EMERGENCY VEHICLE.~~

~~21 1133.~~

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

~~(2) “BUS LANE MONITORING CAMERA” MEANS A CAMERA PLACED ON A MASS TRANSIT VEHICLE OWNED AND OPERATED BY THE MARYLAND TRANSIT~~

1 ~~ADMINISTRATION THAT IS DESIGNED TO CAPTURE A RECORDED IMAGE OF A DRIVER~~  
2 ~~OF A MOTOR VEHICLE COMMITTING A VIOLATION.~~

3 ~~(3) "LAW ENFORCEMENT AGENCY" MEANS A LAW ENFORCEMENT~~  
4 ~~AGENCY OF A LOCAL POLITICAL SUBDIVISION THAT IS AUTHORIZED TO ISSUE A~~  
5 ~~CITATION FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL~~  
6 ~~TRAFFIC LAWS OR REGULATIONS.~~

7 ~~(4) (i) "OWNER" MEANS THE REGISTERED OWNER OF A MOTOR~~  
8 ~~VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR~~  
9 ~~MORE.~~

10 ~~(H) "OWNER" DOES NOT INCLUDE:~~

11 ~~1. A MOTOR VEHICLE LEASING COMPANY; OR~~

12 ~~2. A HOLDER OF A SPECIAL REGISTRATION PLATE~~  
13 ~~ISSUED UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.~~

14 ~~(5) "RECORDED IMAGE" MEANS AN IMAGE RECORDED BY A BUS LANE~~  
15 ~~MONITORING CAMERA:~~

16 ~~(i) ON:~~

17 ~~1. A PHOTOGRAPH;~~

18 ~~2. A MICROPHOTOGRAPH;~~

19 ~~3. AN ELECTRONIC IMAGE;~~

20 ~~4. VIDEOTAPE; OR~~

21 ~~5. ANY OTHER MEDIUM; AND~~

22 ~~(H) SHOWING A MOTOR VEHICLE AND, ON AT LEAST ONE IMAGE~~  
23 ~~OR PORTION OF TAPE, CLEARLY IDENTIFYING THE REGISTRATION PLATE NUMBER~~  
24 ~~OF THE MOTOR VEHICLE.~~

25 ~~(6) "VIOLATION" MEANS A VIOLATION OF § 21-1132 OF THIS~~  
26 ~~SUBTITLE.~~

27 ~~(B) (1) A BUS LANE MONITORING CAMERA MAY NOT BE USED IN A LOCAL~~  
28 ~~JURISDICTION UNLESS ITS USE IS AUTHORIZED BY THE GOVERNING BODY OF THE~~

~~LOCAL JURISDICTION BY LOCAL LAW ENACTED AFTER REASONABLE NOTICE AND A PUBLIC HEARING.~~

~~(2) BEFORE USING A BUS LANE MONITORING CAMERA, A LOCAL JURISDICTION SHALL:~~

~~(i) PUBLISH NOTICE OF THE USE OF BUS LANE MONITORING CAMERAS:~~

~~1. ON ITS WEBSITE; AND~~

~~2. IN A NEWSPAPER OF GENERAL CIRCULATION IN THE JURISDICTION; AND~~

~~(ii) INSTALL A SIGN THAT:~~

~~1. IS MOUNTED NEAR A SIGN IDENTIFYING A DESIGNATED BUS LANE;~~

~~2. STATES THAT BUS LANE MONITORING CAMERAS ARE IN USE; AND~~

~~3. IS DESIGNED AND INSTALLED IN ACCORDANCE WITH THE MARYLAND MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.~~

~~(3) A CITATION FOR A VIOLATION RECORDED BY A BUS LANE MONITORING CAMERA MAY NOT BE ISSUED:~~

~~(i) UNTIL A SIGN IDENTIFYING THE USE OF A BUS LANE MONITORING CAMERA IS INSTALLED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION; AND~~

~~(ii) FOR AT LEAST 15 DAYS AFTER THE SIGN IS INSTALLED.~~

~~(c) (1) (i) A LOCAL JURISDICTION THAT ENACTS A LOCAL LAW AUTHORIZING THE USE OF A BUS LANE MONITORING CAMERA SHALL DESIGNATE AN OFFICIAL OR EMPLOYEE OF THE LOCAL JURISDICTION AS A BUS LANE MONITORING CAMERA OPERATOR.~~

~~(ii) THE BUS LANE MONITORING CAMERA OPERATOR SHALL:~~

~~1. INVESTIGATE AND RESPOND TO QUESTIONS OR CONCERNS ABOUT THE LOCAL JURISDICTION'S BUS LANE MONITORING CAMERAS; AND~~



1                   ~~2. REVIEW A CITATION GENERATED BY A BUS LANE~~  
2 ~~MONITORING CAMERA ON THE TIMELY REQUEST OF THE PERSON THAT RECEIVED~~  
3 ~~THE CITATION.~~

4                   ~~(2) (i) THE BUS LANE MONITORING CAMERA OPERATOR SHALL~~  
5 ~~COMPLETE TRAINING BY THE MANUFACTURER OF THE BUS LANE MONITORING~~  
6 ~~CAMERA IN THE PROCEDURES FOR SETTING UP, TESTING, AND OPERATING THE BUS~~  
7 ~~LANE MONITORING CAMERA.~~

8                   ~~(ii) ON COMPLETION OF THE TRAINING, THE MANUFACTURER~~  
9 ~~SHALL ISSUE A SIGNED CERTIFICATE TO THE BUS LANE MONITORING CAMERA~~  
10 ~~OPERATOR.~~

11                   ~~(iii) THE CERTIFICATE OF TRAINING SHALL BE ADMITTED AS~~  
12 ~~EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION.~~

13                   ~~(3) THE BUS LANE MONITORING CAMERA OPERATOR SHALL FILL OUT~~  
14 ~~AND SIGN A DAILY SET UP LOG FOR EACH BUS LANE MONITORING CAMERA THAT:~~

15                   ~~(i) STATES THE DATE AND TIME WHEN THE CAMERA WAS SET~~  
16 ~~UP;~~

17                   ~~(ii) STATES THAT THE BUS LANE MONITORING CAMERA~~  
18 ~~OPERATOR SUCCESSFULLY PERFORMED, AND THE DEVICE PASSED, THE~~  
19 ~~MANUFACTURER SPECIFIED SELF TESTS OF THE BUS LANE MONITORING CAMERA~~  
20 ~~BEFORE PRODUCING A RECORDED IMAGE;~~

21                   ~~(iii) SHALL BE KEPT ON FILE; AND~~

22                   ~~(iv) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT~~  
23 ~~PROCEEDING FOR A VIOLATION.~~

24                   ~~(d) (1) A BUS LANE MONITORING CAMERA SHALL UNDERGO AN ANNUAL~~  
25 ~~CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION~~  
26 ~~LABORATORY.~~

27                   ~~(2) THE INDEPENDENT CALIBRATION LABORATORY SHALL ISSUE A~~  
28 ~~SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL CALIBRATION CHECK~~  
29 ~~THAT:~~

30                   ~~(i) SHALL BE KEPT ON FILE; AND~~

~~(H) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION.~~

~~(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 BUS LANE MONITORING CAMERA DURING THE COMMISSION OF A VIOLATION.~~

~~(2) A CIVIL PENALTY UNDER THIS SECTION MAY NOT EXCEED \$100.~~

~~(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 (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;~~

1 ~~(VII) A SIGNED STATEMENT BY A TECHNICIAN EMPLOYED BY THE~~  
2 ~~LAW ENFORCEMENT AGENCY THAT, BASED ON INSPECTION OF THE RECORDED~~  
3 ~~IMAGE, THE MOTOR VEHICLE WAS BEING OPERATED DURING THE COMMISSION OF A~~  
4 ~~VIOLATION;~~

5 ~~(IX) A STATEMENT THAT THE RECORDED IMAGE IS EVIDENCE OF~~  
6 ~~A VIOLATION; AND~~

7 ~~(X) INFORMATION ADVISING THE PERSON ALLEGED TO BE~~  
8 ~~LIABLE UNDER THIS SECTION:~~

9 ~~1. OF THE MANNER AND TIME IN WHICH LIABILITY AS~~  
10 ~~ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND~~

11 ~~2. THAT FAILURE TO PAY THE CIVIL PENALTY OR TO~~  
12 ~~CONTEST LIABILITY IN A TIMELY MANNER IS AN ADMISSION OF LIABILITY AND MAY~~  
13 ~~RESULT IN REFUSAL OR SUSPENSION OF THE MOTOR VEHICLE REGISTRATION.~~

14 ~~(2) A LAW ENFORCEMENT AGENCY MAY MAIL A WARNING NOTICE IN~~  
15 ~~PLACE OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION (E) OF THIS~~  
16 ~~SECTION.~~

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

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

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

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

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

3   ~~(H) 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~~  
8 ~~AND SUBSECTION (H)(5) OF THIS SECTION, A CITATION ISSUED UNDER THIS SECTION~~  
9 ~~SHALL BE MAILED NOT LATER THAN 2 WEEKS AFTER THE ALLEGED VIOLATION.~~

10                                        ~~(5) A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH (1) OF~~  
11 ~~THIS SUBSECTION MAY:~~

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

14                                        ~~(II) ELECT TO STAND TRIAL FOR THE ALLEGED VIOLATION.~~

15                                        ~~(G) (1) A CERTIFICATE ALLEGING THAT A VIOLATION OCCURRED, SWORN~~  
16 ~~TO OR AFFIRMED BY A DULY AUTHORIZED AGENT OF A LAW ENFORCEMENT AGENCY,~~  
17 ~~BASED ON INSPECTION OF A RECORDED IMAGE PRODUCED BY A BUS LANE~~  
18 ~~MONITORING CAMERA SHALL BE EVIDENCE OF THE FACTS CONTAINED IN THE~~  
19 ~~CERTIFICATE AND SHALL BE ADMISSIBLE IN ANY PROCEEDING CONCERNING THE~~  
20 ~~ALLEGED VIOLATION.~~

21                                        ~~(2) ADJUDICATION OF LIABILITY SHALL BE BASED ON A~~  
22 ~~PREPONDERANCE OF EVIDENCE.~~

23                                        ~~(H) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A~~  
24 ~~VIOLATION:~~

25                                        ~~(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THAT~~  
26 ~~THE MOTOR VEHICLE OR REGISTRATION PLATES OF THE MOTOR VEHICLE WERE~~  
27 ~~STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL~~  
28 ~~OR IN THE POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION;~~

29                                        ~~(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,~~  
30 ~~EVIDENCE THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE~~  
31 ~~VEHICLE AT THE TIME OF THE VIOLATION; AND~~

32                                        ~~(III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT~~  
33 ~~COURT DEEMS PERTINENT.~~

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

~~(3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(H) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE DISTRICT COURT EVIDENCE TO THE SATISFACTION OF THE DISTRICT COURT OF WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION, INCLUDING, AT A MINIMUM, THE OPERATOR'S NAME AND CURRENT ADDRESS.~~

~~(4) (I) THIS PARAGRAPH APPLIES ONLY TO A CITATION THAT INVOLVES A CLASS E (TRUCK) VEHICLE WITH A REGISTERED GROSS WEIGHT OF 26,001 POUNDS OR MORE, A CLASS F (TRACTOR) VEHICLE, A CLASS C (TRAILER) VEHICLE OPERATED IN COMBINATION WITH A CLASS F (TRACTOR) VEHICLE, AND A CLASS P (PASSENGER BUS) VEHICLE.~~

~~(H) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(H) OF THIS SUBSECTION, THE PERSON NAMED IN A CITATION DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY PROVIDE TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE PERSON AND MAILED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT:~~

~~1. STATES THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND~~

~~2. PROVIDES THE NAME, ADDRESS, AND DRIVER'S LICENSE IDENTIFICATION NUMBER OF THE PERSON WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.~~

~~(5) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (4)(H)2 OF THIS SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF THE VIOLATION, THE CLERK OF THE COURT SHALL PROVIDE TO THE LAW ENFORCEMENT AGENCY ISSUING THE CITATION A COPY OF ANY EVIDENCE SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.~~

~~(H) ON THE RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE LAW ENFORCEMENT AGENCY MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (E) OF~~

~~THIS SECTION TO THE PERSON THAT THE EVIDENCE INDICATES WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.~~

~~(H) A CITATION ISSUED UNDER SUBPARAGRAPH (H) OF THIS PARAGRAPH SHALL BE MAILED NOT LATER THAN 2 WEEKS AFTER RECEIPT OF THE EVIDENCE FROM THE DISTRICT COURT.~~

~~(I) IF THE CIVIL PENALTY IS NOT PAID AND THE VIOLATION IS NOT CONTESTED, THE ADMINISTRATION MAY REFUSE TO REGISTER OR REREGISTER OR MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE.~~

~~(J) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS SECTION:~~

~~(1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING POINTS UNDER § 16-402 OF THIS ARTICLE AND MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OR DRIVER OF THE VEHICLE;~~

~~(2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF § 26-305 OF THIS ARTICLE; AND~~

~~(3) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE INSURANCE COVERAGE.~~

~~(K) IN CONSULTATION WITH LAW ENFORCEMENT AGENCIES, THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE ISSUANCE OF CITATIONS, TRIALS FOR VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES IMPOSED UNDER THIS SECTION.~~

~~(L) (1) ON OR BEFORE DECEMBER 31 EACH YEAR, THE LOCAL JURISDICTION SHALL:~~

~~(I) COMPILE AND MAKE PUBLICLY AVAILABLE A REPORT FOR THE PREVIOUS FISCAL YEAR ON EACH BUS LANE MONITORING PROGRAM OPERATED BY A LOCAL JURISDICTION UNDER THIS SECTION; AND~~

~~(II) SUBMIT THE REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.~~

~~(2) THE REPORT SHALL INCLUDE:~~

~~(i) THE TOTAL NUMBER OF CITATIONS ISSUED;~~

- 1                    ~~(II) THE NUMBER OF CITATIONS ISSUED BY EACH CAMERA;~~
- 2                    ~~(III) THE GROSS REVENUE GENERATED BY THE PROGRAM;~~
- 3                    ~~(IV) THE EXPENDITURES INCURRED BY THE PROGRAM;~~
- 4                    ~~(V) THE NET REVENUE GENERATED BY THE PROGRAM;~~
- 5                    ~~(VI) THE TOTAL AMOUNT OF ANY PAYMENTS MADE TO A~~  
6 ~~CONTRACTOR UNDER THE PROGRAM;~~
- 7                    ~~(VII) A DESCRIPTION OF HOW THE NET REVENUE GENERATED BY~~  
8 ~~THE PROGRAM WAS USED;~~
- 9                    ~~(VIII) THE NUMBER OF EMPLOYEES OF THE LOCAL JURISDICTION~~  
10 ~~INVOLVED IN THE PROGRAM;~~
- 11                    ~~(IX) THE TYPE OF CAMERAS USED BY THE LOCAL JURISDICTION;~~
- 12 ~~AND~~
- 13                    ~~(X) THE ACTIVATION START AND STOP DATES OF EACH~~  
14 ~~CAMERA.~~

15                    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 ~~October~~ June 1, 2018. It shall remain effective for a period of 1 year and 1 month and, at  
17 the end of June 30, 2019, this Act, with no further action required by the General Assembly,  
18 shall be abrogated and of no further force and effect.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.