

HOUSE BILL 1368

R5

9lr2889

By: **Delegates Healey and Stein**

Introduced and read first time: February 18, 2019

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Move Over Safety Monitoring System – Authorization**

3 FOR the purpose of authorizing a law enforcement agency and State or local volunteer fire
4 company, rescue squad, fire department, and ambulance service to place a move over
5 safety monitoring system on an emergency vehicle for the purpose of recording a
6 motor vehicle committing a violation relating to the operation of a motor vehicle on
7 approach of an emergency vehicle; requiring a recorded image made by a move over
8 safety monitoring system to include certain images and information; providing that
9 the driver of a motor vehicle recorded committing a certain violation is subject to a
10 certain civil penalty; providing for the amount of a civil penalty under this Act;
11 requiring the District Court to prescribe a certain uniform citation form; providing
12 for the payment of fines imposed and the distribution of revenues collected as a result
13 of violations enforced by move over safety monitoring systems; requiring a certain
14 local law enforcement agency to mail a certain citation to the owner of a certain
15 motor vehicle within a certain period of time; providing for the contents of a certain
16 citation; authorizing a local law enforcement agency to mail a warning instead of a
17 citation; authorizing a person receiving a certain citation to pay the civil penalty or
18 elect to stand trial; providing that a certain certificate is admissible as evidence in a
19 proceeding concerning a certain violation; providing that a certain adjudication of
20 liability is based on a preponderance of evidence; establishing certain defenses, and
21 requirements for proving the defenses, for a certain violation recorded by a move
22 over safety monitoring system; requiring the District Court to provide certain
23 evidence to a local law enforcement agency under certain circumstances; authorizing
24 a local law enforcement agency to mail a certain notice within a certain time period
25 after receiving certain evidence; authorizing the Motor Vehicle Administration to
26 refuse to register or reregister a motor vehicle or suspend the registration of a motor
27 vehicle under certain circumstances; requiring the Chief Judge of the District Court,
28 in consultation with certain local law enforcement agencies, to adopt certain
29 procedures; providing that a proceeding for a certain violation recorded by a move
30 over safety monitoring system is under the exclusive original jurisdiction of the
31 District Court; providing that a recorded image of a motor vehicle produced by a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 move over safety monitoring system is admissible in a certain proceeding under
2 certain circumstances; defining certain terms; and generally relating to the use of
3 move over safety monitoring systems to record offenses and enforce requirements
4 relating to the operation of a vehicle on the approach of emergency vehicles.

5 BY repealing and reenacting, with amendments,
6 Article – Courts and Judicial Proceedings
7 Section 4–401(13), 7–302(e), and 10–311
8 Annotated Code of Maryland
9 (2013 Replacement Volume and 2018 Supplement)

10 BY repealing and reenacting, without amendments,
11 Article – Transportation
12 Section 21–405
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2018 Supplement)

15 BY adding to
16 Article – Transportation
17 Section 21–405.1
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2018 Supplement)

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

22 **Article – Courts and Judicial Proceedings**

23 4–401.

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

26 (13) A proceeding for a civil infraction under § 21–202.1, **§ 21–405.1**, §
27 21–704.1, § 21–706.1, § 21–809, § 21–810, or § 24–111.3 of the Transportation Article or §
28 10–112 of the Criminal Law Article;

29 7–302.

30 (e) (1) A citation issued pursuant to § 21–202.1, **§ 21–405.1**, § 21–706.1, §
31 21–809, § 21–810, or § 24–111.3 of the Transportation Article shall provide that the person
32 receiving the citation may elect to stand trial by notifying the issuing agency of the person's
33 intention to stand trial at least 5 days prior to the date of payment as set forth in the
34 citation. On receipt of the notice to stand trial, the agency shall forward to the District
35 Court having venue a copy of the citation and a copy of the notice from the person who
36 received the citation indicating the person's intention to stand trial. On receipt thereof, the
37 District Court shall schedule the case for trial and notify the defendant of the trial date

1 under procedures adopted by the Chief Judge of the District Court.

2 (2) A citation issued as the result of a vehicle height monitoring system, a
3 traffic control signal monitoring system, or a speed monitoring system, including a work
4 zone speed control system, controlled by a political subdivision, **A MOVE OVER SAFETY**
5 **MONITORING SYSTEM**, or a school bus monitoring camera shall provide that, in an
6 uncontested case, the penalty shall be paid directly to that political subdivision. A citation
7 issued as the result of a traffic control signal monitoring system or a work zone speed
8 control system controlled by a State agency, or as a result of a vehicle height monitoring
9 system, a traffic control signal monitoring system, a speed monitoring system, **A MOVE**
10 **OVER SAFETY MONITORING SYSTEM**, or a school bus monitoring camera in a case
11 contested in District Court, shall provide that the penalty shall be paid directly to the
12 District Court.

13 (3) Civil penalties resulting from citations issued using a vehicle height
14 monitoring system, traffic control signal monitoring system, speed monitoring system,
15 work zone speed control system, **MOVE OVER SAFETY MONITORING SYSTEM**, or school
16 bus monitoring camera that are collected by the District Court shall be collected in
17 accordance with subsection (a) of this section and distributed in accordance with § 12–118
18 of the Transportation Article.

19 (4) (i) From the fines collected by a political subdivision as a result of
20 violations enforced by speed monitoring systems, **MOVE OVER SAFETY MONITORING**
21 **SYSTEMS**, or school bus monitoring cameras, a political subdivision:

22 1. May recover the costs of implementing and administering
23 the speed monitoring systems, **MOVE OVER SAFETY MONITORING SYSTEMS**, or school
24 bus monitoring cameras; and

25 2. Subject to subparagraphs (ii) and (iii) of this paragraph,
26 may spend any remaining balance solely for public safety purposes, including pedestrian
27 safety programs.

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

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

36 (iii) The fines collected by Prince George's County as a result of
37 violations enforced by a speed monitoring system at the intersection of Old Fort Road and
38 Maryland Route 210 shall be remitted to the Comptroller for deposit into the Criminal

1 Injuries Compensation Fund under § 11–819 of the Criminal Procedure Article.

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

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

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

7 10–311.

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

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

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

20 **(D) A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A MOVE OVER**
21 **SAFETY MONITORING SYSTEM IN ACCORDANCE WITH § 21–405.1 OF THE**
22 **TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A CIVIL**
23 **CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION OF § 21–405 OF THE**
24 **TRANSPORTATION ARTICLE WITHOUT AUTHENTICATION.**

25 **[(d)] (E)** A recorded image of a motor vehicle produced by a vehicle height
26 monitoring system in accordance with § 24–111.3 of the Transportation Article is
27 admissible in a proceeding concerning a civil citation issued under that section for a
28 violation of a State or local law restricting the presence of certain vehicles during certain
29 times without authentication.

30 **[(e)] (F)** In any other judicial proceeding, a recorded image produced by a vehicle
31 height monitoring system, traffic control signal monitoring system, speed monitoring
32 system, work zone speed control system, **MOVE OVER SAFETY MONITORING SYSTEM**, or
33 school bus monitoring camera is admissible as otherwise provided by law.

34 **Article – Transportation**

1 21-405.

2 (a) On the immediate approach of an emergency vehicle using audible and visual
3 signals that meet the requirements of § 22-218 of this article or of a police vehicle lawfully
4 using an audible signal, the driver of every other vehicle, unless otherwise directed by a
5 police officer, shall yield the right-of-way.

6 (b) On the immediate approach of an emergency vehicle using audible and visual
7 signals that meet the requirements of § 22-218 of this article or of a police vehicle lawfully
8 using an audible signal, the driver of every other vehicle, unless otherwise directed by a
9 police officer, shall drive immediately to a position parallel to and as close as possible to the
10 edge or curb of the roadway, clear of any intersection.

11 (c) On the immediate approach of an emergency vehicle using audible and visual
12 signals that meet the requirements of § 22-218 of this article or of a police vehicle lawfully
13 using an audible signal, the driver of every other vehicle, unless otherwise directed by a
14 police officer, shall stop and stay in this position until the emergency vehicle has passed.

15 (d) A driver, when proceeding in the same direction as an emergency or police
16 vehicle, may not pass an emergency vehicle using audible and visual signals that meet the
17 requirements of § 22-218 of this article or a police vehicle lawfully using an audible signal
18 unless:

19 (1) The emergency vehicle has stopped; or

20 (2) Otherwise directed by a police officer.

21 (e) (1) This subsection applies to a stopped, standing, or parked vehicle that
22 is:

23 (i) 1. On a highway; and

24 2. Using a visual signal that meets the requirements of §
25 22-218 or § 22-218.2 of this article; and

26 (ii) 1. A commercial motor vehicle providing emergency
27 maintenance to a disabled vehicle;

28 2. An emergency vehicle;

29 3. A service vehicle as defined under § 22-201 of this article;

30 4. A tow truck that is properly registered in accordance with
31 § 13-920 of this article; or

32 5. A waste or recycling collection vehicle.

1 (2) Unless otherwise directed by a police officer or a traffic control device,
2 the driver of a motor vehicle that approaches from the rear a stopped, standing, or parked
3 vehicle to which this subsection applies shall:

4 (i) If practicable and not otherwise prohibited and with due regard
5 for safety and traffic conditions, make a lane change into an available lane not immediately
6 adjacent to the stopped, standing, or parked vehicle; or

7 (ii) If the driver of the motor vehicle is unable to make a lane change
8 in accordance with item (i) of this paragraph, slow to a reasonable and prudent speed that
9 is safe for existing weather, road, and vehicular or pedestrian traffic conditions.

10 (f) This section does not relieve the driver of an emergency vehicle from the duty
11 to drive with due regard for the safety of all persons.

12 **21-405.1.**

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

15 (2) "LAW ENFORCEMENT AGENCY" MEANS A LAW ENFORCEMENT
16 AGENCY OF A LOCAL POLITICAL SUBDIVISION THAT IS AUTHORIZED TO ISSUE A
17 CITATION FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL
18 TRAFFIC LAWS OR REGULATIONS.

19 (3) "MOVE OVER SAFETY MONITORING SYSTEM" MEANS A
20 RECORDING DEVICE PLACED ON AN EMERGENCY VEHICLE THAT IS DESIGNED TO
21 CAPTURE A RECORDED VIDEO OR IMAGES OF A MOTOR VEHICLE COMMITTING A
22 VIOLATION USING:

23 (I) VIDEO OR ANOTHER VISUAL RECORDING;

24 (II) CERTIFIED RADAR, LIDAR, OR ANOTHER SPEED MEASURING
25 DEVICE; OR

26 (III) A COMPUTER OR RECORDING SYSTEM.

27 (4) (I) "OWNER" MEANS THE REGISTERED OWNER OF A MOTOR
28 VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR
29 MORE.

30 (II) "OWNER" DOES NOT INCLUDE:

31 1. A MOTOR VEHICLE LEASING COMPANY; OR

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

3 **(5) "RECORDED IMAGE" MEANS IMAGES RECORDED BY A MOVE OVER**
4 **SAFETY MONITORING SYSTEM:**

5 **(I) ON:**

- 6 **1. ONE OR MORE PHOTOGRAPHS;**
- 7 **2. ONE OR MORE MICROPHOTOGRAPHS;**
- 8 **3. ONE OR MORE ELECTRONIC IMAGES;**
- 9 **4. VIDEO; OR**
- 10 **5. ANY OTHER MEDIUM; AND**

11 **(II) SHOWING A MOTOR VEHICLE AND, ON AT LEAST ONE IMAGE**
12 **OR PORTION OF TAPE, CLEARLY IDENTIFYING THE REGISTRATION PLATE NUMBER**
13 **OF THE MOTOR VEHICLE.**

14 **(6) "VIOLATION" MEANS A VIOLATION OF § 21-405 OF THIS SUBTITLE.**

15 **(B) (1) A LAW ENFORCEMENT AGENCY MAY USE MOVE OVER SAFETY**
16 **MONITORING SYSTEMS ON ITS EMERGENCY VEHICLES.**

17 **(2) A STATE OR LOCAL VOLUNTEER FIRE COMPANY, RESCUE SQUAD,**
18 **FIRE DEPARTMENT, OR AMBULANCE SERVICE MAY USE MOVE OVER SAFETY**
19 **MONITORING SYSTEMS ON ITS EMERGENCY VEHICLES.**

20 **(C) (1) IF AN EMERGENCY VEHICLE OPERATOR WITNESSES A VIOLATION,**
21 **THE OPERATOR PROMPTLY MAY REPORT THE VIOLATION TO A LAW ENFORCEMENT**
22 **AGENCY EXERCISING JURISDICTION WHERE THE VIOLATION OCCURRED.**

23 **(2) THE REPORT, TO THE EXTENT POSSIBLE, SHALL INCLUDE:**

24 **(I) INFORMATION PERTAINING TO THE IDENTITY OF THE**
25 **ALLEGED VIOLATOR;**

26 **(II) THE REGISTRATION PLATE NUMBER, STATE OF**
27 **REGISTRATION, AND COLOR OF THE VEHICLE INVOLVED IN THE VIOLATION;**

1 (III) IMAGES CONTAINING THE STAMPED DATE AND TIME AND
2 LOCATION AT WHICH THE VIOLATION OCCURRED;

3 (IV) THE SPEED AT WHICH THE VEHICLE WAS TRAVELING AND
4 THE DISTANCE OF THE VEHICLE FROM THE EMERGENCY VEHICLE; AND

5 (V) VIDEO OR OTHER VISUAL EVIDENCE CLEARLY
6 DEMONSTRATING THAT ALL OF THE ELEMENTS OF A VIOLATION OF § 21-405 OF THIS
7 SUBTITLE OCCURRED.

8 (D) A RECORDED IMAGE BY A MOVE OVER SAFETY MONITORING SYSTEM
9 INDICATING THAT THE DRIVER OF A MOTOR VEHICLE HAS COMMITTED A VIOLATION
10 SHALL INCLUDE:

11 (1) AN IMAGE OF THE MOTOR VEHICLE;

12 (2) AN IMAGE OF AT LEAST ONE OF THE MOTOR VEHICLE'S
13 REGISTRATION PLATES;

14 (3) THE TIME AND DATE OF THE VIOLATION; AND

15 (4) TO THE EXTENT POSSIBLE, THE LOCATION OF THE VIOLATION.

16 (E) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A
17 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER
18 OR, IN ACCORDANCE WITH SUBSECTION (H)(5) OF THIS SECTION, THE DRIVER OF A
19 MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS
20 RECORDED BY A MOVE OVER SAFETY MONITORING SYSTEM DURING THE
21 COMMISSION OF A VIOLATION.

22 (2) A CIVIL PENALTY UNDER THIS SUBSECTION SHALL BE \$100.

23 (3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT SHALL
24 PRESCRIBE A UNIFORM CITATION FORM CONSISTENT WITH SUBSECTION (F)(1) OF
25 THIS SECTION AND § 7-302 OF THE COURTS ARTICLE.

26 (F) (1) SUBJECT TO PARAGRAPHS (2) THROUGH (4) OF THIS
27 SUBSECTION, A LAW ENFORCEMENT AGENCY SHALL MAIL TO THE OWNER LIABLE
28 UNDER SUBSECTION (E) OF THIS SECTION A CITATION THAT SHALL INCLUDE:

29 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF
30 THE VEHICLE;

1 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE
2 INVOLVED IN THE VIOLATION;

3 (III) THE VIOLATION CHARGED;

4 (IV) TO THE EXTENT POSSIBLE, THE LOCATION OF THE
5 VIOLATION;

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

7 (VI) A COPY OF THE RECORDED IMAGE;

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

10 (VIII) A SIGNED STATEMENT BY A TECHNICIAN EMPLOYED BY THE
11 LAW ENFORCEMENT AGENCY THAT, BASED ON INSPECTION OF RECORDED IMAGES,
12 THE MOTOR VEHICLE WAS BEING OPERATED DURING THE COMMISSION OF A
13 VIOLATION;

14 (IX) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE OF
15 A VIOLATION; AND

16 (X) INFORMATION ADVISING THE PERSON ALLEGED TO BE
17 LIABLE UNDER THIS SECTION:

18 1. OF THE MANNER AND TIME IN WHICH LIABILITY AS
19 ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND

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

23 (2) THE LAW ENFORCEMENT AGENCY MAY MAIL A WARNING NOTICE
24 IN PLACE OF A CITATION TO THE OWNER ALLEGED TO BE LIABLE UNDER
25 SUBSECTION (E) OF THIS SECTION.

26 (3) EXCEPT AS PROVIDED IN SUBSECTION (H)(5) OF THIS SECTION, A
27 CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NOT LATER THAN 2
28 WEEKS AFTER THE ALLEGED VIOLATION.

29 (4) A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH (1) OF

1 THIS SUBSECTION MAY:

2 (I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH
3 INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE COUNTY; OR

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

5 (G) (1) A CERTIFICATE ALLEGING THAT A VIOLATION OCCURRED, SWORN
6 TO OR AFFIRMED BY A DULY AUTHORIZED AGENT OF A LAW ENFORCEMENT AGENCY,
7 BASED ON INSPECTION OF RECORDED IMAGES PRODUCED BY A MOVE OVER SAFETY
8 MONITORING SYSTEM SHALL BE EVIDENCE OF THE FACTS CONTAINED IN THE
9 CERTIFICATE AND SHALL BE ADMISSIBLE IN ANY PROCEEDING CONCERNING THE
10 ALLEGED VIOLATION.

11 (2) ADJUDICATION OF LIABILITY SHALL BE BASED ON A
12 PREPONDERANCE OF EVIDENCE.

13 (H) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A
14 VIOLATION:

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

19 (II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,
20 EVIDENCE THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE
21 VEHICLE AT THE TIME OF THE VIOLATION; AND

22 (III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT
23 COURT DEEMS PERTINENT.

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

30 (3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH
31 (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE
32 TO THE DISTRICT COURT EVIDENCE TO THE SATISFACTION OF THE DISTRICT
33 COURT OF WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION,

1 INCLUDING, AT A MINIMUM, THE OPERATOR'S NAME AND CURRENT ADDRESS.

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

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

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

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

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

24 (II) ON THE RECEIPT OF SUBSTANTIATING EVIDENCE FROM
25 THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE LAW
26 ENFORCEMENT AGENCY MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (F) OF
27 THIS SECTION TO THE PERSON THAT THE EVIDENCE INDICATES WAS OPERATING
28 THE VEHICLE AT THE TIME OF THE VIOLATION.

29 (III) A CITATION ISSUED UNDER SUBPARAGRAPH (II) OF THIS
30 PARAGRAPH SHALL BE MAILED NOT LATER THAN 2 WEEKS AFTER RECEIPT OF THE
31 EVIDENCE FROM THE DISTRICT COURT.

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

1 **(J) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS**
2 **SECTION:**

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

7 **(2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF §**
8 **26-305 OF THIS ARTICLE; AND**

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

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
16 1, 2019.