

HOUSE BILL 1492

R5

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By: **Delegate R. Lewis**

Introduced and read first time: February 7, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Bus Lane Monitoring Cameras – Authorization**

3 FOR the purpose of prohibiting a person from driving a motor vehicle in a dedicated bus
4 lane unless authorized by a local jurisdiction, subject to certain exceptions;
5 authorizing a local jurisdiction to use, under certain standards and procedures, a
6 certain bus lane monitoring camera to enforce the prohibition against driving a
7 motor vehicle in a designated bus lane; modifying the jurisdiction of the District
8 Court to include certain proceedings related to bus lane monitoring cameras;
9 providing for the payment of fines imposed and the distribution of revenues collected
10 as a result of violations enforced by a bus lane monitoring camera; providing for the
11 admissibility of recorded images produced by bus lane monitoring cameras; requiring
12 the bus lane monitoring camera operator to complete certain training and follow
13 certain procedures; requiring the manufacturer of the bus lane monitoring camera
14 to issue a certain certificate to the bus lane monitoring camera operator on
15 completion of the training; requiring that the certificate of training be admitted as
16 evidence in a certain court proceeding; requiring a bus lane monitoring camera to
17 undergo a certain calibration check; requiring an independent calibration laboratory
18 to issue a certain certificate of calibration after the calibration check that is kept on
19 file and admitted as evidence in a certain court proceeding; providing that the driver
20 of a motor vehicle recorded committing a certain violation is subject to a certain civil
21 penalty under certain circumstances; providing that a civil penalty under this Act
22 may not exceed a certain amount; requiring the District Court to prescribe a certain
23 uniform citation form and civil penalty; requiring a local police department or police
24 department contractor to mail a certain citation to the owner of a certain motor
25 vehicle within a certain time period; specifying the contents of a certain citation;
26 authorizing the local police department to mail a warning instead of a citation;
27 requiring the local police department to mail a certain notice to a motor vehicle rental
28 company liable under certain provisions of this Act before mailing a certain citation
29 to the motor vehicle rental company; specifying the contents of a certain notice;
30 prohibiting the local police department from mailing a certain citation to a certain
31 motor vehicle rental company if the motor vehicle rental company complies with

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certain provisions of this Act; authorizing a person receiving a certain citation to pay
 2 the civil penalty or elect to stand trial; providing that a certain certificate is
 3 admissible as evidence in a proceeding concerning a certain violation; authorizing
 4 persons receiving certain citations to have the bus lane monitoring camera operator
 5 be present and able to testify at trial; providing that a certain adjudication of liability
 6 is based on a preponderance of evidence; establishing certain defenses, and
 7 requirements for proving the defenses, for a certain violation recorded by a bus lane
 8 monitoring camera; requiring the District Court to provide certain evidence to the
 9 police department that issued the citation under certain circumstances; authorizing
 10 the police department that issued the citation to mail a certain citation within a
 11 certain time period after receiving certain evidence; authorizing the Motor Vehicle
 12 Administration to refuse to register or reregister a motor vehicle under certain
 13 circumstances; establishing that a violation for which a civil penalty may be imposed
 14 under this Act is not a moving violation for certain purposes, may be treated as a
 15 parking violation for certain purposes, and may not be considered for certain
 16 insurance purposes; requiring the Chief Judge of the District Court, in consultation
 17 with local police departments, to adopt certain procedures; requiring the local police
 18 department or a certain contractor to administer and process certain civil citations
 19 in coordination with the District Court; prohibiting a certain contractor's fee from
 20 being contingent on the number of citations issued or paid under certain
 21 circumstances; defining certain terms; making certain conforming and stylistic
 22 changes; and generally relating to the use of bus lane monitoring cameras to enforce
 23 offenses relating to the operation of a motor vehicle in a designated bus lane.

24 BY repealing and reenacting, with amendments,
 25 Article – Courts and Judicial Proceedings
 26 Section 4–401(13), 7–302(e), and 10–311
 27 Annotated Code of Maryland
 28 (2013 Replacement Volume and 2019 Supplement)

29 BY repealing and reenacting, without amendments,
 30 Article – Transportation
 31 Section 21–101(a)
 32 Annotated Code of Maryland
 33 (2012 Replacement Volume and 2019 Supplement)

34 BY adding to
 35 Article – Transportation
 36 Section 21–101(i–1), 21–1132, and 21–1133
 37 Annotated Code of Maryland
 38 (2012 Replacement Volume and 2019 Supplement)

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

41 **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, **§ 21-1133**, or § 24-111.3 of the Transportation Article or §
6 10-112 of the Criminal Law Article;

7 7-302.

8 (e) (1) **(I)** A citation issued pursuant to § 21-202.1, § 21-706.1, § 21-809, §
9 21-810, **§ 21-1133**, or § 24-111.3 of the Transportation Article shall provide that the
10 person receiving the citation may elect to stand trial by notifying the issuing agency of the
11 person's intention to stand trial at least 5 days prior to the date of payment as set forth in
12 the citation.

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

16 **(III)** On receipt thereof, the District Court shall schedule the case for
17 trial and notify the defendant of the trial date under procedures adopted by the Chief Judge
18 of the District Court.

19 (2) **(I)** A citation issued as the result of a vehicle height monitoring
20 system, a traffic control signal monitoring system, or a speed monitoring system, including
21 a work zone speed control system, controlled by a political subdivision [or], a school bus
22 monitoring camera, **OR A BUS LANE MONITORING CAMERA** shall provide that, in an
23 uncontested case, the penalty shall be paid directly to that political subdivision.

24 **(II)** A citation issued as the result of a traffic control signal
25 monitoring system or a work zone speed control system controlled by a State agency, or as
26 a result of a vehicle height monitoring system, a traffic control signal monitoring system, a
27 speed monitoring system, [or] a school bus monitoring camera, **OR A BUS LANE**
28 **MONITORING CAMERA** in a case contested in District Court, shall provide that the penalty
29 shall be paid directly to the District Court.

30 (3) Civil penalties resulting from citations issued using a vehicle height
31 monitoring system, traffic control signal monitoring system, speed monitoring system,
32 work zone speed control system, [or] school bus monitoring camera, **OR BUS LANE**
33 **MONITORING CAMERA** that are collected by the District Court shall be collected in
34 accordance with subsection (a) of this section and distributed in accordance with § 12-118
35 of the Transportation Article.

36 (4) (i) From the fines collected by a political subdivision as a result of

1 violations enforced by speed monitoring systems [or], school bus monitoring cameras, **OR**
2 **BUS LANE MONITORING CAMERAS**, a political subdivision:

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

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

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

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

16 (iii) The fines collected by Prince George's County as a result of
17 violations enforced by speed monitoring systems on Maryland Route 210 shall be remitted
18 to the Comptroller for deposit into the Criminal Injuries Compensation Fund under §
19 11-819 of the Criminal Procedure Article.

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

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

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

25 10-311.

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

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

34 (c) A recorded image of a motor vehicle produced by a school bus monitoring
35 camera in accordance with § 21-706.1 of the Transportation Article is admissible in a

1 proceeding concerning a civil citation issued under that section for a violation of § 21–706
2 of the Transportation Article without authentication.

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

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

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

17 **Article – Transportation**

18 21–101.

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

21 (I–1) **“DEDICATED BUS LANE” MEANS A LANE DESIGNATED FOR USE BY MASS
22 TRANSIT VEHICLES OWNED BY THE MARYLAND TRANSIT ADMINISTRATION.**

23 **21–1132.**

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

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

28 (1) **A MARYLAND TRANSIT ADMINISTRATION BUS;**

29 (2) **A SCHOOL BUS;**

30 (3) **A BICYCLE; AND**

31 (4) **AN EMERGENCY VEHICLE.**

1 **21-1133.**

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

4 (2) "BUS LANE MONITORING CAMERA" MEANS A CAMERA THAT IS
5 DESIGNED TO CAPTURE A RECORDED IMAGE OF A DRIVER OF A MOTOR VEHICLE
6 COMMITTING A VIOLATION.

7 (3) "BUS LANE MONITORING CAMERA OPERATOR" MEANS A
8 REPRESENTATIVE OF A LOCAL POLICE DEPARTMENT OR A CONTRACTOR THAT
9 OPERATES A BUS LANE MONITORING CAMERA.

10 (4) (I) "OWNER" MEANS THE REGISTERED OWNER OF A MOTOR
11 VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR
12 MORE.

13 (II) "OWNER" DOES NOT INCLUDE:

- 14 1. A MOTOR VEHICLE LEASING COMPANY; OR
15 2. A HOLDER OF A SPECIAL REGISTRATION PLATE
16 ISSUED UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.

17 (5) "RECORDED IMAGE" MEANS AN IMAGE RECORDED BY A BUS LANE
18 MONITORING CAMERA:

19 (I) ON:

- 20 1. A PHOTOGRAPH;
21 2. A MICROPHOTOGRAPH;
22 3. AN ELECTRONIC IMAGE;
23 4. VIDEOTAPE; OR
24 5. ANY OTHER VISUAL MEDIUM; AND

25 (II) SHOWING A MOTOR VEHICLE AND, ON AT LEAST ONE IMAGE
26 OR PORTION OF TAPE, CLEARLY IDENTIFYING THE REGISTRATION PLATE NUMBER
27 OF THE MOTOR VEHICLE.

1 **(6) “VIOLATION” MEANS A VIOLATION OF § 21-1132 OF THIS**
2 **SUBTITLE.**

3 **(B) (1) A LOCAL JURISDICTION MAY USE A BUS LANE MONITORING**
4 **CAMERA THAT MEETS THE REQUIREMENTS OF THIS SUBSECTION TO RECORD THE**
5 **IMAGES OF MOTOR VEHICLES TRAVELING IN A BUS LANE.**

6 **(2) A BUS LANE MONITORING CAMERA MAY BE USED ONLY:**

7 **(I) WHEN BEING OPERATED BY A BUS LANE MONITORING**
8 **CAMERA OPERATOR; AND**

9 **(II) IF, IN ACCORDANCE WITH THE MARYLAND MANUAL ON**
10 **UNIFORM TRAFFIC CONTROL DEVICES, A CONSPICUOUS ROAD SIGN IS PLACED AT**
11 **A REASONABLE DISTANCE CONSISTENT WITH NATIONAL GUIDELINES BEFORE THE**
12 **BUS LANE ALERTING DRIVERS THAT A BUS LANE MONITORING CAMERA MAY BE IN**
13 **OPERATION IN THE BUS LANE.**

14 **(3) A BUS LANE MONITORING CAMERA MAY BE USED TO RECORD**
15 **ONLY THE IMAGES OF VEHICLES THAT ARE TRAVELING IN A BUS LANE.**

16 **(C) (1) (I) A BUS LANE MONITORING CAMERA OPERATOR SHALL**
17 **COMPLETE TRAINING BY THE MANUFACTURER OF THE BUS LANE MONITORING**
18 **CAMERA IN THE PROCEDURES FOR SETTING UP, TESTING, AND OPERATING THE BUS**
19 **LANE MONITORING CAMERA.**

20 **(II) ON COMPLETION OF THE TRAINING, THE MANUFACTURER**
21 **SHALL ISSUE A SIGNED CERTIFICATE TO THE BUS LANE MONITORING CAMERA**
22 **OPERATOR.**

23 **(III) THE CERTIFICATE OF TRAINING SHALL BE ADMITTED AS**
24 **EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION.**

25 **(2) A BUS LANE MONITORING CAMERA OPERATOR SHALL FILL OUT**
26 **AND SIGN A DAILY SET-UP LOG FOR EACH BUS LANE MONITORING CAMERA THAT:**

27 **(I) STATES THE DATE AND TIME WHEN THE CAMERA WAS SET**
28 **UP;**

29 **(II) STATES THAT THE BUS LANE MONITORING CAMERA**
30 **OPERATOR SUCCESSFULLY PERFORMED, AND THE DEVICE PASSED, THE**
31 **MANUFACTURER-SPECIFIED SELF-TESTS OF THE BUS LANE MONITORING CAMERA**

1 BEFORE PRODUCING A RECORDED IMAGE;

2 (III) SHALL BE KEPT ON FILE; AND

3 (IV) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT
4 PROCEEDING FOR A VIOLATION.

5 (D) (1) A BUS LANE MONITORING CAMERA SHALL UNDERGO AN ANNUAL
6 CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION
7 LABORATORY.

8 (2) THE INDEPENDENT CALIBRATION LABORATORY SHALL ISSUE A
9 SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL CALIBRATION CHECK
10 THAT:

11 (I) SHALL BE KEPT ON FILE; AND

12 (II) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT
13 PROCEEDING FOR A VIOLATION OF THIS SECTION OR § 21-1132 OF THIS SUBTITLE.

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

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

21 (3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT SHALL
22 PRESCRIBE:

23 (I) A UNIFORM CITATION FORM CONSISTENT WITH
24 SUBSECTION (F)(1) OF THIS SECTION AND § 7-302 OF THE COURTS ARTICLE; AND

25 (II) A CIVIL PENALTY, WHICH SHALL BE INDICATED ON THE
26 CITATION, TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL PENALTY
27 WITHOUT APPEARING IN DISTRICT COURT.

28 (F) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (5)
29 OF THIS SUBSECTION, A LOCAL POLICE DEPARTMENT OR POLICE DEPARTMENT
30 CONTRACTOR SHALL MAIL TO THE OWNER LIABLE UNDER SUBSECTION (E) OF THIS
31 SECTION A CITATION THAT SHALL INCLUDE:

1 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF
2 THE VEHICLE;

3 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE
4 INVOLVED IN THE VIOLATION;

5 (III) THE VIOLATION CHARGED;

6 (IV) TO THE EXTENT POSSIBLE, THE LOCATION OF THE
7 VIOLATION;

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

9 (VI) A COPY OF THE RECORDED IMAGE;

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

12 (VIII) A SIGNED STATEMENT BY A POLICE OFFICER EMPLOYED BY
13 THE LOCAL POLICE DEPARTMENT THAT, BASED ON INSPECTION OF THE RECORDED
14 IMAGES, THE MOTOR VEHICLE WAS BEING OPERATED DURING THE COMMISSION OF
15 A VIOLATION;

16 (IX) A STATEMENT THAT THE RECORDED IMAGE IS EVIDENCE OF
17 A VIOLATION; AND

18 (X) INFORMATION ADVISING THE PERSON ALLEGED TO BE
19 LIABLE UNDER THIS SECTION:

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

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

25 (2) THE LOCAL POLICE DEPARTMENT MAY MAIL A WARNING NOTICE
26 IN PLACE OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION (E) OF THIS
27 SECTION.

28 (3) (1) BEFORE MAILING A CITATION TO A MOTOR VEHICLE
29 RENTAL COMPANY LIABLE UNDER SUBSECTION (E) OF THIS SECTION, A LAW

1 ENFORCEMENT AGENCY SHALL MAIL A NOTICE TO THE MOTOR VEHICLE RENTAL
2 COMPANY STATING THAT A CITATION WILL BE MAILED TO THE MOTOR VEHICLE
3 RENTAL COMPANY UNLESS, WITHIN 45 DAYS AFTER RECEIVING THE NOTICE, THE
4 MOTOR VEHICLE RENTAL COMPANY PROVIDES THE LOCAL POLICE DEPARTMENT
5 WITH:

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

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

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

16 3. PAYMENT FOR THE PENALTY ASSOCIATED WITH THE
17 VIOLATION.

18 (ii) THE LOCAL POLICE DEPARTMENT MAY NOT MAIL A
19 CITATION TO A MOTOR VEHICLE RENTAL COMPANY LIABLE UNDER SUBSECTION (E)
20 OF THIS SECTION IF THE MOTOR VEHICLE RENTAL COMPANY COMPLIES WITH
21 SUBPARAGRAPH (I) OF THIS PARAGRAPH.

22 (4) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION
23 AND SUBSECTION (H)(5) OF THIS SECTION, A CITATION ISSUED UNDER THIS SECTION
24 SHALL BE MAILED NOT LATER THAN 2 WEEKS AFTER THE ALLEGED VIOLATION.

25 (5) A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH (1) OF
26 THIS SUBSECTION MAY:

27 (i) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH
28 INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE LOCAL JURISDICTION; OR

29 (ii) ELECT TO STAND TRIAL FOR THE ALLEGED VIOLATION.

30 (g) (1) (i) A CERTIFICATE ALLEGING THAT A VIOLATION OCCURRED,
31 SWORN TO OR AFFIRMED BY A POLICE OFFICER EMPLOYED BY THE LOCAL POLICE
32 DEPARTMENT, BASED ON INSPECTION OF A RECORDED IMAGE PRODUCED BY A BUS
33 LANE MONITORING CAMERA, SHALL BE EVIDENCE OF THE FACTS CONTAINED IN THE

1 CERTIFICATE AND SHALL BE ADMISSIBLE IN ANY PROCEEDING CONCERNING THE
2 ALLEGED VIOLATION WITHOUT THE PRESENCE OR TESTIMONY OF THE BUS LANE
3 MONITORING CAMERA OPERATOR WHO PERFORMED THE REQUIREMENTS UNDER
4 SUBSECTION (C) OF THIS SECTION.

5 (II) IF A PERSON WHO RECEIVED A CITATION UNDER THIS
6 SECTION DESIRES A BUS LANE MONITORING CAMERA OPERATOR TO BE PRESENT
7 AND TESTIFY AT TRIAL, THE PERSON SHALL NOTIFY THE COURT AND THE POLICE
8 DEPARTMENT THAT ISSUED THE CITATION IN WRITING NOT LATER THAN 20 DAYS
9 BEFORE TRIAL.

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

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

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

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

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

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

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

34 (4) (I) THIS PARAGRAPH APPLIES ONLY TO A CITATION THAT

1 INVOLVES A CLASS E (TRUCK) VEHICLE WITH A REGISTERED GROSS WEIGHT OF
2 26,001 POUNDS OR MORE, A CLASS F (TRACTOR) VEHICLE, A CLASS G (TRAILER)
3 VEHICLE OPERATED IN COMBINATION WITH A CLASS F (TRACTOR) VEHICLE, AND A
4 CLASS P (PASSENGER BUS) VEHICLE.

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

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

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

15 (5) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED
16 IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE
17 VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (4)(II)2 OF THIS
18 SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF THE
19 VIOLATION, THE CLERK OF THE COURT SHALL PROVIDE TO THE POLICE
20 DEPARTMENT THAT ISSUED THE CITATION A COPY OF ANY EVIDENCE
21 SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE
22 VIOLATION.

23 (II) ON THE RECEIPT OF SUBSTANTIATING EVIDENCE FROM
24 THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE POLICE
25 DEPARTMENT THAT ISSUED THE ORIGINAL CITATION MAY ISSUE A NEW CITATION AS
26 PROVIDED IN SUBSECTION (E) OF THIS SECTION TO THE PERSON THAT THE
27 EVIDENCE INDICATES WAS OPERATING THE VEHICLE AT THE TIME OF THE
28 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 THE
34 MOTOR VEHICLE.

35 (J) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS

1 SECTION:

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

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

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

10 (K) IN CONSULTATION WITH LOCAL POLICE DEPARTMENTS, THE CHIEF
11 JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE ISSUANCE
12 OF CITATIONS, TRIALS FOR VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES
13 IMPOSED UNDER THIS SECTION.

14 (L) (1) A LOCAL POLICE DEPARTMENT OR A CONTRACTOR DESIGNATED
15 BY THE LOCAL POLICE DEPARTMENT SHALL ADMINISTER AND PROCESS CIVIL
16 CITATIONS ISSUED UNDER THIS SECTION IN COORDINATION WITH THE DISTRICT
17 COURT.

18 (2) IF A CONTRACTOR PROVIDES, DEPLOYS, OR OPERATES A BUS
19 LANE MONITORING CAMERA FOR A LOCAL POLICE DEPARTMENT, THE
20 CONTRACTOR'S FEE MAY NOT BE CONTINGENT ON THE NUMBER OF CITATIONS
21 ISSUED OR PAID.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2020.