

BY: Commerce and Government Matters Committee

AMENDMENTS TO HOUSE BILL NO. 269

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “authorizing” insert “a law enforcement agency of”; in the same line, after “State” insert “law enforcement”; strike beginning with “driving” in line 5 down through “signal” in line 6 and substitute “entering an intersection against a red signal indication”; in lines 6 and 7, strike “a political subdivision to send” and substitute “the sending of”; strike beginning with “political” in line 8 down through “making” in line 9 and substitute “imposition of a certain civil penalty; providing that”; in line 9, after “vehicle” insert “is”; strike beginning with “fine” in line 9 down through “circumstances;” in line 13 and substitute “civil penalty under certain circumstances; providing that persons receiving citations may elect to stand trial in the District Court;”; in line 14, strike “by a hearing officer; establishing a certain presumption”; in line 15, strike “on” and substitute “and authorizing certain other actions when”; in the same line, strike “who”; in the same line, strike “fine” and substitute “civil penalty, contest liability, or appear for trial”; in line 17, strike “and” and substitute “, being recorded on the driving record of the driver or vehicle owner, or”; in line 19, after “authentication;” insert “modifying the jurisdiction of the District Court for certain purposes; requiring that certain actions be in compliance with Motor Vehicle Administration regulations; requiring the State Highway Administration to provide certain funding;”; after line 21, insert:

“BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 4-401(11) and (12)

Annotated Code of Maryland

(1995 Replacement Volume and 1995 Supplement)

BY adding to

Article - Courts and Judicial Proceedings

Section 4-401(13) and 10-310

Annotated Code of Maryland

(Over)

(1995 Replacement Volume and 1995 Supplement)”;

in line 24, after “21-201,” insert “and”; in the same line, strike “, 21-204, and 26-305”; and after line 31, insert:

“BY repealing and reenacting, with amendments,
Article - Transportation
Section 26-305 and 26-401
Annotated Code of Maryland
(1992 Replacement Volume and 1995 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 33, insert:

“Article - Courts and Judicial Proceedings

4-401.

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

(11) A proceeding for adjudication of a civil penalty for any violation under § 5-1001 of the Environment Article of the Code or under § 2-101(c-1) of Article 41 of the Code or any rule or regulation issued pursuant to those sections; [and]

(12) A proceeding to enforce a civil penalty assessed by the Maryland Division of Labor and Industry under Title 5 of the Labor and Employment Article where the amount involved does not exceed \$20,000; AND

(13) A PROCEEDING FOR A CIVIL INFRACTION UNDER § 21-202.1 OF THE TRANSPORTATION ARTICLE.

10-310.

A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM IN ACCORDANCE WITH § 21-202.1 OF THE TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A

CIVIL CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION OF § 21-202(H) OF THE TRANSPORTATION ARTICLE WITHOUT AUTHENTICATION. “.

On page 5, in line 21, strike “(1)”; and strike in their entirety lines 27 and 28.

AMENDMENT NO. 3

On page 3, in line 4, after “(2)” insert ““AGENCY” MEANS A STATE LAW ENFORCEMENT AGENCY OR A LAW ENFORCEMENT AGENCY OF A POLITICAL SUBDIVISION THAT IS AUTHORIZED TO ISSUE CITATIONS FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR REGULATIONS.

(3)”;

in line 5, after “VEHICLE” insert “OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR MORE”; in line 8, strike “(3)” and substitute “(4)”; in line 11, strike the second “OR”; after line 11, insert:

“(III) TWO OR MORE ELECTRONIC IMAGES; OR”;

in line 12, strike “(III)” and substitute “(IV)”; in line 13, strike “(4)” and substitute “(5)”; in the same line, after “A” insert “DEVICE WITH ONE OR MORE”; in line 14, strike “SENSOR INSTALLED TO WORK” and substitute “SENSORS WORKING”; in lines 15 and 16, strike “PASSING THROUGH” and substitute “ENTERING”; in line 16, after “INTERSECTION” insert “AGAINST A RED SIGNAL INDICATION”; in line 30, strike “A POLITICAL SUBDIVISION OR AUTHORIZED STATE” and substitute “AN”; after line 35, insert:

“(IV) A COPY OF THE RECORDED IMAGE;”;

and in line 36, strike “(IV)” and substitute “(V)”.

On page 4, in lines 1, 5, and 7, strike “(V)”, “(VI)”, and “(VII)”, respectively, and substitute “(VI)”, “(VII)”, and “(VIII)”, respectively; in line 2, strike “POLITICAL SUBDIVISION OR AUTHORIZED STATE”; and in line 10, strike “POLITICAL SUBDIVISION” and substitute

(Over)

“AGENCY”.

On page 5, in line 21, strike “POLITICAL SUBDIVISION OR AUTHORIZED STATE”.

AMENDMENT NO. 4

On page 3 in lines 17 and 24, on page 4 in lines 4, 6, and 23, and on page 5 in lines 4 and 23, in each instance, strike “OR § 21-204”.

On pages 5 and 6, strike in their entirety the lines beginning with line 29 on page 5 through line 8 on page 6, inclusive.

AMENDMENT NO. 5

On page 3, in line 20, strike “(1)”; in line 22, strike “FINE” and substitute “CIVIL PENALTY”; strike in their entirety lines 25 through 28, inclusive; and in lines 36 and 37, in each instance, strike “FINE” and substitute “CIVIL PENALTY”.

On page 4, in line 5, strike “PRIMA FACIE”; strike beginning with “THAT” in line 7 down through “IMAGES” in line 9 and substitute “, IN ACCORDANCE WITH REGULATIONS OF THE ADMINISTRATION, INFORMING THE PERSON ALLEGED TO BE LIABLE UNDER THIS SECTION:

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

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

in line 14, strike “REQUEST A HEARING” and substitute “:

1. PAY THE CIVIL PENALTY TO THE DISTRICT COURT IN ACCORDANCE WITH THE INFORMATION ON THE CITATION; OR

2. ELECT TO STAND TRIAL FOR THE ALLEGED VIOLATION”;

strike beginning with “IF” in line 15 down through “OFFICER” in line 21 and substitute “THE DISTRICT COURT”; in the same line, strike “ARE” and substitute “IN DEFENSE OF A VIOLATION”; in line 28, strike “(IV)” and substitute “(III)”; in line 31, strike “AND”; in line 36, after “INDIVIDUAL” insert “; AND”

4. ANY OTHER ISSUES AND EVIDENCE THAT THE COURT DEEMS PERTINENT”;

and in line 37, strike “(IV)” and substitute “(III)”.

On page 5, in line 2, strike “BEFORE THE VIOLATION OCCURRED” and substitute “IN A TIMELY MANNER”; in line 3, strike “(V)” and substitute “(IV)”; in lines 3 and 4, strike “PRIMA FACIE” and substitute “ADMISSIBLE”; strike in their entirety lines 5 through 7, inclusive; in line 8, strike “FINE” and substitute “CIVIL PENALTY OR ELECT TO CONTEST THE VIOLATION”; in line 9, strike “ESTABLISHED UNDER THIS SECTION” and substitute “PROVIDED IN THE CITATION”; in line 14, strike “FINE” and substitute “CIVIL PENALTY”; in line 16, after “ARTICLE” insert “AND MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OF THE VEHICLE”.

On page 7, after line 27, insert:

“26-401.”

If a person is taken before a District Court commissioner or is given a traffic citation OR A CIVIL CITATION UNDER § 21-202.1 OF THIS ARTICLE containing a notice to appear in court, the commissioner or court shall be one that sits within the county in which the offense allegedly was committed.”.

AMENDMENT NO. 6

On page 5, in line 10, after “MAY” insert “REFUSE TO REGISTER OR REREGISTER OR MAY”.

(Over)

On page 6, in line 11, strike “or” and substitute a comma; in line 13, after “government,” insert “OR A VIOLATION OF § 21-202(H) OF THIS ARTICLE AS DETERMINED UNDER § 1-202.1 OF THIS ARTICLE”; in line 15, after “subtitle” insert “OR § 22-202.1 OF THIS ARTICLE”; and in line 20, after “subtitle” insert “OR UNDER § 22-202.1 OF THIS ARTICLE”.

AMENDMENT NO. 7

On page 7, in line 28, after “ENACTED,” insert “That the State Highway Administration shall provide appropriate funding at a level and under terms that the State Highway Administration deems feasible to political subdivisions for the installation of traffic control signal monitoring systems.”

SECTION 3. AND BE IT FURTHER ENACTED,”.