

BY: Conference Committee

AMENDMENTS TO HOUSE BILL NO. 391

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “citation;” insert “authorizing reissuance of a citation to a driver of a vehicle under certain circumstances; requiring a citation to be mailed within a certain time period;”; in line 13, after “considered;” insert “authorizing certain owners to submit a certain letter to the District Court in order to establish a certain defense;”; in line 17, after “owner” insert “or driver”; in lines 20 and 21, strike “regulating the disclosure of certain information;”; and in line 21, after “terms;” insert “prohibiting the custodian of recorded images produced by a traffic control signal monitoring system from allowing inspection of the recorded images, subject to certain exceptions;”.

AMENDMENT NO. 2

On pages 3 through 12, strike in their entirety the lines beginning with line 1 on page 3 through line 10 on page 12, inclusive, and substitute:

“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

(Over)

does not exceed \$20,000; AND

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

7-301.

(a) The court costs in a traffic case, including parking and impounding cases AND CASES UNDER § 21-202.1 OF THE TRANSPORTATION ARTICLE in which costs are imposed, are \$20. Such costs shall also be applicable to those cases in which the defendant elects to waive his right to trial and pay the fine or penalty deposit established by the Chief Judge of the District Court by administrative regulation. In an UNCONTESTED CASE UNDER § 21-202.1 OF THE TRANSPORTATION ARTICLE OR uncontested parking or impounding case in which the fines are paid directly to a political subdivision or municipality, costs are \$2.00, which costs shall be paid to and retained by the political subdivision or municipality. In an uncontested case in which the fine is paid directly to an agency of State government authorized by law to regulate parking of motor vehicles, the costs are \$2.00. The fine and the costs shall be paid to the agency, which shall receive and account for these funds as in all other cases involving sums due the State through a State agency.

7-302.

(a) Except as provided in subsections (b) through [(d)] (E) of this section, the clerks of the District Court shall:

(1) Collect costs, fines, forfeitures, or penalties imposed by the court; and

(2) Remit them to the State under a system agreed upon by the Chief Judge of the District Court and the Comptroller.

(E) (1) A CITATION ISSUED PURSUANT TO § 21-202.1 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. 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. 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 TRAFFIC CONTROL SIGNAL MONITORING SYSTEM CONTROLLED BY A POLITICAL SUBDIVISION 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 CONTROLLED BY A STATE AGENCY SHALL PROVIDE THAT THE PENALTY SHALL BE PAID DIRECTLY TO THE DISTRICT COURT.

(3) CIVIL PENALTIES RESULTING FROM CITATIONS ISSUED USING TRAFFIC CONTROL SIGNAL MONITORING SYSTEMS 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.

10-311.

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. IN ANY OTHER JUDICIAL PROCEEDING, A RECORDED IMAGE PRODUCED BY A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM IS ADMISSIBLE AS OTHERWISE PROVIDED BY LAW.

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

(Over)

disposition of a motor vehicle law offense, A CIVIL PENALTY IMPOSED PURSUANT TO § 21-202.1 OF THE TRANSPORTATION ARTICLE, or a first offense of driving with an alcohol concentration of 0.10 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 OF THE TRANSPORTATION ARTICLE, or a first offense of driving with an alcohol concentration of 0.10 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 - State Government

10-616.

(N) (1) IN THIS SUBSECTION, “RECORDED IMAGES” HAS THE MEANING STATED IN § 21-202.1 OF THE TRANSPORTATION ARTICLE.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A CUSTODIAN OF RECORDED IMAGES PRODUCED BY A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM OPERATED UNDER § 21-202.1 OF THE TRANSPORTATION ARTICLE SHALL DENY INSPECTION OF THE RECORDED IMAGES.

(3) A CUSTODIAN SHALL ALLOW INSPECTION OF RECORDED IMAGES:

(I) AS REQUIRED IN § 21-202.1 OF THE TRANSPORTATION ARTICLE;

(II) BY ANY PERSON ISSUED A CITATION UNDER § 21-202.1 OF THE TRANSPORTATION ARTICLE, OR AN ATTORNEY OF RECORD FOR THE PERSON; OR

(III) BY AN EMPLOYEE OR AGENT OF A LAW ENFORCEMENT

AGENCY IN AN INVESTIGATION OR PROCEEDING RELATING TO THE IMPOSITION OF OR INDEMNIFICATION FROM CIVIL LIABILITY PURSUANT TO § 21-202.1 OF THE TRANSPORTATION ARTICLE.

Article - Transportation

11-168.

“Traffic control signal” means any traffic control device, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop and permitted to proceed.

21-201.

(a) (1) Subject to the exceptions granted in this title to the driver of an emergency vehicle, the driver of any vehicle, unless otherwise directed by a police officer, shall obey the instructions of any traffic control device applicable to the vehicle and placed in accordance with the Maryland Vehicle Law.

(2) The driver of a vehicle approaching an intersection controlled by a traffic control device may not drive across private property or leave the roadway for the purpose of avoiding the instructions of a traffic control device.

(b) (1) If a provision of the Maryland Vehicle Law or of an ordinance or regulation of a local authority requires a traffic control device, the provision is unenforceable against an alleged violator if, at the time and place of the alleged violation, the traffic control device is not in proper position and legible enough to be seen by an ordinarily observant individual.

(2) Unless a provision of the Maryland Vehicle Law or of an ordinance or regulation of a local authority states that a traffic control device is required, the provision is effective and enforceable even if no traffic control device is in place.

(c) Unless the contrary is established by competent evidence, if a traffic control device is placed in a position approximately meeting the requirements of the Maryland Vehicle Law, the

(Over)

device is presumed to have been placed by the official act or direction of lawful authority.

(d) Unless the contrary is established by competent evidence, if a traffic control device is placed in accordance with the Maryland Vehicle Law and purports to meet the lawful requirements governing these devices, the device is presumed to meet the requirements of the Maryland Vehicle Law.

21-202.

(h) Vehicular traffic facing a steady red signal alone:

(1) Shall stop at the near side of the intersection:

(i) At a clearly marked stop line;

(ii) If there is no clearly marked stop line, before entering any crosswalk; or

(iii) If there is no crosswalk, before entering the intersection; and

(2) Except as provided in subsections (i), (j), and (k) of this section, shall remain stopped until a signal to proceed is shown.

21-202.1.

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

(2) "AGENCY" MEANS:

(I) FOR A TRAFFIC CONTROL SIGNAL OPERATED AND MAINTAINED AT AN INTERSECTION UNDER THE CONTROL OF THE STATE, THE LAW ENFORCEMENT AGENCY PRIMARILY RESPONSIBLE FOR TRAFFIC CONTROL AT THAT INTERSECTION; OR

(II) FOR A TRAFFIC CONTROL SIGNAL OPERATED AND MAINTAINED AT AN INTERSECTION UNDER THE CONTROL OF A POLITICAL SUBDIVISION, A LAW ENFORCEMENT AGENCY OF THE POLITICAL SUBDIVISION THAT IS AUTHORIZED TO ISSUE CITATIONS FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR REGULATIONS.

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

(II) "OWNER" DOES NOT INCLUDE A MOTOR VEHICLE RENTAL OR LEASING COMPANY OR A HOLDER OF A SPECIAL REGISTRATION PLATE ISSUED UNDER PART III OF TITLE 13, SUBTITLE 9 OF THIS ARTICLE.

(4) "RECORDED IMAGES" MEANS IMAGES RECORDED BY A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM:

(I) ON:

1. TWO OR MORE PHOTOGRAPHS;

2. TWO OR MORE MICROPHOTOGRAPHS;

3. TWO OR MORE ELECTRONIC IMAGES;

4. VIDEOTAPE; OR

5. ANY OTHER MEDIUM; AND

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

(5) "TRAFFIC CONTROL SIGNAL MONITORING SYSTEM" MEANS A

(Over)

DEVICE WITH ONE OR MORE MOTOR VEHICLE SENSORS WORKING IN CONJUNCTION WITH A TRAFFIC CONTROL SIGNAL TO PRODUCE RECORDED IMAGES OF MOTOR VEHICLES ENTERING AN INTERSECTION AGAINST A RED SIGNAL INDICATION.

(B) THIS SECTION APPLIES TO A VIOLATION OF § 21-202(H) OF THIS SUBTITLE AT AN INTERSECTION MONITORED BY A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM.

(C) (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 (F)(5) OF THIS SECTION, THE DRIVER OF A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS RECORDED BY A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM WHILE BEING OPERATED IN VIOLATION OF § 21-202(H) OF THIS SUBTITLE.

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

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

(I) A UNIFORM CITATION FORM CONSISTENT WITH SUBSECTION (D)(1) OF THIS SECTION AND § 7-302 OF THE COURTS AND JUDICIAL PROCEEDINGS 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.

(D) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION, AN AGENCY SHALL MAIL TO THE OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION A CITATION WHICH 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) THE LOCATION OF THE INTERSECTION;

(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 SHOULD BE PAID;

(VIII) A SIGNED STATEMENT BY A TECHNICIAN EMPLOYED BY THE AGENCY THAT, BASED ON INSPECTION OF RECORDED IMAGES, THE MOTOR VEHICLE WAS BEING OPERATED IN VIOLATION OF § 21-202(H) OF THIS SUBTITLE;

(IX) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE OF A VIOLATION OF § 21-202(H) OF THIS SUBTITLE; AND

(X) INFORMATION ADVISING 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. WARNING 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.

(2) THE AGENCY MAY MAIL A WARNING NOTICE IN LIEU OF A CITATION

(Over)

TO THE OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION.

(3) EXCEPT AS PROVIDED IN SUBSECTION (F)(5) OF THIS SECTION, A CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER THE ALLEGED VIOLATION.

(4) AN AGENCY MAY NOT MAIL A CITATION TO A PERSON WHO IS NOT AN OWNER UNDER SUBSECTION (A)(3)(II) OF THIS SECTION.

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

(I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE POLITICAL SUBDIVISION OR TO THE DISTRICT COURT; OR

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

(E) (1) A CERTIFICATE ALLEGING THAT THE VIOLATION OF § 21-202(H) OF THIS ARTICLE OCCURRED, SWORN TO OR AFFIRMED BY A DULY AUTHORIZED AGENT OF THE AGENCY, BASED ON INSPECTION OF RECORDED IMAGES PRODUCED BY A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM SHALL BE EVIDENCE OF THE FACTS CONTAINED THEREIN AND SHALL BE ADMISSIBLE IN ANY PROCEEDING ALLEGING A VIOLATION UNDER THIS SECTION.

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

(F) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A VIOLATION:

(I) THAT THE DRIVER OF THE VEHICLE PASSED THROUGH THE INTERSECTION IN VIOLATION OF § 21-202(H) OF THIS SUBTITLE:

1. IN ORDER TO YIELD THE RIGHT-OF-WAY TO AN

EMERGENCY VEHICLE; OR

2. AS PART OF A FUNERAL PROCESSION IN ACCORDANCE WITH § 21-207 OF THIS SUBTITLE;

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

(III) THAT UNDER § 21-201 OF THIS SUBTITLE, THIS SECTION IS UNENFORCEABLE AGAINST THE OWNER BECAUSE AT THE TIME AND PLACE OF THE ALLEGED VIOLATION, THE TRAFFIC CONTROL SIGNAL WAS NOT IN PROPER POSITION AND LEGIBLE ENOUGH TO BE SEEN BY AN ORDINARILY OBSERVANT INDIVIDUAL;

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

(V) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT COURT DEEMS PERTINENT.

(2) IN ORDER TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION, THE OWNER MUST 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)(IV) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE DISTRICT COURT EVIDENCE TO THE SATISFACTION OF THE COURT OF WHO

(Over)

WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION, INCLUDING, AT A MINIMUM, THE OPERATOR'S NAME AND CURRENT ADDRESS.

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

(II) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(IV) 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)(II)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 AGENCY ISSUING THE CITATION A COPY OF ANY EVIDENCE SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

(II) UPON THE RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN AGENCY MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (D) OF THIS SECTION TO THE PERSON THAT THE EVIDENCE INDICATES WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

(III) A CITATION ISSUED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER RECEIPT OF THE EVIDENCE FROM THE DISTRICT COURT.

(G) 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.

(H) 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.

(I) IN CONSULTATION WITH LOCAL GOVERNMENTS, THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE ISSUANCE OF CITATIONS, THE TRIAL OF CIVIL VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES UNDER THIS SECTION.

26-305.

(a) The Administration may not register or transfer the registration of any vehicle involved in a parking violation under this subtitle [or], a violation under any federal parking regulation that applies to property in this State under the jurisdiction of the U.S. government, OR A VIOLATION

(Over)

OF § 21-202(H) OF THIS ARTICLE AS DETERMINED UNDER § 21-202.1 OF THIS ARTICLE, if:

(1) It is notified by a political subdivision or authorized State agency that a person cited for a violation under this subtitle OR § 22-202.1 OF THIS ARTICLE has failed to either:

(i) Pay the fine for the violation by the date specified in the citation; or

(ii) File a notice of his intention to stand trial for the violation;

(2) It is notified by the District Court that a person who has elected to stand trial for the violation under this subtitle OR UNDER § 22-202.1 OF THIS ARTICLE has failed to appear for trial; or

(3) It is notified by a U.S. District Court that a person cited for a violation under a federal parking regulation:

(i) Has failed to pay the fine for the violation by the date specified in the federal citation; or

(ii) Either has failed to file a notice of his intention to stand trial for the violation, or, if electing to stand trial, has failed to appear for trial.

(b) (1) Notwithstanding the provisions of subsection (a) of this section, the Administration may suspend the registration of a vehicle involved in a parking violation under this subtitle or a violation under any federal parking regulation that applies to property in this State under the jurisdiction of the U.S. government if notified in accordance with subsection (a) of this section that the violator is a chronic offender.

(2) The Administration may adopt rules and regulations to define chronic offender and develop procedures to carry out the suspension of registration as authorized by this subsection.

(c) The Administration shall continue the suspension and refusal to register or transfer a registration of the vehicle until:

(1) If the suspension or refusal was required under subsection (a)(1) or (b)(1) of this section, the political subdivision or State agency notifies the Administration that the charge has been satisfied;

(2) If the suspension or refusal was required under subsection (a)(2) or (b)(1) of this section, the District Court notifies the Administration that the person cited has appeared for trial or has pleaded guilty and paid the fine for the violation; or

(3) If the suspension or refusal was required under subsection (a)(3) or (b)(1) of this section, the U.S. District Court notifies the Administration that the charge has been satisfied.

(d) (1) If the registration of the vehicle has been suspended in accordance with subsection (b)(1) of this section, a person may not drive the vehicle on any highway in this State.

(2) A person convicted under paragraph (1) of this subsection is subject to the penalty set forth in § 27-101(b) of this article.

(e) The procedures specified in this section are in addition to any other penalty provided by law for the failure to pay a fine or stand trial for a parking violation.

(f) The Administration shall adopt procedures by which the political subdivisions, State agencies, the District Court, and the U.S. District Court shall notify it of any restrictions and any rescission of restrictions placed on the registration of vehicles under this section.

(g) (1) In addition to any other fee or penalty provided by law, an owner of a vehicle who is denied registration of the vehicle under the provisions of this section shall pay a fee established by the Administration before renewal of the registration of the vehicle.

(2) The fee described under paragraph (1) of this subsection:

(i) May be distributed in part to a political subdivision acting as an agent of the Administration in the registration of a vehicle under § 13-404 of this article if, based upon

information provided to the Administration by the political subdivision under this section, the vehicle's prior registration was suspended or the vehicle's registration renewal was denied; and

(ii) Except as provided under item (i) of this paragraph, shall be retained by the Administration and may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8-403 or § 8-404 of this article.

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. “.