

GARV

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL NO. 391
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “citation;” insert “requiring the citation to be mailed within a certain time period;”; strike beginning with “requiring” in line 8 down through “procedures” in line 10 and substitute “authorizing the establishment and imposition of civil penalties”; 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; authorizing the agency issuing the citation to designate a representative to present evidence in court; providing that the designated representative need not be a law enforcement officer or an attorney; providing for the reissuance of a citation, under certain circumstances, to another person upon a finding by the District Court that the person originally cited for the violation was not operating the vehicle at the time of the violation;”; and strike beginning with “regulating” in line 20 down through “information;” in line 21 and substitute “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;”.

On page 2, strike in their entirety lines 10 through 16, inclusive.

AMENDMENT NO. 2

On page 4, in line 10, after “SYSTEMS” insert “UNDER THE CONTROL OF A POLITICAL SYSTEM AND”; in line 11, after “COURT” insert “SHALL BE REMITTED TO THE RESPECTIVE POLITICAL SUBDIVISION. CIVIL PENALTIES THAT RESULT FROM CITATIONS ISSUED USING TRAFFIC CONTROL SIGNAL MONITORING SYSTEMS UNDER THE CONTROL OF A STATE AGENCY”; and strike in their entirety lines 25 through 41, inclusive.

On page 6, strike beginning with “OR” in line 35 down through “ARTICLE” in line 36.

(Over)

AMENDMENT NO. 3

On page 7, in line 22, after “(2)” insert “SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A POLITICAL SUBDIVISION SHALL ESTABLISH BY LOCAL LAW THE AMOUNT OF THE CIVIL PENALTY IMPOSED FOR A VIOLATION UNDER THIS SECTION RESULTING FROM A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM OF THE POLITICAL SUBDIVISION.”

(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A STATE AGENCY THAT OPERATES A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM SHALL ESTABLISH BY REGULATION THE AMOUNT OF THE CIVIL PENALTY IMPOSED FOR A VIOLATION UNDER THIS SECTION RESULTING FROM THE TRAFFIC CONTROL SIGNAL MONITORING SYSTEM.

(4)”;

and strike in their entirety lines 32 through 39, inclusive.

AMENDMENT NO. 4

On page 8, in lines 1 and 2, strike “PARAGRAPHS (2) AND (3)” and substitute “PARAGRAPH (2)”; in line 26, after “(2)” insert “A CITATION ISSUED UNDER THIS SUBSECTION SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER THE ALLEGED VIOLATION.”

(3)”;

and strike beginning with “(3)” in line 28 down through “(5)” in line 32 and substitute “(4)”.

On page 9, after line 8, insert:

“(3) (I) IN A CONTESTED CASE UNDER THIS SECTION, THE AGENCY ISSUING THE CITATION MAY DESIGNATE A REPRESENTATIVE TO PRESENT EVIDENCE IN COURT.

(II) A REPRESENTATIVE DESIGNATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS NOT REQUIRED TO BE AN ATTORNEY OR A LAW ENFORCEMENT OFFICER.”;

and after line 40, insert:

“(4) (I) THE PROVISIONS OF THIS PARAGRAPH APPLY ONLY TO A CITATION THAT INVOLVES A VEHICLE THAT, AT THE TIME OF THE VIOLATION:

1. IS REGISTERED AS A CLASS B (FOR HIRE) VEHICLE, CLASS E (TRUCK) VEHICLE, CLASS F (TRACTOR) VEHICLE, CLASS G (TRAILER) VEHICLE, OR CLASS P (PASSENGER BUS) VEHICLE; OR

2. DISPLAYED CLASS 1A (DEALER) REGISTRATION PLATES.

(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.”.

AMENDMENT NO. 5

On page 10, in line 2, after “CONTESTED₂” insert “;(1)”; in line 4, after “VEHICLE” insert “; AND”

(2) THE POLITICAL SUBDIVISION IN WHICH THE MOTOR VEHICLE IS LOCATED MAY IMMOBILIZE OR IMPOUND THE MOTOR VEHICLE”;

in line 17, strike “ISSUANCE OF CITATIONS.”; strike beginning with “, AND” in line 17 down

(Over)

through "PENALTIES" in line 18; and in lines 26 and 32, strike "§ 22-202.1" and substitute "§ 21-202.1".