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**By: Chairman, Commerce and Government Matters Committee ~~and Delegate Hixson~~**  
Delegates Hixson, Bozman, E. Burns, Cryor, Dypski, Franchot, Goldwater,  
Harrison, Heller, Howard, B. Hughes, Hurson, Hutchins, Kagan, Kopp, Krysiak,  
Love, Mandel, Parker, Pendergrass, Petzold, Pitkin, Rawlings, Shriver, Stup,  
Turner, Valderrama, and Workman

Introduced and read first time: January 24, 1997

Assigned to: Commerce and Government Matters

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Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 19, 1997

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws - Traffic Control Signal Monitoring Systems**

3 FOR the purpose of authorizing certain law enforcement agencies to mail a citation to  
4 the owner of a motor vehicle that is recorded by a traffic control signal monitoring  
5 system to be in violation of certain laws regarding entering an intersection against a  
6 red signal indication; establishing the content of a citation; authorizing the sending  
7 of a warning in lieu of a citation; ~~authorizing the establishment and imposition of~~  
8 ~~civil penalties requiring the District Court to prescribe a certain citation form and a~~  
9 ~~civil penalty to be indicated on the citation for certain purposes; requiring the Chief~~  
10 ~~Judge of the District Court to adopt certain procedures;~~ providing that the owner of  
11 the vehicle is responsible for paying the civil penalty under certain circumstances;  
12 providing that persons receiving citations may elect to stand trial in the District  
13 Court; establishing defenses that may be considered; imposing certain additional  
14 penalties and authorizing certain other actions when an owner fails to pay the civil  
15 penalty, contest liability, or appear for trial; prohibiting imposition of liability under  
16 this Act from being considered a moving violation for certain purposes, being  
17 recorded on the driving record of the owner, or being considered by an insurer for  
18 certain purposes; providing for the admissibility and use of certain evidence;  
19 modifying the jurisdiction of the District Court for certain purposes; providing for  
20 the handling of certain court costs and penalties; regulating the disclosure of certain  
21 information; defining certain terms; and generally relating to imposition of liability  
22 on the owner of a motor vehicle recorded by a traffic control signal monitoring  
23 system violating certain laws regarding traffic control signals.

24 BY repealing and reenacting, with amendments,

2

1 Article - Courts and Judicial Proceedings  
2 Section 4-401(11) and (12), 7-301(a), and 7-302(a)  
3 Annotated Code of Maryland  
4 (1995 Replacement Volume and 1996 Supplement)

5 BY adding to

6 Article - Courts and Judicial Proceedings  
7 Section 4-401(13), 7-302(e), and 10-311  
8 Annotated Code of Maryland  
9 (1995 Replacement Volume and 1996 Supplement)

10 BY repealing and reenacting, with amendments,

11 Article - Insurance  
12 Section 11-215(e) and 11-318(e)  
13 Annotated Code of Maryland  
14 (1995 Volume and 1996 Supplement)  
15 (As enacted by Chapter (H.B. 11) of the Acts of the General Assembly of  
16 1997)

17 BY adding to

18 Article - State Government  
19 Section 10-616(n)  
20 Annotated Code of Maryland  
21 (1995 Replacement Volume and 1996 Supplement)

22 BY repealing and reenacting, without amendments,

23 Article - Transportation  
24 Section 11-168, 21-201, and 21-202(h)  
25 Annotated Code of Maryland  
26 (1992 Replacement Volume and 1996 Supplement)

27 BY adding to

28 Article - Transportation  
29 Section 21-202.1  
30 Annotated Code of Maryland  
31 (1992 Replacement Volume and 1996 Supplement)

32 BY repealing and reenacting, with amendments,

33 Article - Transportation  
34 Section 26-305 and 26-401  
35 Annotated Code of Maryland  
36 (1992 Replacement Volume and 1996 Supplement)

37 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

38 MARYLAND, That the Laws of Maryland read as follows:

3

1 **Article - Courts and Judicial Proceedings**

2 4-401.

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

5 (11) A proceeding for adjudication of a civil penalty for any violation under §  
6 5-1001 of the Environment Article of the Code or under § 2-101(c-1) of Article 41 of the  
7 Code or any rule or regulation issued pursuant to those sections; [and]

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

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

13 7-301.

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

27 7-302.

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

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

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

33 (E) (1) A CITATION ISSUED PURSUANT TO § 21-202.1 OF THE  
34 TRANSPORTATION ARTICLE SHALL PROVIDE THAT THE PERSON RECEIVING THE  
35 CITATION MAY ELECT TO STAND TRIAL BY NOTIFYING THE ISSUING AGENCY OF  
36 THE PERSON'S INTENTION TO STAND TRIAL AT LEAST 5 DAYS PRIOR TO THE DATE  
37 OF PAYMENT AS SET FORTH IN THE CITATION. ON RECEIPT OF THE NOTICE TO  
38 STAND TRIAL, THE AGENCY SHALL FORWARD TO THE DISTRICT COURT HAVING  
39 VENUE A COPY OF THE CITATION AND A COPY OF THE NOTICE FROM THE PERSON  
40 WHO RECEIVED THE CITATION INDICATING THE PERSON'S INTENTION TO STAND  
41 TRIAL. ON RECEIPT THEREOF, THE DISTRICT COURT SHALL SCHEDULE THE CASE

4

1 FOR TRIAL AND NOTIFY THE DEFENDANT OF THE TRIAL DATE UNDER  
2 PROCEDURES ADOPTED BY THE CHIEF JUDGE OF THE DISTRICT COURT.

3 (2) A CITATION ISSUED AS THE RESULT OF A TRAFFIC CONTROL SIGNAL  
4 MONITORING SYSTEM CONTROLLED BY A POLITICAL SUBDIVISION SHALL PROVIDE  
5 THAT, IN AN UNCONTESTED CASE, THE PENALTY SHALL BE PAID DIRECTLY TO THAT  
6 POLITICAL SUBDIVISION. A CITATION ISSUED AS THE RESULT OF A TRAFFIC  
7 CONTROL SIGNAL MONITORING SYSTEM CONTROLLED BY A STATE AGENCY SHALL  
8 PROVIDE THAT THE PENALTY SHALL BE PAID DIRECTLY TO THE DISTRICT COURT.

9 (3) CIVIL PENALTIES THAT RESULT FROM CITATIONS ISSUED USING  
10 TRAFFIC CONTROL SIGNAL MONITORING SYSTEMS ~~UNDER THE CONTROL OF A~~  
11 ~~POLITICAL SYSTEM AND~~ COLLECTED BY THE DISTRICT COURT ~~SHALL BE REMITTED~~  
12 ~~TO THE RESPECTIVE POLITICAL SUBDIVISION. CIVIL PENALTIES THAT RESULT FROM~~  
13 ~~CITATIONS ISSUED USING TRAFFIC CONTROL SIGNAL MONITORING SYSTEMS UNDER~~  
14 ~~THE CONTROL OF A STATE AGENCY~~ SHALL BE COLLECTED IN ACCORDANCE WITH  
15 SUBSECTION (A) OF THIS SECTION AND DISTRIBUTED IN ACCORDANCE WITH § 12-118  
16 OF THE TRANSPORTATION ARTICLE.

17 10-311.

18 A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A TRAFFIC  
19 CONTROL SIGNAL MONITORING SYSTEM IN ACCORDANCE WITH § 21-202.1 OF THE  
20 TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A CIVIL  
21 CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION OF § 21-202(H) OF THE  
22 TRANSPORTATION ARTICLE WITHOUT AUTHENTICATION. IN ANY OTHER JUDICIAL  
23 PROCEEDING, A RECORDED IMAGE PRODUCED BY A TRAFFIC CONTROL SIGNAL  
24 MONITORING SYSTEM IS ADMISSIBLE AS OTHERWISE PROVIDED BY LAW.

25 **Article - Insurance**

26 11-215.

27 (e) For purposes of reclassifying an insured in a classification that entails a higher  
28 premium, an insurer under an automobile insurance policy may not consider a probation  
29 before judgment disposition of a motor vehicle law offense. A CIVIL PENALTY IMPOSED  
30 PURSUANT TO § 21-202.1 OF THE TRANSPORTATION ARTICLE, or a first offense of  
31 driving with an alcohol concentration of 0.10 or more under § 16-205.1 of the  
32 Transportation Article on record with the Motor Vehicle Administration, as provided in  
33 § 16-117(b) of the Transportation Article.

34 11-318.

35 (e) For purposes of reclassifying an insured in a classification that entails a higher  
36 premium, an insurer under an automobile insurance policy may not consider a probation  
37 before judgment disposition of a motor vehicle law offense. A CIVIL PENALTY IMPOSED  
38 PURSUANT TO § 21-202.1 OF THE TRANSPORTATION ARTICLE, or a first offense of  
39 driving with an alcohol concentration of 0.10 or more under § 16-205.1 of the  
40 Transportation Article on record with the Motor Vehicle Administration, as provided in  
41 § 16-117(b) of the Transportation Article.

5

1 **Article - State Government**

2 10-616.

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

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

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

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

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

14 (III) BY AN EMPLOYEE OR AGENT OF A LAW ENFORCEMENT  
15 AGENCY IN AN INVESTIGATION OR PROCEEDING RELATING TO THE IMPOSITION OF  
16 OR INDEMNIFICATION FROM CIVIL LIABILITY PURSUANT TO § 21-202.1 OF THE  
17 TRANSPORTATION ARTICLE.

18 **Article - Transportation**

19 11-168.

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

23 21-201.

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

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

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

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

6

1 (c) Unless the contrary is established by competent evidence, if a traffic control  
2 device is placed in a position approximately meeting the requirements of the Maryland  
3 Vehicle Law, the device is presumed to have been placed by the official act or direction  
4 of lawful authority.

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

9 21-202.

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

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

12 (i) At a clearly marked stop line;

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

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

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

18 21-202.1.

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

21 (2) "AGENCY" MEANS:

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

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

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

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

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

7

1 (I) ON:

- 2 1. TWO OR MORE PHOTOGRAPHS;
- 3 2. TWO OR MORE MICROPHOTOGRAPHS;
- 4 3. TWO OR MORE ELECTRONIC IMAGES;
- 5 4. VIDEOTAPE; OR
- 6 5. ANY OTHER MEDIUM; AND

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

10 (5) "TRAFFIC CONTROL SIGNAL MONITORING SYSTEM" MEANS A  
11 DEVICE WITH ONE OR MORE MOTOR VEHICLE SENSORS WORKING IN CONJUNCTION  
12 WITH A TRAFFIC CONTROL SIGNAL TO PRODUCE RECORDED IMAGES OF MOTOR  
13 VEHICLES ENTERING AN INTERSECTION AGAINST A RED SIGNAL INDICATION.

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

17 (C) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A  
18 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER  
19 OF A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS  
20 RECORDED BY A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM WHILE BEING  
21 OPERATED IN VIOLATION OF § 21-202(H) OF THIS SUBTITLE.

22 ~~(2) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A POLITICAL~~  
23 ~~SUBDIVISION SHALL ESTABLISH BY LOCAL LAW THE AMOUNT OF THE CIVIL~~  
24 ~~PENALTY IMPOSED FOR A VIOLATION UNDER THIS SECTION RESULTING FROM A~~  
25 ~~TRAFFIC CONTROL SIGNAL MONITORING SYSTEM OF THE POLITICAL SUBDIVISION.~~

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

31 ~~(4) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED \$100.~~

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

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

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

1 (D) (1) SUBJECT TO THE PROVISIONS OF ~~PARAGRAPH (2)~~ PARAGRAPHS (2)  
2 AND (3) OF THIS SUBSECTION, AN AGENCY SHALL MAIL TO THE OWNER LIABLE  
3 UNDER SUBSECTION (C) OF THIS SECTION A CITATION WHICH SHALL INCLUDE:

4 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE  
5 VEHICLE;

6 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE  
7 INVOLVED IN THE VIOLATION;

8 (III) THE VIOLATION CHARGED;

9 (IV) THE LOCATION OF THE INTERSECTION;

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

11 (VI) A COPY OF THE RECORDED IMAGE;

12 (VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE DATE  
13 BY WHICH THE CIVIL PENALTY SHOULD BE PAID;

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

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

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

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

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

26 (2) THE AGENCY MAY MAIL A WARNING NOTICE IN LIEU OF A CITATION  
27 TO THE OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION.

28 (3) A CITATION MAY NOT BE ISSUED MORE THAN 2 WEEKS AFTER THE  
29 DATE OF THE VIOLATION.

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

32 ~~(3)~~ (5) A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH (1)  
33 OF THIS SUBSECTION MAY:

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

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



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

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

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

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

12 1. IN ORDER TO YIELD THE RIGHT-OF-WAY TO AN  
13 EMERGENCY VEHICLE; OR

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

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

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

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

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

30 (2) IN ORDER TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE  
31 REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND  
32 WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF  
33 THE VIOLATION, THE OWNER MUST SUBMIT PROOF THAT A POLICE REPORT ABOUT  
34 THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN A TIMELY  
35 MANNER.

36 (3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(IV)  
37 OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO  
38 THE DISTRICT COURT EVIDENCE TO THE SATISFACTION OF THE COURT OF WHO  
39 WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION, INCLUDING, AT A  
40 MINIMUM, THE OPERATOR'S NAME AND CURRENT ADDRESS.

10

1 (G) IF THE CIVIL PENALTY IS NOT PAID AND THE VIOLATION IS NOT  
2 CONTESTED;

3 ~~(4) THE ADMINISTRATION MAY REFUSE TO REGISTER OR REREGISTER~~  
4 ~~OR MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE; AND~~

5 ~~(2) THE POLITICAL SUBDIVISION IN WHICH THE MOTOR VEHICLE IS~~  
6 ~~LOCATED MAY IMMOBILIZE OR IMPOUND THE MOTOR VEHICLE.~~

7 (H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS  
8 SECTION:

9 (1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING  
10 POINTS UNDER § 16-402 OF THIS ARTICLE AND MAY NOT BE RECORDED BY THE  
11 ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OF THE VEHICLE;

12 (2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF §  
13 26-305 OF THIS ARTICLE; AND

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

16 (I) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES  
17 FOR THE ISSUANCE OF CITATIONS, TRIAL OF CIVIL VIOLATIONS, AND THE  
18 COLLECTION OF CIVIL PENALTIES UNDER THIS SECTION.

19 26-305.

20 (a) The Administration may not register or transfer the registration of any vehicle  
21 involved in a parking violation under this subtitle [or], a violation under any federal  
22 parking regulation that applies to property in this State under the jurisdiction of the U.S.  
23 government, OR A VIOLATION OF § 21-202(H) OF THIS ARTICLE AS DETERMINED  
24 UNDER § 21-202.1 OF THIS ARTICLE, if:

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

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

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

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

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

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

11

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12

1 under this section, the vehicle's prior registration was suspended or the vehicle's  
2 registration renewal was denied; and

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

6 26-401.

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

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 1997.