

BY: Senator Mooney

AMENDMENTS TO SENATE BILL NO. 861

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after “information;” insert “requiring the citation to contain a form to be used by a person claiming a defense that the vehicle of the person issued the citation was not being driven at the time of the offense by the person charged; requiring certain items to be listed on the form;”; in line 19, after “citation;” insert “requiring the District Court to dismiss a certain citation on receipt of a form certifying that the person claims as a defense to the charge contained in the citation that the person’s vehicle was not being driven by the person;”; in line 22, after “procedures;” insert “providing that a person whose citation is dismissed under this Act is not required to appear in court concerning the citation;”; and in line 28, strike “letter” and substitute “form”.

AMENDMENT NO. 2

On page 7, in line 18, strike beginning with “OR” through “DRIVER”; and in line 26, after “ARTICLE” insert “AND THE FORM DESCRIBED IN SUBSECTION (D)(1)(XII) OF THIS SECTION”.

AMENDMENT NO. 3

On page 8, in line 14, strike “AND”; in line 22, after “REGISTRATION” insert “; AND

(XII) A FORM TO BE USED BY A PERSON CLAIMING A DEFENSE UNDER SUBSECTION (F)(1)(II) OF THIS SECTION, WHICH SHALL INCLUDE:

1. A STATEMENT THAT AT THE TIME OF THE ALLEGED VIOLATION THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE MOTOR VEHICLE; AND

2. A STATEMENT THAT BY SIGNING THE FORM, THE PERSON CLAIMING THE DEFENSE AFFIRMS UNDER PENALTY OF PERJURY THAT THE

(Over)

FACTS INDICATED IN THE FORM ARE TRUE";

in line 26, strike "EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS SECTION, THE" and substitute "THE"; and in line 29, strike "EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS SECTION, A" and substitute "A".

AMENDMENT NO. 4

On page 9, in line 4, strike "OR"; and in line 6, after "VIOLATION" insert "; OR

(III) RETURN TO THE DISTRICT COURT THE COMPLETED FORM DESCRIBED IN PARAGRAPH (1)(XII) OF THIS SUBSECTION".

AMENDMENT NO. 5

On page 10, strike beginning with "A" in line 1 down through "EVIDENCE" in line 8 and substitute "THE COMPLETED FORM DESCRIBED IN SUBSECTION (D)(1)(XII) OF THIS SECTION THAT INCLUDES A SWORN STATEMENT THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

(4) (I) UPON THE RECEIPT OF A PROPERLY COMPLETED FORM AS REQUIRED IN SUBSECTION (D)(4) OF THIS SECTION, THE DISTRICT COURT SHALL DISMISS THE CITATION ISSUED TO THE PERSON.

(II) A PERSON WHO RETURNS THE COMPLETED FORM IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION IS NOT REQUIRED TO APPEAR IN PERSON BEFORE THE DISTRICT COURT REGARDING THE CITATION";

and strike in their entirety lines 9 through 23, inclusive.