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Introduced and read first time: January 17, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Illegal Dumping - Surveillance Systems**

3 FOR the purpose of authorizing the Baltimore City Department of Public Works
4 (Department) to place certain surveillance systems at certain dumping sites in
5 Baltimore City for a certain purpose; providing that certain persons recorded on
6 a surveillance image while committing a certain littering offense are subject to
7 certain penalties; requiring the Department to mail a certain citation to the
8 owner of a motor vehicle that is recorded on a certain surveillance image being
9 used in the commission of a certain violation; establishing a maximum fine for a
10 violation of certain laws or ordinances relating to littering that are enforced by
11 means of a surveillance system; requiring the District Court, in consultation
12 with the Department, to prescribe a certain citation form; requiring a citation to
13 include certain information; authorizing the Department to send a warning
14 instead of a citation; requiring a citation to be mailed within a certain time
15 period; providing that persons who receive a certain citation may pay the civil
16 penalty or may elect to stand trial in the District Court; establishing that a
17 certain certificate may be evidence of certain facts and shall be admissible in a
18 certain proceeding; establishing the standard of proof for a violation of law
19 enforced by means of a surveillance system under this Act; establishing certain
20 defenses that the District Court may consider for a violation enforced by means
21 of a surveillance system under this Act; authorizing a vehicle owner to submit
22 certain evidence to the court to establish certain defenses; authorizing the
23 Department to reissue a citation under certain circumstances; requiring the
24 District Court to forward certain evidence to the Department; authorizing the
25 Motor Vehicle Administration to refuse to register or reregister a motor vehicle
26 or to suspend the registration of a motor vehicle if a person named in a citation
27 does not pay the penalty or contest the violation; providing that a violation
28 under this Act may not be recorded on a certain driving record and may be
29 treated as a parking violation for certain purposes; requiring the Chief Judge of
30 the District Court, in consultation with the Department, to adopt certain
31 procedures; establishing that the District Court has exclusive original
32 jurisdiction in a proceeding for a civil infraction under this Act; providing for the
33 court costs in a proceeding under this Act; establishing certain requirements for

1 a citation issued under this Act; providing for the distribution of penalties paid
2 for a violation of certain offenses and ordinances enforced by means of
3 surveillance systems; requiring the custodian of a surveillance image to deny
4 inspection of the image except under certain circumstances; prohibiting the
5 Motor Vehicle Administration from registering or transferring the registration
6 of a vehicle involved in a violation of a certain provision of law or a certain
7 ordinance as determined by means of a surveillance system under certain
8 circumstances; defining certain terms; and generally relating to the use of
9 surveillance systems at dumping sites in Baltimore City.

10 BY repealing and reenacting, with amendments,
11 Article - Courts and Judicial Proceedings
12 Section 4-401(13) and 7-301(a)
13 Annotated Code of Maryland
14 (2002 Replacement Volume and 2004 Supplement)

15 BY adding to
16 Article - Courts and Judicial Proceedings
17 Section 7-302(f)
18 Annotated Code of Maryland
19 (2002 Replacement Volume and 2004 Supplement)

20 BY adding to
21 Article - Criminal Law
22 Section 10-112
23 Annotated Code of Maryland
24 (2002 Volume and 2004 Supplement)

25 BY repealing and reenacting, without amendments,
26 Article - State Government
27 Section 10-616(p)(5)(i)
28 Annotated Code of Maryland
29 (2004 Replacement Volume)

30 BY adding to
31 Article - State Government
32 Section 10-616(t)
33 Annotated Code of Maryland
34 (2004 Replacement Volume)

35 BY repealing and reenacting, with amendments,
36 Article - Transportation
37 Section 26-305
38 Annotated Code of Maryland

1 (2002 Replacement Volume and 2004 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article - Courts and Judicial Proceedings**

5 4-401.

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

9 (13) A proceeding for a civil infraction under § 21-202.1 of the
10 Transportation Article OR § 10-112 OF THE CRIMINAL LAW ARTICLE;

11 7-301.

12 (a) The court costs in a traffic case, including parking and impounding cases
13 [and], cases under § 21-202.1 of the Transportation Article in which costs are
14 imposed, AND CASES UNDER § 10-112 OF THE CRIMINAL LAW ARTICLE IN WHICH
15 COSTS ARE IMPOSED are \$20. Such costs shall also be applicable to those cases in
16 which the defendant elects to waive his right to trial and pay the fine or penalty
17 deposit established by the Chief Judge of the District Court by administrative
18 regulation. In an uncontested case under § 21-202.1 of the Transportation Article
19 [or], AN UNCONTESTED CASE UNDER § 10-112 OF THE CRIMINAL LAW ARTICLE, OR
20 AN uncontested parking or impounding case in which the fines are paid directly to a
21 political subdivision or municipality, costs are \$2.00, which costs shall be paid to and
22 retained by the political subdivision or municipality. In an uncontested case in which
23 the fine is paid directly to an agency of State government authorized by law to
24 regulate parking of motor vehicles, the costs are \$2.00. The fine and the costs shall be
25 paid to the agency, which shall receive and account for these funds as in all other
26 cases involving sums due the State through a State agency.

27 7-302.

28 (F) (1) A CITATION ISSUED UNDER § 10-112 OF THE CRIMINAL LAW ARTICLE
29 SHALL PROVIDE THAT THE PERSON RECEIVING THE CITATION MAY ELECT TO STAND
30 TRIAL BY NOTIFYING THE BALTIMORE CITY DEPARTMENT OF PUBLIC WORKS OF THE
31 PERSON'S INTENTION TO STAND TRIAL AT LEAST 5 DAYS PRIOR TO THE DATE OF
32 PAYMENT AS SET FORTH IN THE CITATION. ON RECEIPT OF THE NOTICE TO STAND
33 TRIAL, THE BALTIMORE CITY DEPARTMENT OF PUBLIC WORKS SHALL FORWARD TO
34 THE DISTRICT COURT HAVING VENUE A COPY OF THE CITATION AND A COPY OF THE
35 NOTICE FROM THE PERSON WHO RECEIVED THE CITATION INDICATING THE
36 PERSON'S INTENTION TO STAND TRIAL. ON RECEIPT THEREOF, THE DISTRICT COURT
37 SHALL SCHEDULE THE CASE FOR TRIAL AND NOTIFY THE DEFENDANT OF THE TRIAL
38 DATE UNDER PROCEDURES ADOPTED BY THE CHIEF JUDGE OF THE DISTRICT
39 COURT.

1 (2) A CITATION ISSUED AS A RESULT OF THE USE OF A SURVEILLANCE
2 SYSTEM SHALL PROVIDE THAT, IN AN UNCONTESTED CASE, THE PENALTY SHALL BE
3 PAID DIRECTLY TO BALTIMORE CITY.

4 (3) CIVIL PENALTIES COLLECTED BY THE DISTRICT COURT RESULTING
5 FROM CITATIONS ISSUED AS A RESULT OF THE USE OF A SURVEILLANCE SYSTEM
6 SHALL BE COLLECTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION AND
7 DISTRIBUTED TO BALTIMORE CITY.

8 **Article - Criminal Law**

9 10-112.

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

12 (2) "DEPARTMENT" MEANS THE BALTIMORE CITY DEPARTMENT OF
13 PUBLIC WORKS.

14 (3) "DUMPING SITE" MEANS A LOCATION IN BALTIMORE CITY THAT IS:

15 (I) OWNED BY THE CITY OR THE STATE; AND

16 (II) IDENTIFIED BY THE DEPARTMENT AS PROPERTY THAT HAS
17 BEEN REPEATEDLY USED FOR THE DISPOSAL OF LITTER IN VIOLATION OF STATE
18 LAW OR A LOCAL LAW OR ORDINANCE.

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

22 (II) "OWNER" DOES NOT INCLUDE:

23 1. A MOTOR VEHICLE RENTAL OR LEASING COMPANY; OR

24 2. A HOLDER OF A SPECIAL REGISTRATION PLATE ISSUED
25 UNDER TITLE 13, SUBTITLE 9, PART III OF THE TRANSPORTATION ARTICLE.

26 (5) "SURVEILLANCE IMAGE" MEANS AN IMAGE RECORDED BY A
27 SURVEILLANCE SYSTEM:

28 (I) ON:

29 1. A PHOTOGRAPH;

30 2. A MICROGRAPH;

31 3. AN ELECTRONIC IMAGE;

32 4. VIDEOTAPE; OR

1 5. ANY OTHER MEDIUM;

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

5 (III) SHOWING AN INDIVIDUAL COMMITTING A VIOLATION OF THE
6 STATE LITTER CONTROL LAW OR A LOCAL LAW OR ORDINANCE RELATING TO THE
7 UNLAWFUL DISPOSAL OF LITTER.

8 (6) "SURVEILLANCE SYSTEM" MEANS A COLLECTION OF ONE OR MORE
9 CAMERAS LOCATED AT A DUMPING SITE THAT PRODUCES A SURVEILLANCE IMAGE.

10 (B) THIS SECTION APPLIES TO A VIOLATION OF THE STATE LITTER CONTROL
11 LAW OR A LOCAL LAW OR ORDINANCE RELATING TO THE UNLAWFUL DISPOSAL OF
12 LITTER THAT OCCURS AT A DUMPING SITE MONITORED BY A SURVEILLANCE
13 SYSTEM.

14 (C) THE DEPARTMENT MAY:

15 (1) PLACE SURVEILLANCE SYSTEMS AT DUMPING SITES; AND

16 (2) USE SURVEILLANCE IMAGES TO ENFORCE THE PROVISIONS OF THE
17 STATE LITTER CONTROL LAW OR A LOCAL LAW OR ORDINANCE RELATING TO THE
18 UNLAWFUL DISPOSAL OF LITTER.

19 (D) (1) UNLESS THE INDIVIDUAL COMMITTING A VIOLATION RECEIVED A
20 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER OF
21 THE VEHICLE, OR IN ACCORDANCE WITH SUBSECTION (G)(4) OF THIS SECTION, THE
22 INDIVIDUAL COMMITTING THE VIOLATION IS SUBJECT TO A CIVIL PENALTY IF THE
23 INDIVIDUAL COMMITTING THE VIOLATION AND THE MOTOR VEHICLE BEING USED
24 BY THE INDIVIDUAL ARE RECORDED ON A SURVEILLANCE IMAGE BY A
25 SURVEILLANCE SYSTEM WHILE THE INDIVIDUAL IS COMMITTING A VIOLATION OF
26 THE STATE LITTER CONTROL LAW OR A LOCAL LAW OR ORDINANCE RELATING TO
27 THE UNLAWFUL DISPOSAL OF LITTER.

28 (2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED \$1,000.

29 (3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT, IN
30 CONSULTATION WITH THE DEPARTMENT, SHALL PRESCRIBE:

31 (I) A UNIFORM CITATION FORM CONSISTENT WITH SUBSECTION
32 (E)(1) OF THIS SECTION AND § 7-302 OF THE COURTS ARTICLE; AND

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

1 (E) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (4) OF
2 THIS SUBSECTION, THE DEPARTMENT SHALL MAIL TO THE OWNER LIABLE UNDER
3 SUBSECTION (D) OF THIS SECTION A CITATION THAT 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 WHERE THE VIOLATION OCCURRED;

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

11 (VI) A COPY OF THE SURVEILLANCE IMAGE;

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

14 (VIII) A SIGNED STATEMENT BY A DULY AUTHORIZED AGENT OF THE
15 DEPARTMENT THAT, BASED ON INSPECTION OF SURVEILLANCE IMAGES, THE MOTOR
16 VEHICLE WAS BEING USED BY AN INDIVIDUAL WHO WAS COMMITTING A VIOLATION
17 OF THE STATE LITTER CONTROL LAW OR A LOCAL LAW OR ORDINANCE RELATING TO
18 THE UNLAWFUL DISPOSAL OF LITTER;

19 (IX) A STATEMENT THAT SURVEILLANCE IMAGES ARE EVIDENCE OF
20 A VIOLATION OF THE STATE LITTER CONTROL LAW OR A LOCAL LAW OR ORDINANCE
21 RELATING TO THE UNLAWFUL DISPOSAL OF LITTER;

22 (X) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE
23 UNDER THIS SECTION OF THE MANNER AND TIME IN WHICH LIABILITY AS ALLEGED
24 IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND

25 (XI) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE
26 UNDER THIS SECTION THAT FAILURE TO PAY THE CIVIL PENALTY OR TO CONTEST
27 LIABILITY IN A TIMELY MANNER:

28 1. IS AN ADMISSION OF LIABILITY;

29 2. MAY RESULT IN THE REFUSAL BY THE MOTOR VEHICLE
30 ADMINISTRATION TO REGISTER THE MOTOR VEHICLE; AND

31 3. MAY RESULT IN THE SUSPENSION OF THE MOTOR
32 VEHICLE REGISTRATION.

33 (2) THE DEPARTMENT MAY MAIL A WARNING NOTICE INSTEAD OF A
34 CITATION TO THE OWNER LIABLE UNDER SUBSECTION (D) OF THIS SECTION.

1 (3) EXCEPT AS PROVIDED IN SUBSECTION (G)(4) OF THIS SECTION, THE
2 DEPARTMENT MAY NOT MAIL A CITATION TO A PERSON WHO IS NOT AN OWNER.

3 (4) EXCEPT AS PROVIDED IN SUBSECTION (G)(4) OF THIS SECTION, A
4 CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NO LATER THAN 2 WEEKS
5 AFTER THE ALLEGED VIOLATION.

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

8 (I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH THE
9 INSTRUCTIONS ON THE CITATION, DIRECTLY TO BALTIMORE CITY OR THE DISTRICT
10 COURT; OR

11 (II) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR THE
12 ALLEGED VIOLATION.

13 (F) (1) A CERTIFICATE ALLEGING THAT A VIOLATION OF THE STATE LITTER
14 CONTROL LAW OR A LOCAL LAW OR ORDINANCE RELATING TO THE UNLAWFUL
15 DISPOSAL OF LITTER OCCURRED, SWORN TO OR AFFIRMED BY A DULY AUTHORIZED
16 AGENT OF THE DEPARTMENT, BASED ON INSPECTION OF SURVEILLANCE IMAGES
17 PRODUCED BY A SURVEILLANCE SYSTEM, SHALL BE EVIDENCE OF THE FACTS
18 CONTAINED IN THE CERTIFICATE AND SHALL BE ADMISSABLE IN A PROCEEDING
19 ALLEGING A VIOLATION UNDER THIS SECTION.

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

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

23 (I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THAT:

24 1. THE MOTOR VEHICLE WAS STOLEN BEFORE THE
25 VIOLATION OCCURRED AND WAS NOT UNDER THE CONTROL OR POSSESSION OF THE
26 OWNER AT THE TIME OF THE VIOLATION; OR

27 2. THE REGISTRATION PLATES OF THE MOTOR VEHICLE
28 WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE
29 CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION;

30 (II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EVIDENCE
31 THAT THE PERSON NAMED IN THE CITATION WAS NOT THE PERSON IN THE
32 SURVEILLANCE IMAGE COMMITTING THE VIOLATION OF THE STATE LITTER
33 CONTROL LAW OR A LOCAL LAW OR ORDINANCE RELATING TO THE UNLAWFUL
34 DISPOSAL OF LITTER; AND

35 (III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT COURT
36 DEEMS PERTINENT.

1 (2) IN ORDER TO ASSERT A DEFENSE UNDER PARAGRAPH (1)(I) OF THIS
2 SUBSECTION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT
3 REGARDING THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN
4 A TIMELY MANNER.

5 (3) IN ORDER TO SATISFY THE EVIDENTIARY BURDEN UNDER
6 PARAGRAPH (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION
7 SHALL PROVIDE TO THE DISTRICT COURT EVIDENCE TO THE SATISFACTION OF THE
8 COURT OF THE IDENTITY OF THE PERSON IN THE SURVEILLANCE IMAGE WHO WAS
9 ACTUALLY COMMITTING THE VIOLATION, INCLUDING, AT A MINIMUM, THE PERSON'S
10 NAME AND CURRENT ADDRESS.

11 (4) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED IN
12 THE CITATION DID NOT COMMIT THE VIOLATION OR RECEIVES EVIDENCE UNDER
13 PARAGRAPH (3) OF THIS SUBSECTION IDENTIFYING THE PERSON WHO COMMITTED
14 THE VIOLATION, THE CLERK OF THE COURT SHALL PROVIDE THE DEPARTMENT
15 WITH A COPY OF ANY EVIDENCE SUBSTANTIATING WHO WAS OPERATING THE
16 VEHICLE AT THE TIME OF THE VIOLATION.

17 (II) ON RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE
18 DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT
19 MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (E) OF THIS SECTION TO THE
20 PERSON THAT THE EVIDENCE INDICATES COMMITTED THE VIOLATION.

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

24 (H) IF THE PERSON NAMED IN THE CITATION DOES NOT PAY THE CIVIL
25 PENALTY AND DOES NOT CONTEST THE VIOLATION, THE MOTOR VEHICLE
26 ADMINISTRATION MAY:

27 (1) REFUSE TO REGISTER OR REREGISTER THE MOTOR VEHICLE CITED
28 IN THE VIOLATION; OR

29 (2) SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE CITED IN
30 THE VIOLATION.

31 (I) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS
32 SECTION:

33 (1) MAY NOT BE RECORDED BY THE MOTOR VEHICLE ADMINISTRATION
34 ON THE DRIVING RECORD OF THE OWNER OR THE DRIVER OF THE MOTOR VEHICLE;
35 AND

36 (2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF §
37 26-305 OF THE TRANSPORTATION ARTICLE.

38 (J) IN CONSULTATION WITH THE DEPARTMENT, THE CHIEF JUDGE OF THE
39 DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE ISSUANCE OF CITATIONS,

1 THE TRIAL OF CIVIL VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES UNDER
2 THIS SECTION.

3

Article - State Government

4 10-616.

5 (p) (5) Notwithstanding the provisions of paragraphs (3) and (4) of this
6 subsection, a custodian shall disclose personal information:

7 (i) for use by a federal, state, or local government, including a law
8 enforcement agency, or a court in carrying out its functions;

9 (T) (1) IN THIS SUBSECTION, "SURVEILLANCE IMAGE" HAS THE MEANING
10 STATED IN § 10-112 OF THE CRIMINAL LAW ARTICLE.

11 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A
12 CUSTODIAN OF A SURVEILLANCE IMAGE SHALL DENY INSPECTION OF THE
13 SURVEILLANCE IMAGE.

14 (3) A CUSTODIAN SHALL ALLOW INSPECTION OF A SURVEILLANCE
15 IMAGE:

16 (I) AS REQUIRED IN § 10-112 OF THE CRIMINAL LAW ARTICLE;

17 (II) BY ANY PERSON ISSUED A CITATION UNDER § 10-112 OF THE
18 CRIMINAL LAW ARTICLE, OR AN ATTORNEY OF RECORD FOR THE PERSON; OR

19 (III) BY AN EMPLOYEE OR AGENT OF THE BALTIMORE CITY
20 DEPARTMENT OF PUBLIC WORKS IN AN INVESTIGATION OR PROCEEDING RELATING
21 TO THE IMPOSITION OF OR INDEMNIFICATION FROM CIVIL LIABILITY UNDER § 10-112
22 OF THE CRIMINAL LAW ARTICLE.

23

Article - Transportation

24 26-305.

25 (a) The Administration may not register or transfer the registration of any
26 vehicle involved in a parking violation under this subtitle, a violation under any
27 federal parking regulation that applies to property in this State under the jurisdiction
28 of the U.S. government, [or] a violation of § 21-202(h) of this article as determined
29 under § 21-202.1 of this article, OR A VIOLATION OF THE STATE LITTER CONTROL
30 LAW OR A LOCAL LAW OR ORDINANCE ADOPTED BY BALTIMORE CITY RELATING TO
31 THE UNLAWFUL DISPOSAL OF LITTER AS DETERMINED UNDER § 10-112 OF THE
32 CRIMINAL LAW ARTICLE, if:

33 (1) It is notified by a political subdivision or authorized State agency
34 that a person cited for a violation under this subtitle [or], § 21-202.1 of this article,
35 OR § 10-112 OF THE CRIMINAL LAW ARTICLE has failed to either:

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

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

4 (2) It is notified by the District Court that a person who has elected to
5 stand trial for the violation under this subtitle [or], under § 21-202.1 of this article,
6 OR UNDER § 10-112 OF THE CRIMINAL LAW ARTICLE has failed to appear for trial; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (i) May be distributed in part to a political subdivision acting as an
14 agent of the Administration in the registration of a vehicle under § 13-404 of this
15 article if, based upon information provided to the Administration by the political
16 subdivision under this section, the vehicle's prior registration was suspended or the
17 vehicle's registration renewal was denied; and

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2005.