
By: **Senator McFadden**

Introduced and read first time: January 31, 2005

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2005

CHAPTER _____

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 the
13 Department to mail a certain citation to the owner of a motor vehicle that is
14 recorded on a certain surveillance image being used in the commission of a
15 certain violation; requiring a citation to include certain information; authorizing
16 the Department to send a warning instead of a citation; requiring a citation to
17 be mailed within a certain time period; providing that persons who receive a
18 certain citation may pay the civil penalty or may elect to stand trial in the
19 District Court; establishing that a certain certificate may be evidence of certain
20 facts and shall be admissible in a certain proceeding; establishing the standard
21 of proof for a violation of law enforced by means of a surveillance system under
22 this Act; establishing certain defenses that the District Court may consider for a
23 violation enforced by means of a surveillance system under this Act; authorizing
24 a vehicle owner to submit certain evidence to the court to establish certain
25 defenses; authorizing the Department to reissue a citation under certain
26 circumstances; requiring the District Court to forward certain evidence to the
27 Department; authorizing the Motor Vehicle Administration to refuse to register
28 ~~or reregister~~ a motor vehicle or to suspend the registration of a motor vehicle if

1 a person named in a citation does not pay the penalty or contest the violation;
2 providing that a violation under this Act may not be recorded on a certain
3 driving record and may be treated as a parking violation for certain purposes;
4 requiring the Chief Judge of the District Court, in consultation with the
5 Department, to adopt certain procedures; establishing that the District Court
6 has exclusive original jurisdiction in a proceeding for a civil infraction under
7 this Act; providing for the court costs in a proceeding under this Act;
8 establishing certain requirements for a citation issued under this Act; providing
9 for the distribution of penalties paid for a violation of certain offenses and
10 ordinances enforced by means of surveillance systems; requiring the custodian
11 of a surveillance image to deny inspection of the image except under certain
12 circumstances; prohibiting the Motor Vehicle Administration from registering or
13 transferring the registration of a vehicle involved in a violation of a certain
14 provision of law or a certain ordinance as determined by means of a surveillance
15 system under certain circumstances; defining certain terms; and generally
16 relating to the use of surveillance systems at dumping sites in Baltimore City.

17 BY repealing and reenacting, with amendments,
18 Article - Courts and Judicial Proceedings
19 Section 4-401(13) and 7-301(a)
20 Annotated Code of Maryland
21 (2002 Replacement Volume and 2004 Supplement)

22 BY adding to
23 Article - Courts and Judicial Proceedings
24 Section 7-302(f)
25 Annotated Code of Maryland
26 (2002 Replacement Volume and 2004 Supplement)

27 BY adding to
28 Article - Criminal Law
29 Section 10-112
30 Annotated Code of Maryland
31 (2002 Volume and 2004 Supplement)

32 BY repealing and reenacting, without amendments,
33 Article - State Government
34 Section 10-616(p)(5)(i)
35 Annotated Code of Maryland
36 (2004 Replacement Volume)

37 BY adding to
38 Article - State Government
39 Section 10-616(t)
40 Annotated Code of Maryland

1 (2004 Replacement Volume)

2 BY repealing and reenacting, with amendments,
3 Article - Transportation
4 Section 26-305
5 Annotated Code of Maryland
6 (2002 Replacement Volume and 2004 Supplement)

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

9 **Article - Courts and Judicial Proceedings**

10 4-401.

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

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

16 7-301.

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

32 7-302.

33 (F) (1) A CITATION ISSUED UNDER § 10-112 OF THE CRIMINAL LAW ARTICLE
34 SHALL PROVIDE THAT THE PERSON RECEIVING THE CITATION MAY ELECT TO STAND
35 TRIAL BY NOTIFYING THE BALTIMORE CITY DEPARTMENT OF PUBLIC WORKS OF THE
36 PERSON'S INTENTION TO STAND TRIAL AT LEAST 5 DAYS PRIOR TO THE DATE OF
37 PAYMENT AS SET FORTH IN THE CITATION. ON RECEIPT OF THE NOTICE TO STAND
38 TRIAL, THE BALTIMORE CITY DEPARTMENT OF PUBLIC WORKS SHALL FORWARD TO
39 THE DISTRICT COURT HAVING VENUE A COPY OF THE CITATION AND A COPY OF THE

1 NOTICE FROM THE PERSON WHO RECEIVED THE CITATION INDICATING THE
2 PERSON'S INTENTION TO STAND TRIAL. ON RECEIPT THEREOF, THE DISTRICT COURT
3 SHALL SCHEDULE THE CASE FOR TRIAL AND NOTIFY THE DEFENDANT OF THE TRIAL
4 DATE UNDER PROCEDURES ADOPTED BY THE CHIEF JUDGE OF THE DISTRICT
5 COURT.

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

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

13 **Article - Criminal Law**

14 10-112.

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

17 (2) "DEPARTMENT" MEANS THE BALTIMORE CITY DEPARTMENT OF
18 PUBLIC WORKS.

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

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

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

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

27 (II) "OWNER" DOES NOT INCLUDE:

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

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

31 (5) "SURVEILLANCE IMAGE" MEANS AN IMAGE RECORDED BY A
32 SURVEILLANCE SYSTEM:

33 (I) ON:

34 1. A PHOTOGRAPH;

- 1 2. A MICROGRAPH;
- 2 3. AN ELECTRONIC IMAGE;
- 3 4. VIDEOTAPE; OR
- 4 5. ANY OTHER MEDIUM;

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

8 (III) SHOWING AN INDIVIDUAL COMMITTING A VIOLATION OF THE
9 STATE LITTER CONTROL LAW OR A LOCAL LAW OR ORDINANCE RELATING TO THE
10 UNLAWFUL DISPOSAL OF LITTER.

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

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

17 (C) THE DEPARTMENT MAY:

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

19 (2) USE SURVEILLANCE IMAGES TO ENFORCE THE PROVISIONS OF THE
20 STATE LITTER CONTROL LAW OR A LOCAL LAW OR ORDINANCE RELATING TO THE
21 UNLAWFUL DISPOSAL OF LITTER.

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

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

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

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

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

4 (E) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (4) OF
5 THIS SUBSECTION, THE DEPARTMENT SHALL MAIL TO THE OWNER LIABLE UNDER
6 SUBSECTION (D) OF THIS SECTION A CITATION THAT SHALL INCLUDE:

7 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE
8 VEHICLE;

9 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE
10 INVOLVED IN THE VIOLATION;

11 (III) THE VIOLATION CHARGED;

12 (IV) THE LOCATION WHERE THE VIOLATION OCCURRED;

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

14 (VI) A COPY OF THE SURVEILLANCE IMAGE;

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

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

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

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

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

31 1. IS AN ADMISSION OF LIABILITY;

32 2. MAY RESULT IN THE REFUSAL BY THE MOTOR VEHICLE
33 ADMINISTRATION TO REGISTER THE MOTOR VEHICLE; AND

34 3. MAY RESULT IN THE SUSPENSION OF THE MOTOR
35 VEHICLE REGISTRATION.

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

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

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

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

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

13 (II) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR THE
14 ALLEGED VIOLATION.

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

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

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

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

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

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

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

1 (III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT COURT
2 DEEMS PERTINENT.

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

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

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

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

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

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

29 (1) REFUSE TO REGISTER ~~OR REREGISTER~~ THE MOTOR VEHICLE CITED
30 IN THE VIOLATION; OR

31 (2) SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE CITED IN
32 THE VIOLATION.

33 (I) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS
34 SECTION:

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

38 (2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF §
39 26-305 OF THE TRANSPORTATION ARTICLE.

1 (J) IN CONSULTATION WITH THE DEPARTMENT, THE CHIEF JUDGE OF THE
2 DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE ISSUANCE OF CITATIONS,
3 THE TRIAL OF CIVIL VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES UNDER
4 THIS SECTION.

5 **Article - State Government**

6 10-616.

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

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

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

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

16 (3) A CUSTODIAN SHALL ALLOW INSPECTION OF A SURVEILLANCE
17 IMAGE:

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

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

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

25 **Article - Transportation**

26 26-305.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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