

HOUSE BILL 462

R5
SB 1001/10 – JPR

11r1633

By: ~~Delegate Hogan~~ **Delegates Hogan and Hucker**

Introduced and read first time: February 7, 2011

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 6, 2011

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Overtaking and Passing School Vehicles – School Bus**
3 **Monitoring Cameras**

4 FOR the purpose of authorizing a ~~county board of education~~ law enforcement agency,
5 in consultation with a ~~certain local law enforcement agency~~ county board of
6 education, to place school bus monitoring cameras on county school buses for
7 the purpose of recording a motor vehicle committing a violation relating to
8 overtaking and passing school vehicles, if authorized by a local law enacted by
9 the governing body of the local jurisdiction; ~~requiring a school bus operator to~~
10 ~~give a recording of the violation to a certain local law enforcement agency;~~
11 requiring a ~~recording~~ **recorded image** made by a school bus monitoring camera
12 to include certain images and information; providing that the driver of a motor
13 vehicle recorded committing a certain violation is subject to a certain civil
14 penalty; providing that a civil penalty under this Act may not exceed a certain
15 amount; requiring the District Court to prescribe a certain uniform citation
16 form and civil penalty; **providing for the payment of fines imposed and the**
17 **distribution of revenues collected as a result of violations enforced by school bus**
18 **monitoring cameras;** requiring a certain local law enforcement agency to mail a
19 certain citation to the owner of a certain motor vehicle within a certain period of
20 time; providing for the contents of a certain citation; authorizing a local law
21 enforcement agency to mail a warning instead of a citation; authorizing a
22 person receiving a certain citation to pay the civil penalty or elect to stand trial;
23 providing that a certain certificate is admissible as evidence in a proceeding
24 concerning a certain violation; providing that a certain adjudication of liability
25 is based on a preponderance of evidence; establishing certain defenses, and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 requirements for proving the defenses, for a certain violation recorded by a
 2 school bus monitoring camera; requiring the District Court to provide certain
 3 evidence to a local law enforcement agency under certain circumstances;
 4 authorizing a local law enforcement agency to mail a certain notice within a
 5 certain time period after receiving certain evidence; authorizing the Motor
 6 Vehicle Administration to refuse to register or reregister a motor vehicle or
 7 suspend the registration of a motor vehicle under certain circumstances;
 8 establishing that a violation for which a civil penalty may be imposed under this
 9 Act is not a moving violation for certain purposes, may be treated as a parking
 10 violation for certain purposes, and may not be considered for certain insurance
 11 purposes; requiring the Chief Judge of the District Court, in consultation with
 12 certain local law enforcement agencies, to adopt certain procedures; providing
 13 that a proceeding for a certain violation recorded by a school bus monitoring
 14 camera is under the exclusive original jurisdiction of the District Court;
 15 providing that a recorded image of a motor vehicle produced by a school bus
 16 monitoring camera is admissible in a certain proceeding under certain
 17 circumstances; defining certain terms; and generally relating to the use of
 18 school bus monitoring cameras to enforce offenses relating to overtaking and
 19 passing school vehicles.

20 BY repealing and reenacting, with amendments,
 21 Article – Courts and Judicial Proceedings
 22 Section 4-401(13), ~~7-302(e)~~, and 10-311
 23 Annotated Code of Maryland
 24 (2006 Replacement Volume and 2010 Supplement)

25 BY repealing and reenacting, without amendments,
 26 Article – Transportation
 27 Section 21-706
 28 Annotated Code of Maryland
 29 (2009 Replacement Volume and 2010 Supplement)

30 BY repealing and reenacting, with amendments,
 31 Article – Transportation
 32 Section 21-706.1
 33 Annotated Code of Maryland
 34 (2009 Replacement Volume and 2010 Supplement)

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

37 **Article – Courts and Judicial Proceedings**

38 4-401.

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

4 (13) A proceeding for a civil infraction under § 21-202.1, § 21-704.1, §
5 **21-706.1**, § 21-809, or § 21-810 of the Transportation Article or § 10-112 of the
6 Criminal Law Article;

7 7-302.

8 (e) (1) A citation issued pursuant to § 21-202.1, § 21-706.1, § 21-809, or
9 § 21-810 of the Transportation Article shall provide that the person receiving the
10 citation may elect to stand trial by notifying the issuing agency of the person's
11 intention to stand trial at least 5 days prior to the date of payment as set forth in the
12 citation. On receipt of the notice to stand trial, the agency shall forward to the District
13 Court having venue a copy of the citation and a copy of the notice from the person who
14 received the citation indicating the person's intention to stand trial. On receipt
15 thereof, the District Court shall schedule the case for trial and notify the defendant of
16 the trial date under procedures adopted by the Chief Judge of the District Court.

17 (2) A citation issued as the result of a traffic control signal monitoring
18 system or speed monitoring system, including a work zone speed control system,
19 controlled by a political subdivision OR A SCHOOL BUS MONITORING CAMERA shall
20 provide that, in an uncontested case, the penalty shall be paid directly to that political
21 subdivision. A citation issued as the result of a traffic control signal monitoring system
22 or a work zone speed control system controlled by a State agency, or as a result of a
23 traffic control signal monitoring system [or], a speed monitoring system, OR A
24 SCHOOL BUS MONITORING CAMERA in a case contested in District Court, shall
25 provide that the penalty shall be paid directly to the District Court.

26 (3) Civil penalties resulting from citations issued using A traffic
27 control signal monitoring [systems or] SYSTEM, speed monitoring [systems] SYSTEM,
28 [or a] work zone speed control system, OR SCHOOL BUS MONITORING CAMERA that
29 are collected by the District Court shall be collected in accordance with subsection (a)
30 of this section and distributed in accordance with § 12-118 of the Transportation
31 Article.

32 (4) (i) From the fines collected by a political subdivision as a result
33 of violations enforced by speed monitoring systems OR SCHOOL BUS MONITORING
34 CAMERAS, a political subdivision:

35 1. May recover the costs of implementing and
36 administering the speed monitoring systems OR SCHOOL BUS MONITORING
37 CAMERAS; and

1 2. Subject to subparagraph (ii) of this paragraph, may
 2 spend any remaining balance solely for public safety purposes, including pedestrian
 3 safety programs.

4 (ii) 1. For any fiscal year, if the balance remaining from the
 5 finer collected by a political subdivision as a result of violations enforced by speed
 6 monitoring systems, after the costs of implementing and administering the systems
 7 are recovered in accordance with subparagraph (i)1 of this paragraph, is greater than
 8 10% of the total revenues of the political subdivision for the fiscal year, the political
 9 subdivision shall remit any funds that exceed 10% of the total revenues to the
 10 Comptroller.

11 2. The Comptroller shall deposit any money remitted
 12 under this subparagraph to the General Fund of the State.

13 10–311.

14 (a) A recorded image of a motor vehicle produced by a traffic control signal
 15 monitoring system in accordance with § 21–202.1 of the Transportation Article is
 16 admissible in a proceeding concerning a civil citation issued under that section for a
 17 violation of § 21–202(h) of the Transportation Article without authentication.

18 (b) A recorded image of a motor vehicle produced by a speed monitoring
 19 system in accordance with § 21–809 or § 21–810 of the Transportation Article is
 20 admissible in a proceeding concerning a civil citation issued under that section for a
 21 violation of Title 21, Subtitle 8 of the Transportation Article without authentication.

22 (c) **A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A SCHOOL**
 23 **BUS MONITORING CAMERA IN ACCORDANCE WITH § 21–706.1 OF THE**
 24 **TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A**
 25 **CIVIL CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION OF § 21–706 OF**
 26 **THE TRANSPORTATION ARTICLE WITHOUT AUTHENTICATION.**

27 (D) In any other judicial proceeding, a recorded image produced by a traffic
 28 control signal monitoring system, speed monitoring system, [or] work zone speed
 29 control system, **OR SCHOOL BUS MONITORING CAMERA** is admissible as otherwise
 30 provided by law.

31 **Article – Transportation**

32 21–706.

33 (a) If a school vehicle has stopped on a roadway and is operating the
 34 alternately flashing red lights specified in § 22–228 of this article, the driver of any
 35 other vehicle meeting or overtaking the school vehicle shall stop at least 20 feet from
 36 the rear of the school vehicle, if approaching the school vehicle from its rear, or at least

1 20 feet from the front of the school vehicle, if approaching the school vehicle from its
2 front.

3 (b) If a school vehicle has stopped on a roadway and is operating the
4 alternately flashing red lights specified in § 22–228 of this article, the driver of any
5 other vehicle meeting or overtaking the school vehicle may not proceed until the school
6 vehicle resumes motion or the alternately flashing red lights are deactivated.

7 (c) This section does not apply to the driver of a vehicle on a divided
8 highway, if the school vehicle is on a different roadway.

9 21–706.1.

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

12 **(2) “LAW ENFORCEMENT AGENCY” MEANS A LAW ENFORCEMENT**
13 **AGENCY OF A LOCAL POLITICAL SUBDIVISION THAT IS AUTHORIZED TO ISSUE A**
14 **CITATION FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL**
15 **TRAFFIC LAWS OR REGULATIONS.**

16 **(3) (I) “OWNER” MEANS THE REGISTERED OWNER OF A MOTOR**
17 **VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR**
18 **MORE.**

19 **(II) “OWNER” DOES NOT INCLUDE:**

20 **1. A MOTOR VEHICLE RENTAL OR LEASING**
21 **COMPANY; OR**

22 **2. A HOLDER OF A SPECIAL REGISTRATION PLATE**
23 **ISSUED UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.**

24 **(4) “RECORDED IMAGE” MEANS AN IMAGE RECORDED BY A**
25 **SCHOOL BUS MONITORING CAMERA:**

26 **(I) ON:**

27 **1. TWO OR MORE PHOTOGRAPHS;**

28 **2. TWO OR MORE MICROPHOTOGRAPHS;**

29 **3. TWO OR MORE ELECTRONIC IMAGES;**

30 **4. VIDEOTAPE; OR**

1 **5. ANY OTHER MEDIUM; AND**

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

5 **(5) “SCHOOL BUS MONITORING CAMERA” MEANS A CAMERA**
6 **PLACED ON A SCHOOL BUS THAT IS DESIGNED TO CAPTURE A RECORDED IMAGE**
7 **OF A DRIVER OF A MOTOR VEHICLE COMMITTING A VIOLATION.**

8 **(6) “VIOLATION” MEANS A VIOLATION OF § 21–706 OF THIS**
9 **SUBTITLE.**

10 **(B) (1) (I) If a school bus operator witnesses a violation [of § 21–706 of**
11 **this subtitle], the operator may promptly report the violation to ~~[a law enforcement]~~**
12 **~~AN~~ to a law enforcement agency exercising jurisdiction where the violation occurred.**

13 **[(2)] (II) The report, to the extent possible, shall include:**

14 **[(i)] 1. Information pertaining to the identity of the alleged**
15 **violiator;**

16 **[(ii)] 2. The license number and color of the vehicle involved**
17 **in the violation;**

18 **[(iii)] 3. The time and location at which the violation occurred;**
19 **and**

20 **[(iv)] 4. An identification of the vehicle as an automobile,**
21 **station wagon, truck, bus, motorcycle, or other type of vehicle.**

22 **[(b)] (2) If the identity of the operator of the vehicle at the time the**
23 **violation occurred cannot be established, the ~~[law enforcement]~~ agency shall issue to**
24 **the registered owner of the vehicle, a warning stating:**

25 **[(1)] (I) That a report of a violation [of § 21–706 of this subtitle] was**
26 **made to the law enforcement agency and that the report described the owner’s vehicle**
27 **as the vehicle involved in the violation;**

28 **[(2)] (II) That there is insufficient evidence for the issuance of a**
29 **citation;**

30 **[(3)] (III) That the warning does not constitute a finding that the**
31 **owner is guilty of the violation; and**

1 [(4)] (IV) The requirements of § 21–706 of this subtitle.

2 (C) (1) ~~A COUNTY BOARD OF EDUCATION~~ A SCHOOL BUS
3 MONITORING CAMERA MAY NOT BE USED IN A LOCAL JURISDICTION UNDER
4 THIS SECTION UNLESS ITS USE IS AUTHORIZED BY THE GOVERNING BODY OF
5 THE LOCAL JURISDICTION BY LOCAL LAW ENACTED AFTER REASONABLE
6 NOTICE AND A PUBLIC HEARING.

7 (2) IF AUTHORIZED BY THE GOVERNING BODY OF THE LOCAL
8 JURISDICTION, A LAW ENFORCEMENT AGENCY, IN CONSULTATION WITH AN
9 AGENCY THE COUNTY BOARD OF EDUCATION, MAY PLACE SCHOOL BUS
10 MONITORING CAMERAS ON COUNTY SCHOOL BUSES.

11 ~~(2) IF A SCHOOL BUS MONITORING CAMERA RECORDS A~~
12 ~~VIOLATION, THE SCHOOL BUS OPERATOR SHALL GIVE THE RECORDING OF THE~~
13 ~~VIOLATION TO AN AGENCY EXERCISING JURISDICTION WHERE THE VIOLATION~~
14 ~~OCCURRED.~~

15 (D) ~~A RECORDING~~ RECORDED IMAGE BY A SCHOOL BUS MONITORING
16 CAMERA UNDER THIS SECTION INDICATING THAT THE DRIVER OF A MOTOR
17 VEHICLE HAS COMMITTED A VIOLATION SHALL INCLUDE:

18 (1) AN IMAGE OF THE MOTOR VEHICLE;

19 (2) AN IMAGE OF THE MOTOR VEHICLE'S REAR LICENSE PLATE;

20 (3) THE TIME AND DATE OF THE VIOLATION; AND

21 (4) TO THE EXTENT POSSIBLE, THE LOCATION OF THE
22 VIOLATION.

23 (E) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A
24 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE
25 OWNER OR, IN ACCORDANCE WITH SUBSECTION (H)(5) OF THIS SECTION, THE
26 DRIVER OF A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR
27 VEHICLE IS RECORDED BY A SCHOOL BUS MONITORING CAMERA DURING THE
28 COMMISSION OF A VIOLATION.

29 (2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED
30 ~~\$100~~ \$250.

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

1 **(I) A UNIFORM CITATION FORM CONSISTENT WITH**
2 **SUBSECTION (F)(1) OF THIS SECTION AND § 7-302 OF THE COURTS ARTICLE;**
3 **AND**

4 **(II) A CIVIL PENALTY, WHICH SHALL BE INDICATED ON THE**
5 **CITATION, TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL**
6 **PENALTY WITHOUT APPEARING IN DISTRICT COURT.**

7 **(F) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH**
8 **(4) OF THIS SUBSECTION, A LAW ENFORCEMENT AGENCY SHALL MAIL TO THE**
9 **OWNER LIABLE UNDER SUBSECTION (E) OF THIS SECTION A CITATION THAT**
10 **SHALL INCLUDE:**

11 **(I) THE NAME AND ADDRESS OF THE REGISTERED OWNER**
12 **OF THE VEHICLE;**

13 **(II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE**
14 **INVOLVED IN THE VIOLATION;**

15 **(III) THE VIOLATION CHARGED;**

16 **(IV) TO THE EXTENT POSSIBLE, THE LOCATION OF THE**
17 **VIOLATION;**

18 **(V) THE DATE AND TIME OF THE VIOLATION;**

19 **(VI) A COPY OF THE RECORDED IMAGE;**

20 **(VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE**
21 **DATE BY WHICH THE CIVIL PENALTY MUST BE PAID;**

22 **(VIII) A SIGNED STATEMENT BY A TECHNICIAN EMPLOYED BY**
23 **THE LAW ENFORCEMENT AGENCY THAT, BASED ON INSPECTION OF RECORDED**
24 **IMAGES, THE MOTOR VEHICLE WAS BEING OPERATED DURING THE COMMISSION**
25 **OF A VIOLATION;**

26 **(IX) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE**
27 **OF A VIOLATION; AND**

28 **(X) INFORMATION ADVISING THE PERSON ALLEGED TO BE**
29 **LIABLE UNDER THIS SECTION;**

1 1. **OF THE MANNER AND TIME IN WHICH LIABILITY**
2 **AS ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT;**
3 **AND**

4 2. **THAT FAILURE TO PAY THE CIVIL PENALTY OR TO**
5 **CONTEST LIABILITY IN A TIMELY MANNER IS AN ADMISSION OF LIABILITY AND**
6 **MAY RESULT IN REFUSAL OR SUSPENSION OF THE MOTOR VEHICLE**
7 **REGISTRATION.**

8 (2) **THE LAW ENFORCEMENT AGENCY MAY MAIL A WARNING**
9 **NOTICE IN PLACE OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION**
10 **(E) OF THIS SECTION.**

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

14 (4) **A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH (1)**
15 **OF THIS SUBSECTION MAY:**

16 (i) **PAY THE CIVIL PENALTY, IN ACCORDANCE WITH**
17 **INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE COUNTY ~~OR THE DISTRICT~~**
18 **COURT; OR**

19 (ii) **ELECT TO STAND TRIAL FOR THE ALLEGED VIOLATION.**

20 (g) (1) **A CERTIFICATE ALLEGING THAT A VIOLATION OCCURRED,**
21 **SWORN TO OR AFFIRMED BY A DULY AUTHORIZED AGENT OF ~~THE~~ A LAW**
22 **ENFORCEMENT AGENCY, BASED ON INSPECTION OF RECORDED IMAGES**
23 **PRODUCED BY A SCHOOL BUS MONITORING CAMERA SHALL BE EVIDENCE OF**
24 **THE FACTS CONTAINED IN THE CERTIFICATE AND SHALL BE ADMISSIBLE IN ANY**
25 **PROCEEDING CONCERNING THE ALLEGED VIOLATION.**

26 (2) **ADJUDICATION OF LIABILITY SHALL BE BASED ON A**
27 **PREPONDERANCE OF EVIDENCE.**

28 (h) (1) **THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A**
29 **VIOLATION:**

30 (i) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**
31 **THAT THE MOTOR VEHICLE OR REGISTRATION PLATES OF THE MOTOR VEHICLE**
32 **WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE**
33 **CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION;**

1 **(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**
2 **EVIDENCE THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING**
3 **THE VEHICLE AT THE TIME OF THE VIOLATION; AND**

4 **(III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT**
5 **COURT DEEMS PERTINENT.**

6 **(2) IN ORDER TO DEMONSTRATE THAT THE MOTOR VEHICLE OR**
7 **THE REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED**
8 **AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE**
9 **TIME OF THE VIOLATION, THE OWNER MUST SUBMIT PROOF THAT A POLICE**
10 **REPORT ABOUT THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS**
11 **FILED IN A TIMELY MANNER.**

12 **(3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH**
13 **(1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL**
14 **PROVIDE TO THE DISTRICT COURT EVIDENCE TO THE SATISFACTION OF THE**
15 **~~COURT~~ DISTRICT COURT OF WHO WAS OPERATING THE VEHICLE AT THE TIME**
16 **OF THE VIOLATION, INCLUDING, AT A MINIMUM, THE OPERATOR'S NAME AND**
17 **CURRENT ADDRESS.**

18 **(4) (I) THE PROVISIONS OF THIS PARAGRAPH APPLY ONLY TO**
19 **A CITATION THAT INVOLVES A CLASS E (TRUCK) VEHICLE WITH A REGISTERED**
20 **GROSS WEIGHT OF 26,001 POUNDS OR MORE, CLASS F (TRACTOR) VEHICLE,**
21 **CLASS G (TRAILER) VEHICLE OPERATED IN COMBINATION WITH A CLASS F**
22 **(TRACTOR) VEHICLE, AND CLASS P (PASSENGER BUS) VEHICLE.**

23 **(II) TO SATISFY THE EVIDENTIARY BURDEN UNDER**
24 **PARAGRAPH (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN A CITATION**
25 **DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY PROVIDE TO**
26 **THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE PERSON AND**
27 **MAILED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT:**

28 **1. STATES THAT THE PERSON NAMED IN THE**
29 **CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION;**
30 **AND**

31 **2. PROVIDES THE NAME, ADDRESS, AND DRIVER'S**
32 **LICENSE IDENTIFICATION NUMBER OF THE PERSON WHO WAS OPERATING THE**
33 **VEHICLE AT THE TIME OF THE VIOLATION.**

34 **(5) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON**
35 **NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF**
36 **THE VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (4)(II)2 OF THIS**

1 SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF
2 THE VIOLATION, THE CLERK OF THE COURT SHALL PROVIDE TO THE LAW
3 ENFORCEMENT AGENCY ISSUING THE CITATION A COPY OF ANY EVIDENCE
4 SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE
5 VIOLATION.

6 (II) ON THE RECEIPT OF SUBSTANTIATING EVIDENCE FROM
7 THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, ~~AN~~ THE
8 LAW ENFORCEMENT AGENCY MAY ISSUE A CITATION AS PROVIDED IN
9 SUBSECTION (F) OF THIS SECTION TO THE PERSON WHO THE EVIDENCE
10 INDICATES WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

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

14 (I) IF THE CIVIL PENALTY IS NOT PAID AND THE VIOLATION IS NOT
15 CONTESTED, THE ADMINISTRATION MAY REFUSE TO REGISTER OR REREGISTER
16 OR MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE.

17 (J) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS
18 SECTION:

19 (1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF
20 ASSESSING POINTS UNDER § 16-402 OF THIS ARTICLE AND MAY NOT BE
21 RECORDED BY THE ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER
22 OR DRIVER OF THE VEHICLE;

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

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

27 (K) IN CONSULTATION WITH LAW ENFORCEMENT AGENCIES, THE CHIEF
28 JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE
29 ISSUANCE OF CITATIONS, TRIALS FOR VIOLATIONS, AND THE COLLECTION OF
30 CIVIL PENALTIES IMPOSED UNDER THIS SECTION.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2011.