

HOUSE BILL 1106

R5
HB 1376/10 – ENV

11r2694

By: **Delegate Hucker**
Introduced and read first time: February 11, 2011
Assigned to: Environmental Matters

A BILL ENTITLED

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, in consultation with a
5 certain local law enforcement agency, to place school bus monitoring cameras on
6 county school buses for the purpose of recording a motor vehicle committing a
7 violation relating to overtaking and passing school vehicles; requiring a school
8 bus operator to give a recording of the violation to a certain local law
9 enforcement agency; requiring a recording made by a school bus monitoring
10 camera to include certain images and information; providing that the driver of a
11 motor vehicle recorded committing a certain violation is subject to a certain civil
12 penalty; providing that a civil penalty under this Act may not exceed a certain
13 amount; requiring the District Court to prescribe a certain uniform citation
14 form and civil penalty; requiring a certain local law enforcement agency to mail
15 a certain citation to the owner of a certain motor vehicle within a certain period
16 of time; providing for the contents of a certain citation; authorizing a local law
17 enforcement agency to mail a warning instead of a citation; authorizing a
18 person receiving a certain citation to pay the civil penalty or elect to stand trial;
19 providing that a certain certificate is admissible as evidence in a proceeding
20 concerning a certain violation; providing that a certain adjudication of liability
21 is based on a preponderance of evidence; establishing certain defenses, and
22 requirements for proving the defenses, for a certain violation recorded by a
23 school bus monitoring camera; requiring the District Court to provide certain
24 evidence to a local law enforcement agency under certain circumstances;
25 authorizing a local law enforcement agency to mail a certain notice within a
26 certain time period after receiving certain evidence; authorizing the Motor
27 Vehicle Administration to refuse to register or reregister a motor vehicle or
28 suspend the registration of a motor vehicle under certain circumstances;
29 establishing that a violation for which a civil penalty may be imposed under this
30 Act is not a moving violation for certain purposes, may be treated as a parking
31 violation for certain purposes, and may not be considered for certain insurance

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 purposes; requiring the Chief Judge of the District Court, in consultation with
 2 certain local law enforcement agencies, to adopt certain procedures; providing
 3 that a proceeding for a certain violation recorded by a school bus monitoring
 4 camera is under the exclusive original jurisdiction of the District Court;
 5 providing that a recorded image of a motor vehicle produced by a school bus
 6 monitoring camera is admissible in a certain proceeding under certain
 7 circumstances; defining certain terms; and generally relating to the use of
 8 school bus monitoring cameras to enforce offenses relating to overtaking and
 9 passing school vehicles.

10 BY repealing and reenacting, with amendments,
 11 Article – Courts and Judicial Proceedings
 12 Section 4–401(13) and 10–311
 13 Annotated Code of Maryland
 14 (2006 Replacement Volume and 2010 Supplement)

15 BY repealing and reenacting, without amendments,
 16 Article – Transportation
 17 Section 21–706
 18 Annotated Code of Maryland
 19 (2009 Replacement Volume and 2010 Supplement)

20 BY repealing and reenacting, with amendments,
 21 Article – Transportation
 22 Section 21–706.1
 23 Annotated Code of Maryland
 24 (2009 Replacement Volume and 2010 Supplement)

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

27 **Article – Courts and Judicial Proceedings**

28 4–401.

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

32 (13) A proceeding for a civil infraction under § 21–202.1, § 21–704.1, §
 33 **21–706.1**, § 21–809, or § 21–810 of the Transportation Article or § 10–112 of the
 34 Criminal Law Article;

35 10–311.

36 (a) A recorded image of a motor vehicle produced by a traffic control signal
 37 monitoring system in accordance with § 21–202.1 of the Transportation Article is

1 admissible in a proceeding concerning a civil citation issued under that section for a
2 violation of § 21–202(h) of the Transportation Article without authentication.

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

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

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

16 **Article – Transportation**

17 21–706.

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

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

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

30 21–706.1.

31 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
32 **MEANINGS INDICATED.**

33 (2) **“LAW ENFORCEMENT AGENCY” MEANS A LAW ENFORCEMENT**
34 **AGENCY OF A LOCAL POLITICAL SUBDIVISION THAT IS AUTHORIZED TO ISSUE A**

1 CITATION FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL
2 TRAFFIC LAWS OR REGULATIONS.

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

6 (II) "OWNER" DOES NOT INCLUDE:

7 1. A MOTOR VEHICLE RENTAL OR LEASING
8 COMPANY; OR

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

11 (4) "RECORDED IMAGE" MEANS IMAGES RECORDED BY A SCHOOL
12 BUS MONITORING CAMERA:

13 (I) ON:

14 1. TWO OR MORE PHOTOGRAPHS;

15 2. TWO OR MORE MICROPHOTOGRAPHS;

16 3. TWO OR MORE ELECTRONIC IMAGES;

17 4. VIDEOTAPE; OR

18 5. ANY OTHER MEDIUM; AND

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

22 (5) "SCHOOL BUS MONITORING CAMERA" MEANS A CAMERA
23 PLACED ON A SCHOOL BUS THAT IS DESIGNED TO CAPTURE A RECORDED IMAGE
24 OF A DRIVER OF A MOTOR VEHICLE COMMITTING A VIOLATION.

25 (6) "VIOLATION" MEANS A VIOLATION OF § 21-706 OF THIS
26 SUBTITLE.

27 [(a)] (B) (1) (I) If a school bus operator witnesses a violation [of §
28 21-706 of this subtitle], the operator may promptly report the violation to [a law
29 enforcement] AN agency exercising jurisdiction where the violation occurred.

- 1 **[(2)] (II)** The report, to the extent possible, shall include:
- 2 **[(i)] 1.** Information pertaining to the identity of the alleged
3 violator;
- 4 **[(ii)] 2.** The license number and color of the vehicle involved
5 in the violation;
- 6 **[(iii)] 3.** The time and location at which the violation occurred;
7 and
- 8 **[(iv)] 4.** An identification of the vehicle as an automobile,
9 station wagon, truck, bus, motorcycle, or other type of vehicle.

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

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

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

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

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

21 **(C) (1) A COUNTY BOARD OF EDUCATION, IN CONSULTATION WITH AN**
22 **AGENCY, MAY PLACE SCHOOL BUS MONITORING CAMERAS ON COUNTY SCHOOL**
23 **BUSES.**

24 **(2) IF A SCHOOL BUS MONITORING CAMERA RECORDS A**
25 **VIOLATION, THE SCHOOL BUS OPERATOR SHALL GIVE THE RECORDING OF THE**
26 **VIOLATION TO AN AGENCY EXERCISING JURISDICTION WHERE THE VIOLATION**
27 **OCCURRED.**

28 **(D) A RECORDING BY A SCHOOL BUS MONITORING CAMERA UNDER THIS**
29 **SECTION INDICATING THAT THE DRIVER OF A MOTOR VEHICLE HAS COMMITTED**
30 **A VIOLATION SHALL INCLUDE:**

31 **(1) AN IMAGE OF THE MOTOR VEHICLE;**

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

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

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

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

11 (2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED
12 \$100.

13 (3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT
14 SHALL PRESCRIBE:

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

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

21 (F) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH
22 (4) OF THIS SUBSECTION, A LAW ENFORCEMENT AGENCY SHALL MAIL TO THE
23 OWNER LIABLE UNDER SUBSECTION (E) OF THIS SECTION A CITATION THAT
24 INCLUDES:

25 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER
26 OF THE VEHICLE;

27 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE
28 INVOLVED IN THE VIOLATION;

29 (III) THE VIOLATION CHARGED;

30 (IV) TO THE EXTENT POSSIBLE, THE LOCATION OF THE
31 VIOLATION;

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

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

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

5 **(VIII) A SIGNED STATEMENT BY A TECHNICIAN EMPLOYED BY**
6 **THE LAW ENFORCEMENT AGENCY THAT, BASED ON INSPECTION OF RECORDED**
7 **IMAGES, THE MOTOR VEHICLE WAS BEING OPERATED DURING THE COMMISSION**
8 **OF A VIOLATION;**

9 **(IX) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE**
10 **OF A VIOLATION; AND**

11 **(X) INFORMATION ADVISING THE PERSON ALLEGED TO BE**
12 **LIABLE UNDER THIS SECTION:**

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

16 **2. THAT FAILURE TO PAY THE CIVIL PENALTY OR TO**
17 **CONTEST LIABILITY IN A TIMELY MANNER IS AN ADMISSION OF LIABILITY AND**
18 **MAY RESULT IN REFUSAL OR SUSPENSION OF THE MOTOR VEHICLE**
19 **REGISTRATION.**

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

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

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

28 **(I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH**
29 **INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE COUNTY OR THE DISTRICT**
30 **COURT; OR**

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

1 **(G) (1) A CERTIFICATE ALLEGING THAT A VIOLATION OCCURRED,**
2 **SWORN TO OR AFFIRMED BY A DULY AUTHORIZED AGENT OF THE AGENCY,**
3 **BASED ON INSPECTION OF RECORDED IMAGES PRODUCED BY A SCHOOL BUS**
4 **MONITORING CAMERA, SHALL BE EVIDENCE OF THE FACTS CONTAINED IN THE**
5 **CERTIFICATE AND SHALL BE ADMISSIBLE IN ANY PROCEEDING CONCERNING**
6 **THE ALLEGED VIOLATION.**

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

9 **(H) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A**
10 **VIOLATION:**

11 **(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**
12 **THAT THE MOTOR VEHICLE OR REGISTRATION PLATES OF THE MOTOR VEHICLE**
13 **WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE**
14 **CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION;**

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

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

20 **(2) IN ORDER TO DEMONSTRATE THAT THE MOTOR VEHICLE OR**
21 **THE REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED**
22 **AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE**
23 **TIME OF THE VIOLATION, THE OWNER MUST SUBMIT PROOF THAT A POLICE**
24 **REPORT ABOUT THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS**
25 **FILED IN A TIMELY MANNER.**

26 **(3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH**
27 **(1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL**
28 **PROVIDE TO THE DISTRICT COURT SATISFACTORY EVIDENCE OF WHO WAS**
29 **OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION, INCLUDING, AT A**
30 **MINIMUM, THE OPERATOR'S NAME AND CURRENT ADDRESS.**

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

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

6 **1. STATES THAT THE PERSON NAMED IN THE**
7 **CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION;**
8 **AND**

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

12 **(5) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON**
13 **NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF**
14 **THE VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (4)(II)2 OF THIS**
15 **SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF**
16 **THE VIOLATION, THE CLERK OF THE COURT SHALL PROVIDE TO THE LAW**
17 **ENFORCEMENT AGENCY ISSUING THE CITATION A COPY OF ANY EVIDENCE**
18 **SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE**
19 **VIOLATION.**

20 **(II) ON THE RECEIPT OF SUBSTANTIATING EVIDENCE FROM**
21 **THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN**
22 **AGENCY MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (F) OF THIS**
23 **SECTION TO THE PERSON THAT THE EVIDENCE INDICATES WAS OPERATING THE**
24 **VEHICLE AT THE TIME OF THE VIOLATION.**

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

28 **(I) IF THE CIVIL PENALTY IS NOT PAID AND THE VIOLATION IS NOT**
29 **CONTESTED, THE ADMINISTRATION MAY REFUSE TO REGISTER OR REREGISTER**
30 **OR MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE.**

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

33 **(1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF**
34 **ASSESSING POINTS UNDER § 16-402 OF THIS ARTICLE AND MAY NOT BE**

1 RECORDED BY THE ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER
2 OR DRIVER OF THE VEHICLE;

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

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

7 (K) IN CONSULTATION WITH LAW ENFORCEMENT AGENCIES, THE CHIEF
8 JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE
9 ISSUANCE OF CITATIONS, THE TRIAL OF VIOLATIONS, AND THE COLLECTION OF
10 CIVIL PENALTIES UNDER THIS SECTION.

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