

SENATE BILL 679

R5

(11r1390)

ENROLLED BILL

— *Judicial Proceedings/Environmental Matters* —

Introduced by **Senators Brinkley, Madaleno, Middleton, Rosapepe, and Young**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

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 the
7 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

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.

Italics indicate opposite chamber/conference committee amendments.



1 form and civil penalty; *providing for the payment of fines imposed and the*
 2 *distribution of revenues collected as a result of violations enforced by school bus*
 3 *monitoring cameras*; requiring a certain local law enforcement agency to mail a
 4 certain citation to the owner of a certain motor vehicle within a certain period of
 5 time; providing for the contents of a certain citation; authorizing a local law
 6 enforcement agency to mail a warning instead of a citation; authorizing a
 7 person receiving a certain citation to pay the civil penalty or elect to stand trial;
 8 providing that a certain certificate is admissible as evidence in a proceeding
 9 concerning a certain violation; providing that a certain adjudication of liability
 10 is based on a preponderance of evidence; establishing certain defenses, and
 11 requirements for proving the defenses, for a certain violation recorded by a
 12 school bus monitoring camera; requiring the District Court to provide certain
 13 evidence to a local law enforcement agency under certain circumstances;
 14 authorizing a local law enforcement agency to mail a certain notice within a
 15 certain time period after receiving certain evidence; authorizing the Motor
 16 Vehicle Administration to refuse to register or reregister a motor vehicle or
 17 suspend the registration of a motor vehicle under certain circumstances;
 18 ~~establishing that a violation for which a civil penalty may be imposed under this~~
 19 ~~Act is a moving violation for certain purposes, may be treated as a parking~~
 20 ~~violation for certain purposes, and may be considered for certain insurance~~
 21 ~~purposes~~; requiring the Chief Judge of the District Court, in consultation with
 22 certain local law enforcement agencies, to adopt certain procedures; providing
 23 that a proceeding for a certain violation recorded by a school bus monitoring
 24 camera is under the exclusive original jurisdiction of the District Court;
 25 providing that a recorded image of a motor vehicle produced by a school bus
 26 monitoring camera is admissible in a certain proceeding under certain
 27 circumstances; defining certain terms; and generally relating to the use of
 28 school bus monitoring cameras to enforce offenses relating to overtaking and
 29 passing school vehicles.

30 BY repealing and reenacting, with amendments,
 31 Article – Courts and Judicial Proceedings
 32 Section 4–401(13), ~~7–302(e)~~, and 10–311
 33 Annotated Code of Maryland
 34 (2006 Replacement Volume and 2010 Supplement)

35 BY repealing and reenacting, without amendments,
 36 Article – Transportation
 37 Section 21–706
 38 Annotated Code of Maryland
 39 (2009 Replacement Volume and 2010 Supplement)

40 BY repealing and reenacting, with amendments,
 41 Article – Transportation
 42 Section 21–706.1
 43 Annotated Code of Maryland
 44 (2009 Replacement Volume and 2010 Supplement)

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

3 **Article – Courts and Judicial Proceedings**

4 4–401.

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

8 (13) A proceeding for a civil infraction under § 21–202.1, § 21–704.1, §
9 **21–706.1**, § 21–809, or § 21–810 of the Transportation Article or § 10–112 of the
10 Criminal Law Article;

11 7–302.

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

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

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

1 (4) (i) *From the fines collected by a political subdivision as a result*
 2 *of violations enforced by speed monitoring systems OR SCHOOL BUS MONITORING*
 3 *CAMERAS, a political subdivision:*

4 1. *May recover the costs of implementing and*
 5 *administering the speed monitoring systems OR SCHOOL BUS MONITORING*
 6 *CAMERAS; and*

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

10 (ii) 1. *For any fiscal year, if the balance remaining from the*
 11 *fines collected by a political subdivision as a result of violations enforced by speed*
 12 *monitoring systems, after the costs of implementing and administering the systems are*
 13 *recovered in accordance with subparagraph (i)1 of this paragraph, is greater than 10%*
 14 *of the total revenues of the political subdivision for the fiscal year, the political*
 15 *subdivision shall remit any funds that exceed 10% of the total revenues to the*
 16 *Comptroller.*

17 2. *The Comptroller shall deposit any money remitted*
 18 *under this subparagraph to the General Fund of the State.*

19 10–311.

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

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

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

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

Article – Transportation

21-706.

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

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

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

21-706.1.

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

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

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

(II) “OWNER” DOES NOT INCLUDE:

1. A MOTOR VEHICLE RENTAL OR LEASING COMPANY; OR

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

(4) “RECORDED IMAGE” MEANS IMAGES RECORDED BY A SCHOOL BUS MONITORING CAMERA:

(I) ON:

- 1 1. **TWO OR MORE PHOTOGRAPHS;**
- 2 2. **TWO OR MORE MICROPHOTOGRAPHS;**
- 3 3. **TWO OR MORE ELECTRONIC IMAGES;**
- 4 4. **VIDEOTAPE; OR**
- 5 5. **ANY OTHER MEDIUM; AND**

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

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

12 **(6) “VIOLATION” MEANS A VIOLATION OF § 21-706 OF THIS**
 13 **SUBTITLE.**

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

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

18 **[(i)] 1.** Information pertaining to the identity of the alleged
 19 violator;

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

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

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

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

1 [(1)] (I) That a report of a violation [of § 21-706 of this subtitle] was
 2 made to the ~~law enforcement~~ agency and that the report described the owner's
 3 vehicle as the vehicle involved in the violation;

4 [(2)] (II) That there is insufficient evidence for the issuance of a
 5 citation;

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

8 [(4)] (IV) The requirements of § 21-706 of this subtitle.

9 (C) (1) ~~(H)~~ A SCHOOL BUS MONITORING CAMERA MAY NOT BE
 10 USED IN A LOCAL JURISDICTION UNDER THIS SECTION UNLESS ITS USE IS
 11 AUTHORIZED BY THE GOVERNING BODY OF THE LOCAL JURISDICTION BY LOCAL
 12 LAW ENACTED AFTER REASONABLE NOTICE AND A PUBLIC HEARING.

13 ~~(H)~~ (2) IF AUTHORIZED BY THE GOVERNING BODY OF THE
 14 LOCAL JURISDICTION, A COUNTY BOARD OF EDUCATION LAW ENFORCEMENT
 15 AGENCY, IN CONSULTATION WITH AN AGENCY THE COUNTY BOARD OF
 16 EDUCATION, MAY PLACE SCHOOL BUS MONITORING CAMERAS ON COUNTY
 17 SCHOOL BUSES.

18 ~~(2) IF A SCHOOL BUS MONITORING CAMERA RECORDS A~~
 19 ~~VIOLATION, THE SCHOOL BUS OPERATOR SHALL GIVE THE RECORDING OF THE~~
 20 ~~VIOLATION TO AN AGENCY EXERCISING JURISDICTION WHERE THE VIOLATION~~
 21 ~~OCCURRED.~~

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

25 (1) AN IMAGE OF THE MOTOR VEHICLE;

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

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

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

30 (E) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A
 31 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE
 32 OWNER OR, IN ACCORDANCE WITH SUBSECTION (H)(5) OF THIS SECTION, THE

1 DRIVER OF A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR
2 VEHICLE IS RECORDED BY A SCHOOL BUS MONITORING CAMERA DURING THE
3 COMMISSION OF A VIOLATION.

4 (2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED
5 ~~\$500~~ \$250.

6 (3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT
7 SHALL PRESCRIBE:

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

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

14 (F) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH
15 (4) OF THIS SUBSECTION, A LAW ENFORCEMENT AGENCY SHALL MAIL TO THE
16 OWNER LIABLE UNDER SUBSECTION (E) OF THIS SECTION A CITATION THAT
17 SHALL INCLUDE:

18 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER
19 OF THE VEHICLE;

20 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE
21 INVOLVED IN THE VIOLATION;

22 (III) THE VIOLATION CHARGED;

23 (IV) TO THE EXTENT POSSIBLE, THE LOCATION OF THE
24 VIOLATION;

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

26 (VI) A COPY OF THE RECORDED IMAGE;

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

29 (VIII) A SIGNED STATEMENT BY A TECHNICIAN EMPLOYED BY
30 THE LAW ENFORCEMENT AGENCY THAT, BASED ON INSPECTION OF RECORDED

1 IMAGES, THE MOTOR VEHICLE WAS BEING OPERATED DURING THE COMMISSION
2 OF A VIOLATION;

3 (IX) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE
4 OF A VIOLATION; AND

5 (X) INFORMATION ADVISING THE PERSON ALLEGED TO BE
6 LIABLE UNDER THIS SECTION:

7 1. OF THE MANNER AND TIME IN WHICH LIABILITY
8 AS ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT;
9 AND

10 2. THAT FAILURE TO PAY THE CIVIL PENALTY OR TO
11 CONTEST LIABILITY IN A TIMELY MANNER IS AN ADMISSION OF LIABILITY AND
12 MAY RESULT IN REFUSAL OR SUSPENSION OF THE MOTOR VEHICLE
13 REGISTRATION.

14 (2) THE LAW ENFORCEMENT AGENCY MAY MAIL A WARNING
15 NOTICE IN PLACE OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION
16 (E) OF THIS SECTION.

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

20 (4) A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH (1)
21 OF THIS SUBSECTION MAY:

22 (i) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH
23 INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE COUNTY ~~OR THE DISTRICT~~
24 ~~COURT~~; OR

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

26 (G) (1) A CERTIFICATE ALLEGING THAT A VIOLATION OCCURRED,
27 SWORN TO OR AFFIRMED BY A DULY AUTHORIZED AGENT OF ~~THE~~ A LAW
28 ENFORCEMENT AGENCY, BASED ON INSPECTION OF RECORDED IMAGES
29 PRODUCED BY A SCHOOL BUS MONITORING CAMERA SHALL BE EVIDENCE OF
30 THE FACTS CONTAINED IN THE CERTIFICATE AND SHALL BE ADMISSIBLE IN ANY
31 PROCEEDING CONCERNING THE ALLEGED VIOLATION.

32 (2) ADJUDICATION OF LIABILITY SHALL BE BASED ON A
33 PREPONDERANCE OF EVIDENCE.

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

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

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

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

12 **(2) IN ORDER TO DEMONSTRATE THAT THE MOTOR VEHICLE OR**
13 **THE REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED**
14 **AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE**
15 **TIME OF THE VIOLATION, THE OWNER MUST SUBMIT PROOF THAT A POLICE**
16 **REPORT ABOUT THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS**
17 **FILED IN A TIMELY MANNER.**

18 **(3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH**
19 **(1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL**
20 **PROVIDE TO THE DISTRICT COURT EVIDENCE TO THE SATISFACTION OF THE**
21 **DISTRICT COURT OF WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE**
22 **VIOLATION, INCLUDING, AT A MINIMUM, THE OPERATOR'S NAME AND CURRENT**
23 **ADDRESS.**

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

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

1 1. STATES THAT THE PERSON NAMED IN THE
2 CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION;
3 AND

4 2. PROVIDES THE NAME, ADDRESS, AND DRIVER'S
5 LICENSE IDENTIFICATION NUMBER OF THE PERSON WHO WAS OPERATING THE
6 VEHICLE AT THE TIME OF THE VIOLATION.

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

15 (II) ON THE RECEIPT OF SUBSTANTIATING EVIDENCE FROM
16 THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, ~~AN~~ THE
17 LAW ENFORCEMENT AGENCY MAY ISSUE A CITATION AS PROVIDED IN
18 SUBSECTION (F) OF THIS SECTION TO THE PERSON THAT THE EVIDENCE
19 INDICATES WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

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

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

26 ~~(J) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS~~
27 ~~SECTION;~~

28 ~~(1) IS A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING~~
29 ~~POINTS UNDER § 16 402 OF THIS ARTICLE AND MAY BE RECORDED BY THE~~
30 ~~ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OR DRIVER OF THE~~
31 ~~VEHICLE;~~

32 ~~(2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES~~
33 ~~OF § 26 305 OF THIS ARTICLE; AND~~

34 ~~(3) MAY BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE~~
35 ~~INSURANCE COVERAGE.~~

1 ~~(K)~~ (J) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER
 2 THIS SECTION:

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

7 (2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF
 8 § 26-305 OF THIS ARTICLE; AND

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

11 (K) IN CONSULTATION WITH LAW ENFORCEMENT AGENCIES, THE CHIEF
 12 JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE
 13 ISSUANCE OF CITATIONS, ~~THE TRIAL OF~~ TRIALS FOR VIOLATIONS, AND THE
 14 COLLECTION OF CIVIL PENALTIES IMPOSED UNDER THIS SECTION.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.