

# SENATE BILL 306

R5, R1, L2

2lr1418  
CF 2lr1419

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By: **Senator Ferguson (By Request – Baltimore City Administration)**

Introduced and read first time: January 27, 2012

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Vehicle Height Monitoring Systems**

3 FOR the purpose of authorizing and establishing requirements for the use of certain  
4 vehicle height monitoring systems in Baltimore City to enforce certain State  
5 and local laws restricting vehicle height; establishing that a vehicle height  
6 monitoring system may be used under this Act only if its use is authorized by  
7 an ordinance adopted by the Baltimore City Council; requiring Baltimore City  
8 to conduct a certain analysis and obtain a certain approval before it places a  
9 vehicle height monitoring system at a particular location; requiring Baltimore  
10 City to take certain steps related to notice before activating a vehicle height  
11 monitoring system; providing that certain persons recorded by a vehicle height  
12 monitoring system while operating a motor vehicle or a combination of vehicles  
13 in violation of a State or local law restricting vehicle height are subject to  
14 certain penalties; establishing a certain maximum fine for a violation of law  
15 enforced by means of a vehicle height monitoring system under this Act;  
16 requiring the District Court to prescribe a certain citation form and a civil  
17 penalty to be indicated on the citation; requiring the Baltimore City Police  
18 Department or the Baltimore City Department of Transportation to mail a  
19 citation to the owner of a motor vehicle recorded by a vehicle height monitoring  
20 system under certain circumstances; requiring a citation to include certain  
21 information; authorizing the sending of a warning instead of a citation;  
22 requiring a citation to be mailed within certain a period of time; authorizing a  
23 person who receives a citation under this Act to pay the civil penalty in a  
24 certain manner or to elect to stand trial in the District Court; providing for the  
25 admissibility and use of certain evidence; authorizing a person receiving  
26 citations to have a certain vehicle height monitoring system operator be present  
27 and testify at trial; establishing the standard of proof in a trial for a violation of  
28 law enforced by a vehicle height monitoring system under this Act; establishing  
29 defenses that the District Court may consider; requiring a person to submit a  
30 certain proof in order to demonstrate a certain defense; prohibiting imposition  
31 of liability under this Act from being considered for certain purposes; requiring

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the Chief Judge of the District Court, in consultation with the Baltimore City  
2 Police Department, to adopt certain procedures; requiring the Baltimore City  
3 Police Department or the Baltimore City Department of Transportation, or a  
4 designated contractor, to administer citations issued under this Act in  
5 coordination with the District Court; prohibiting the fee of a contractor who  
6 operates a vehicle height monitoring system on behalf of Baltimore City to be  
7 contingent on the number of citations issued or paid; modifying the jurisdiction  
8 of the District Court to include certain proceedings; providing for the handling  
9 of certain court costs and penalties; prohibiting the custodian of recorded  
10 images produced by a vehicle height monitoring system from allowing  
11 inspection of the recorded images, subject to certain exceptions; restricting and  
12 providing for the use of certain revenues generated by this Act; defining certain  
13 terms; making a stylistic change; and generally relating to imposing liability on  
14 certain owners of motor vehicles recorded while being operated in violation of a  
15 State or local law restricting vehicle height.

16 BY repealing and reenacting, with amendments,  
17 Article – Courts and Judicial Proceedings  
18 Section 4–401(13), 7–301(a), 7–302(e), and 10–311  
19 Annotated Code of Maryland  
20 (2006 Replacement Volume and 2011 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – Insurance  
23 Section 11–215(e) and 11–318(e)  
24 Annotated Code of Maryland  
25 (2011 Replacement Volume)

26 BY repealing and reenacting, with amendments,  
27 Article – State Government  
28 Section 10–616(o)  
29 Annotated Code of Maryland  
30 (2009 Replacement Volume and 2011 Supplement)

31 BY adding to  
32 Article – Transportation  
33 Section 24–111.3  
34 Annotated Code of Maryland  
35 (2009 Replacement Volume and 2011 Supplement)

36 BY repealing and reenacting, with amendments,  
37 Article – Transportation  
38 Section 26–401  
39 Annotated Code of Maryland  
40 (2009 Replacement Volume and 2011 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,  
9 § 21–704.1, § 21–706.1, § 21–809, [or] § 21–810, **OR § 24–111.3** of the Transportation  
10 Article or § 10–112 of the Criminal Law Article;

11 7–301.

12 (a) (1) Except as provided in paragraphs (2) and (3) of this subsection, the  
13 court costs in a traffic case, including parking and impounding cases, cases under  
14 § 21–202.1, § 21–809, [or] § 21–810, **OR § 24–111.3** of the Transportation Article in  
15 which costs are imposed, and cases under § 10–112 of the Criminal Law Article in  
16 which costs are imposed:

17 (i) Are \$22.50 plus the surcharge under subsection (f) of this  
18 section; and

19 (ii) Shall also be applicable to those cases in which the  
20 defendant elects to waive the defendant’s right to trial and pay the fine or penalty  
21 deposit established by the Chief Judge of the District Court by administrative  
22 regulation.

23 (2) In an uncontested case under § 21–202.1, § 21–809, [or] § 21–810,  
24 **OR § 24–111.3** of the Transportation Article, an uncontested case under § 10–112 of  
25 the Criminal Law Article, or an uncontested parking or impounding case in which the  
26 fines are paid directly to a political subdivision or municipality, costs are \$2.00, which  
27 costs shall be paid to and retained by the political subdivision or municipality.

28 (3) (i) In an uncontested case in which the fine is paid directly to  
29 an agency of State government authorized by law to regulate parking of motor  
30 vehicles, the court costs are \$2.00.

31 (ii) The fine and the costs under this paragraph shall be paid to  
32 the agency, which shall receive and account for these funds as in all other cases  
33 involving sums due the State through a State agency.

34 7–302.

1 (e) (1) A citation issued pursuant to § 21–202.1, § 21–706.1, § 21–809, [or]  
2 § 21–810, **OR § 24–111.3** of the Transportation Article shall provide that the person  
3 receiving the citation may elect to stand trial by notifying the issuing agency of the  
4 person’s intention to stand trial at least 5 days prior to the date of payment as set  
5 forth in the citation. On receipt of the notice to stand trial, the agency shall forward to  
6 the District Court having venue a copy of the citation and a copy of the notice from the  
7 person who received the citation indicating the person’s intention to stand trial. On  
8 receipt thereof, the District Court shall schedule the case for trial and notify the  
9 defendant of the trial date under procedures adopted by the Chief Judge of the District  
10 Court.

11 (2) A citation issued as the result of a **VEHICLE HEIGHT**  
12 **MONITORING SYSTEM**, A traffic control signal monitoring system, or A speed  
13 monitoring system, including a work zone speed control system, controlled by a  
14 political subdivision or a school bus monitoring camera shall provide that, in an  
15 uncontested case, the penalty shall be paid directly to that political subdivision. A  
16 citation issued as the result of a traffic control signal monitoring system or a work  
17 zone speed control system controlled by a State agency, or as a result of a **VEHICLE**  
18 **HEIGHT MONITORING SYSTEM**, A traffic control signal monitoring system, a speed  
19 monitoring system, or a school bus monitoring camera in a case contested in District  
20 Court, shall provide that the penalty shall be paid directly to the District Court.

21 (3) Civil penalties resulting from citations issued using a **VEHICLE**  
22 **HEIGHT MONITORING SYSTEM**, traffic control signal monitoring system, speed  
23 monitoring system, work zone speed control system, or school bus monitoring camera  
24 that are collected by the District Court shall be collected in accordance with subsection  
25 (a) of this section and distributed in accordance with § 12–118 of the Transportation  
26 Article.

27 (4) (i) From the fines collected by a political subdivision as a result  
28 of violations enforced by speed monitoring systems or school bus monitoring cameras,  
29 a political subdivision:

30 1. May recover the costs of implementing and  
31 administering the speed monitoring systems or school bus monitoring cameras; and

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

35 (ii) 1. For any fiscal year, if the balance remaining from the  
36 fines collected by a political subdivision as a result of violations enforced by speed  
37 monitoring systems, after the costs of implementing and administering the systems  
38 are recovered in accordance with subparagraph (i)1 of this paragraph, is greater than  
39 10% of the total revenues of the political subdivision for the fiscal year, the political

1 subdivision shall remit any funds that exceed 10% of the total revenues to the  
2 Comptroller.

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

5                   **(5) FROM THE FINES COLLECTED BY BALTIMORE CITY AS A**  
6 **RESULT OF VIOLATIONS ENFORCED BY VEHICLE HEIGHT MONITORING SYSTEMS,**  
7 **BALTIMORE CITY MAY:**

8   **(I) RECOVER THE COSTS OF IMPLEMENTING AND**  
9 **ADMINISTERING THE VEHICLE HEIGHT MONITORING SYSTEMS; AND**

10   **(II) SPEND THE REMAINING BALANCE SOLELY ON ROADWAY**  
11 **IMPROVEMENTS.**

12 10–311.

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

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

21           (c)     A recorded image of a motor vehicle produced by a school bus monitoring  
22 camera in accordance with § 21–706.1 of the Transportation Article is admissible in a  
23 proceeding concerning a civil citation issued under that section for a violation of  
24 § 21–706 of the Transportation Article without authentication.

25           **(d) A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A**  
26 **VEHICLE HEIGHT MONITORING SYSTEM IN ACCORDANCE WITH § 24–111.3 OF**  
27 **THE TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING**  
28 **CONCERNING A CIVIL CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION**  
29 **OF A STATE OR LOCAL LAW RESTRICTING VEHICLE HEIGHT WITHOUT**  
30 **AUTHENTICATION.**

31           **(E)**     In any other judicial proceeding, a recorded image produced by a  
32 **VEHICLE HEIGHT MONITORING SYSTEM,** traffic control signal monitoring system,  
33 speed monitoring system, work zone speed control system, or school bus monitoring  
34 camera is admissible as otherwise provided by law.

1

**Article – Insurance**

2 11–215.

3 (e) For purposes of reclassifying an insured in a classification that entails a  
4 higher premium, an insurer under an automobile insurance policy may not consider a  
5 probation before judgment disposition of a motor vehicle law offense, a civil penalty  
6 imposed pursuant to § 21–202.1, § 21–809, [or] § 21–810, **OR § 24–111.3** of the  
7 Transportation Article, or a first offense of driving with an alcohol concentration of  
8 0.08 or more under § 16–205.1 of the Transportation Article on record with the Motor  
9 Vehicle Administration, as provided in § 16–117(b) of the Transportation Article.

10 11–318.

11 (e) For purposes of reclassifying an insured in a classification that entails a  
12 higher premium, an insurer under an automobile insurance policy may not consider a  
13 probation before judgment disposition of a motor vehicle law offense, a civil penalty  
14 imposed pursuant to § 21–202.1, § 21–809, [or] § 21–810, **OR § 24–111.3** of the  
15 Transportation Article, or a first offense of driving with an alcohol concentration of  
16 0.08 or more under § 16–205.1 of the Transportation Article on record with the Motor  
17 Vehicle Administration, as provided in § 16–117(b) of the Transportation Article.

18

**Article – State Government**

19 10–616.

20 (o) (1) In this subsection, “recorded images” has the meaning stated in  
21 § 21–202.1, § 21–809, [or] § 21–810, **OR § 24–111.3** of the Transportation Article.

22 (2) Except as provided in paragraph (3) of this subsection, a custodian  
23 of recorded images produced by a traffic control signal monitoring system operated  
24 under § 21–202.1 of the Transportation Article, a speed monitoring system operated  
25 under § 21–809 of the Transportation Article, [or] a work zone speed control system  
26 operated under § 21–810 of the Transportation Article, **OR A VEHICLE HEIGHT**  
27 **MONITORING SYSTEM OPERATED UNDER § 24–111.3 OF THE TRANSPORTATION**  
28 **ARTICLE** shall deny inspection of the recorded images.

29 (3) A custodian shall allow inspection of recorded images:

30 (i) as required in § 21–202.1, § 21–809, [or] § 21–810, **OR**  
31 **§ 24–111.3** of the Transportation Article;

32 (ii) by any person issued a citation under § 21–202.1, § 21–809,  
33 [or] § 21–810, **OR § 24–111.3** of the Transportation Article, or an attorney of record  
34 for the person; or

1 (iii) by an employee or agent of an agency in an investigation or  
2 proceeding relating to the imposition of or indemnification from civil liability pursuant  
3 to § 21–202.1, § 21–809, [or] § 21–810, OR § 24–111.3 of the Transportation Article.

4 **Article – Transportation**

5 **24–111.3.**

6 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
7 MEANINGS INDICATED.

8 (2) “OWNER” MEANS THE REGISTERED OWNER OF A MOTOR  
9 VEHICLE.

10 (3) “RECORDED IMAGE” MEANS AN IMAGE RECORDED BY A  
11 VEHICLE HEIGHT MONITORING SYSTEM:

12 (I) ON:

- 13 1. A PHOTOGRAPH;
- 14 2. A MICROPHOTOGRAPH;
- 15 3. AN ELECTRONIC IMAGE;
- 16 4. VIDEOTAPE; OR
- 17 5. ANY OTHER MEDIUM; AND

18 (II) SHOWING:

19 1. THE FRONT OR SIDE OF A MOTOR VEHICLE OR  
20 COMBINATION OF VEHICLES;

21 2. AT LEAST TWO TIME–STAMPED IMAGES OF THE  
22 MOTOR VEHICLE OR COMBINATION OF VEHICLES THAT INCLUDE THE SAME  
23 STATIONARY OBJECT NEAR THE MOTOR VEHICLE OR COMBINATION OF  
24 VEHICLES; AND

25 3. ON AT LEAST ONE IMAGE OR PORTION OF TAPE, A  
26 CLEAR AND LEGIBLE IDENTIFICATION OF:

27 A. THE ENTIRE REGISTRATION PLATE NUMBER OF  
28 THE MOTOR VEHICLE; OR

1                   **B. THE UNITED STATES DEPARTMENT OF**  
2 **TRANSPORTATION NUMBER OF THE MOTOR VEHICLE IN ITS ENTIRETY.**

3                   **(4) “VEHICLE HEIGHT MONITORING SYSTEM” MEANS A DEVICE**  
4 **WITH ONE OR MORE MOTOR VEHICLE SENSORS THAT IS CAPABLE OF**  
5 **PRODUCING RECORDED IMAGES OF VEHICLES WHOSE HEIGHT EXCEEDS A**  
6 **PREDETERMINED LIMIT.**

7                   **(B) (1) A VEHICLE HEIGHT MONITORING SYSTEM MAY BE USED TO**  
8 **RECORD IMAGES OF VEHICLES TRAVELING ON A HIGHWAY IN BALTIMORE CITY**  
9 **UNDER THIS SECTION ONLY IF THE USE OF VEHICLE HEIGHT MONITORING**  
10 **SYSTEMS IS AUTHORIZED BY AN ORDINANCE ADOPTED BY THE BALTIMORE CITY**  
11 **COUNCIL AFTER REASONABLE NOTICE AND A PUBLIC HEARING.**

12                   **(2) BEFORE BALTIMORE CITY PLACES OR INSTALLS A VEHICLE**  
13 **HEIGHT MONITORING SYSTEM AT A PARTICULAR LOCATION, IT SHALL:**

14                   **(I) CONDUCT AN ANALYSIS TO DETERMINE THE**  
15 **APPROPRIATENESS OF THE LOCATION; AND**

16                   **(II) OBTAIN THE APPROVAL OF THE BALTIMORE CITY**  
17 **POLICE COMMISSIONER OR THE COMMISSIONER’S DESIGNEE.**

18                   **(3) BEFORE ACTIVATING A VEHICLE HEIGHT MONITORING**  
19 **SYSTEM, BALTIMORE CITY SHALL:**

20                   **(I) PUBLISH NOTICE OF THE LOCATION OF THE VEHICLE**  
21 **HEIGHT MONITORING SYSTEM ON ITS WEB SITE AND IN A NEWSPAPER OF**  
22 **GENERAL CIRCULATION IN THE JURISDICTION;**

23                   **(II) ENSURE THAT ALL SIGNS STATING HEIGHT AND WEIGHT**  
24 **LIMITATIONS APPROACHING AND WITHIN THE SEGMENT OF HIGHWAY ON WHICH**  
25 **THE VEHICLE HEIGHT MONITORING SYSTEM IS LOCATED INCLUDE SIGNS THAT:**

26                   **1. ARE IN ACCORDANCE WITH THE MANUAL AND**  
27 **SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES**  
28 **ADOPTED BY THE STATE HIGHWAY ADMINISTRATION UNDER § 25-104 OF THIS**  
29 **ARTICLE; AND**

30                   **2. INDICATE THAT A VEHICLE HEIGHT MONITORING**  
31 **SYSTEM IS IN USE.**



1           **(C) A VEHICLE HEIGHT MONITORING SYSTEM OPERATOR SHALL FILL**  
2 **OUT AND SIGN A DAILY SET-UP LOG FOR A VEHICLE HEIGHT MONITORING**  
3 **SYSTEM THAT:**

4           **(1) STATES THAT THE OPERATOR SUCCESSFULLY PERFORMED**  
5 **THE MANUFACTURER-SPECIFIED SELF-TEST OF THE VEHICLE HEIGHT**  
6 **MONITORING SYSTEM BEFORE PRODUCING A RECORDED IMAGE;**

7           **(2) SHALL BE KEPT ON FILE; AND**

8           **(3) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT**  
9 **PROCEEDING FOR A VIOLATION OF THIS SECTION.**

10          **(D) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE OR**  
11 **COMBINATION OF VEHICLES RECEIVED A CITATION FROM A POLICE OFFICER AT**  
12 **THE TIME OF THE VIOLATION, THE OWNER OF A MOTOR VEHICLE OR**  
13 **COMBINATION OF VEHICLES IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR**  
14 **VEHICLE OR COMBINATION OF VEHICLES IS RECORDED BY A VEHICLE HEIGHT**  
15 **MONITORING SYSTEM WHILE BEING OPERATED IN VIOLATION OF A STATE OR**  
16 **LOCAL LAW RESTRICTING VEHICLE HEIGHT.**

17          **(2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED**  
18 **\$500.**

19          **(3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT**  
20 **SHALL PRESCRIBE:**

21               **(I) A UNIFORM CITATION FORM CONSISTENT WITH**  
22 **SUBSECTION (D)(1) OF THIS SECTION AND § 7-302 OF THE COURTS ARTICLE;**  
23 **AND**

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

27          **(E) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) AND (3) OF**  
28 **THIS SUBSECTION, THE BALTIMORE CITY POLICE DEPARTMENT OR THE**  
29 **BALTIMORE CITY DEPARTMENT OF TRANSPORTATION SHALL MAIL TO AN**  
30 **OWNER LIABLE UNDER THIS SECTION A CITATION THAT SHALL INCLUDE:**

31               **(I) THE NAME AND ADDRESS OF THE REGISTERED OWNER**  
32 **OF THE MOTOR VEHICLE;**

1                   **(II) THE REGISTRATION NUMBER OR THE UNITED STATES**  
2 **DEPARTMENT OF TRANSPORTATION NUMBER OF THE MOTOR VEHICLE**  
3 **INVOLVED IN THE VIOLATION;**

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

5                   **(IV) THE LOCATION AT WHICH THE VIOLATION OCCURRED;**

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

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

8                   **(VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE**  
9 **DATE BY WHICH THE CIVIL PENALTY SHOULD BE PAID;**

10                   **(VIII) A SIGNED STATEMENT BY A DULY AUTHORIZED LAW**  
11 **ENFORCEMENT OFFICER COMMISSIONED BY THE BALTIMORE CITY POLICE**  
12 **DEPARTMENT THAT, BASED ON INSPECTION OF THE RECORDED IMAGE, THE**  
13 **MOTOR VEHICLE OR COMBINATION OF VEHICLES WAS BEING OPERATED IN**  
14 **VIOLATION OF A STATE OR LOCAL LAW RESTRICTING VEHICLE HEIGHT;**

15                   **(IX) A STATEMENT THAT THE RECORDED IMAGE IS**  
16 **EVIDENCE OF THE VIOLATION;**

17                   **(X) INFORMATION ADVISING THE OWNER ALLEGED TO BE**  
18 **LIABLE UNDER THIS SECTION OF THE MANNER AND TIME IN WHICH LIABILITY**  
19 **AS ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT;**  
20 **AND**

21                   **(XI) INFORMATION ADVISING THE OWNER ALLEGED TO BE**  
22 **LIABLE UNDER THIS SECTION THAT FAILURE TO PAY THE CIVIL PENALTY OR TO**  
23 **CONTEST LIABILITY IN A TIMELY MANNER IS AN ADMISSION OF LIABILITY.**

24                   **(2) THE BALTIMORE CITY POLICE DEPARTMENT OR THE**  
25 **BALTIMORE CITY DEPARTMENT OF TRANSPORTATION MAY MAIL A WARNING**  
26 **NOTICE INSTEAD OF A CITATION TO AN OWNER LIABLE UNDER THIS SECTION.**

27                   **(3) A CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED**  
28 **NO LATER THAN 30 DAYS AFTER THE ALLEGED VIOLATION.**

29                   **(4) A PERSON WHO RECEIVES A CITATION UNDER THIS SECTION**  
30 **MAY:**

1           **(I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH**  
2 **INSTRUCTIONS ON THE CITATION, DIRECTLY TO BALTIMORE CITY; OR**

3           **(II) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR**  
4 **THE ALLEGED VIOLATION.**

5           **(F) (1) A CERTIFICATE ALLEGING THAT A VIOLATION OF A STATE OR**  
6 **LOCAL LAW RESTRICTING VEHICLE HEIGHT OCCURRED AND THAT THE**  
7 **REQUIREMENTS UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION HAVE BEEN**  
8 **AFFIRMED BY A DULY AUTHORIZED LAW ENFORCEMENT OFFICER**  
9 **COMMISSIONED BY THE BALTIMORE CITY POLICE DEPARTMENT, BASED ON**  
10 **INSPECTION OF THE RECORDED IMAGE PRODUCED BY THE VEHICLE HEIGHT**  
11 **MONITORING SYSTEM, SHALL BE:**

12           **(I) EVIDENCE OF THE FACTS CONTAINED IN THE**  
13 **CERTIFICATE; AND**

14           **(II) ADMISSIBLE IN A PROCEEDING ALLEGING A VIOLATION**  
15 **UNDER THIS SECTION WITHOUT THE PRESENCE OR TESTIMONY OF THE VEHICLE**  
16 **HEIGHT MONITORING SYSTEM OPERATOR.**

17           **(2) IF A PERSON WHO RECEIVED A CITATION UNDER THIS**  
18 **SECTION DESIRES THE VEHICLE HEIGHT MONITORING SYSTEM OPERATOR TO**  
19 **BE PRESENT AND TESTIFY AT TRIAL, THE PERSON SHALL NOTIFY THE COURT**  
20 **AND THE STATE IN WRITING NO LATER THAN 20 DAYS BEFORE TRIAL.**

21           **(3) ADJUDICATION OF LIABILITY SHALL BE BASED ON A**  
22 **PREPONDERANCE OF EVIDENCE.**

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

25           **(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**  
26 **THAT THE MOTOR VEHICLE OR THE REGISTRATION PLATES OF THE MOTOR**  
27 **VEHICLE WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT**  
28 **UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE**  
29 **VIOLATION; AND**

30           **(II) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT**  
31 **COURT DEEMS PERTINENT.**

32           **(2) TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE**  
33 **REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND**

1 WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME  
2 OF THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT  
3 REGARDING THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS  
4 FILED IN A TIMELY MANNER.

5 (H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS  
6 SECTION:

7 (1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF  
8 ASSESSING POINTS UNDER § 16-402 OF THIS ARTICLE;

9 (2) MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE  
10 DRIVING RECORD OF THE OWNER OF THE VEHICLE;

11 (3) MAY NOT BE TREATED AS A PARKING VIOLATION FOR  
12 PURPOSES OF § 26-305 OF THIS ARTICLE; AND

13 (4) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR  
14 VEHICLE INSURANCE COVERAGE.

15 (I) IN CONSULTATION WITH THE BALTIMORE CITY POLICE  
16 DEPARTMENT, THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT  
17 PROCEDURES FOR THE ISSUANCE OF CITATIONS, THE TRIAL OF CIVIL  
18 VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES UNDER THIS SECTION.

19 (J) (1) THE BALTIMORE CITY POLICE DEPARTMENT OR THE  
20 BALTIMORE CITY DEPARTMENT OF TRANSPORTATION, OR A CONTRACTOR  
21 DESIGNATED BY THE BALTIMORE CITY POLICE DEPARTMENT OR THE  
22 BALTIMORE CITY DEPARTMENT OF TRANSPORTATION, SHALL ADMINISTER  
23 AND PROCESS CIVIL CITATIONS ISSUED UNDER THIS SECTION IN COORDINATION  
24 WITH THE DISTRICT COURT.

25 (2) IF A CONTRACTOR OPERATES A VEHICLE HEIGHT  
26 MONITORING SYSTEM ON BEHALF OF BALTIMORE CITY, THE CONTRACTOR'S  
27 FEE MAY NOT BE CONTINGENT ON THE NUMBER OF CITATIONS ISSUED OR PAID.

28 26-401.

29 If a person is taken before a District Court commissioner or is given a traffic  
30 citation or a civil citation under § 21-202.1, § 21-809, [or] § 21-810, OR § 24-111.3 of  
31 this article containing a notice to appear in court, the commissioner or court shall be  
32 one that sits within the county in which the offense allegedly was committed.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2    October 1, 2012.