

HOUSE BILL 875

R5

01r0884

By: **Montgomery County Delegation**

Introduced and read first time: February 3, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Distracted Driving Monitoring Systems – Authorization**

3 **MC 24–20**

4 FOR the purpose of authorizing a law enforcement agency in Montgomery County to place
5 distracted driver monitoring systems on highways located in Montgomery County, if
6 authorized by the governing body of Montgomery County; requiring that a recorded
7 image made by a distracted driver monitoring system include certain images and
8 information; providing that the driver of a motor vehicle recorded committing a
9 certain violation is subject to a certain civil penalty; providing that a civil penalty
10 under this Act may not exceed a certain amount; requiring the District Court to
11 prescribe a certain uniform citation form and civil penalty; requiring a certain law
12 enforcement agency to mail a certain citation to the owner of a certain motor vehicle
13 within a certain period of time; providing for the contents of a certain citation;
14 authorizing a local law enforcement agency to mail a warning instead of a citation;
15 requiring a law enforcement agency to mail a certain notice to a motor vehicle rental
16 company liable under certain provisions of this Act before mailing a certain citation
17 to the motor vehicle rental company; specifying the contents of a certain notice;
18 prohibiting a law enforcement agency from mailing a certain citation to a certain
19 motor vehicle rental company if the motor vehicle rental company complies with
20 certain provisions of this Act; authorizing a person receiving a certain citation to pay
21 the civil penalty or elect to stand trial; providing that a certain certificate is
22 admissible as evidence in a proceeding concerning a certain violation; providing that
23 a certain adjudication of liability is based on a preponderance of evidence;
24 establishing certain defenses and requirements for proving the defenses; requiring
25 the District Court to provide certain evidence to a local law enforcement agency
26 under certain circumstances; authorizing a local law enforcement agency to mail a
27 certain notice within a certain time period after receiving certain evidence;
28 authorizing the Motor Vehicle Administration to refuse to register or reregister a
29 motor vehicle or suspend the registration of a motor vehicle under certain
30 circumstances; establishing that a violation for which a civil penalty may be imposed

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 under this Act is not a moving violation for certain purposes and may not be
 2 considered for certain insurance purposes; requiring the Chief Judge of the District
 3 Court, in consultation with certain local law enforcement agencies, to adopt certain
 4 procedures; providing that a proceeding for a certain violation recorded by a
 5 distracted driver monitoring system is under the exclusive original jurisdiction of the
 6 District Court; providing that a recorded image of a motor vehicle produced by a
 7 distracted driver monitoring system is admissible in a certain proceeding under
 8 certain circumstances; defining certain terms; providing for the application of this
 9 Act; making conforming and stylistic changes; and generally relating to the use of
 10 distracted driver monitoring systems to enforce offenses relating to distracted
 11 driving.

12 BY repealing and reenacting, with amendments,
 13 Article – Courts and Judicial Proceedings
 14 Section 4–401(13), 7–302(e), and 10–311
 15 Annotated Code of Maryland
 16 (2013 Replacement Volume and 2019 Supplement)

17 BY repealing and reenacting, without amendments,
 18 Article – Transportation
 19 Section 21–1124(c), 21–1124.1(b), and 21–1124.2(c) and (d)
 20 Annotated Code of Maryland
 21 (2012 Replacement Volume and 2019 Supplement)

22 BY adding to
 23 Article – Transportation
 24 Section 21–1124.4
 25 Annotated Code of Maryland
 26 (2012 Replacement Volume and 2019 Supplement)

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

29 Article – Courts and Judicial Proceedings

30 4–401.

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

33 (13) A proceeding for a civil infraction under § 21–202.1, § 21–704.1, §
 34 21–706.1, § 21–809, § 21–810, **§ 21–1124.4**, or § 24–111.3 of the Transportation Article or
 35 § 10–112 of the Criminal Law Article;

36 7–302.

37 (e) (1) **(I)** A citation issued pursuant to § 21–202.1, § 21–706.1, § 21–809, §

1 21–810, § 21–1124.4, or § 24–111.3 of the Transportation Article shall provide that the
2 person receiving the citation may elect to stand trial by notifying the issuing agency of the
3 person’s intention to stand trial at least 5 days prior to the date of payment as set forth in
4 the citation.

5 (II) On receipt of the notice to stand trial, the agency shall forward
6 to 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.

8 (III) On receipt thereof, the District Court shall schedule the case for
9 trial and notify the defendant of the trial date under procedures adopted by the Chief Judge
10 of the District Court.

11 (2) (I) A citation issued as the result of a vehicle height monitoring
12 system, a traffic control signal monitoring system, [or] a speed monitoring system,
13 including a work zone speed control system, **OR A DISTRACTED DRIVER MONITORING**
14 **SYSTEM** controlled by a political subdivision or a school bus monitoring camera shall
15 provide that, in an uncontested case, the penalty shall be paid directly to that political
16 subdivision.

17 (II) A citation issued as the result of a traffic control signal
18 monitoring system or a work zone speed control system controlled by a State agency, or as
19 a result of a vehicle height monitoring system, a traffic control signal monitoring system, a
20 speed monitoring system, **A DISTRACTED DRIVER MONITORING SYSTEM**, or a school bus
21 monitoring camera in a case contested in District Court, shall provide that the penalty shall
22 be paid directly to the District Court.

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

29 (4) (i) From the fines collected by a political subdivision as a result of
30 violations enforced by speed monitoring systems, **DISTRACTED DRIVER MONITORING**
31 **SYSTEMS**, or school bus monitoring cameras, a political subdivision:

32 1. May recover the costs of implementing and administering
33 the speed monitoring systems, **DISTRACTED DRIVER MONITORING SYSTEMS**, or school
34 bus monitoring cameras; and

35 2. Subject to subparagraphs (ii) and (iii) of this paragraph,
36 may spend any remaining balance solely for public safety purposes, including pedestrian
37 safety programs.

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

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

9 (iii) The fines collected by Prince George's County as a result of
10 violations enforced by speed monitoring systems on Maryland Route 210 shall be remitted
11 to the Comptroller for deposit into the Criminal Injuries Compensation Fund under §
12 11-819 of the Criminal Procedure Article.

13 (5) From the fines collected by Baltimore City as a result of violations
14 enforced by vehicle height monitoring systems, Baltimore City may:

15 (i) Recover the costs of implementing and administering the vehicle
16 height monitoring systems; and

17 (ii) Spend the remaining balance solely on roadway improvements.
18 10-311.

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

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

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

31 (d) **A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A**
32 **DISTRACTED DRIVER MONITORING SYSTEM IN ACCORDANCE WITH § 21-1124.4 OF**
33 **THE TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A**
34 **CIVIL CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION OF § 21-1124, §**
35 **21-1124.1, OR § 21-1124.2 OF THE TRANSPORTATION ARTICLE WITHOUT**
36 **AUTHENTICATION.**

1 (E) A recorded image of a motor vehicle produced by a vehicle height monitoring
2 system in accordance with § 24-111.3 of the Transportation Article is admissible in a
3 proceeding concerning a civil citation issued under that section for a violation of a State or
4 local law restricting the presence of certain vehicles during certain times without
5 authentication.

6 [(e)] (F) In any other judicial proceeding, a recorded image produced by a vehicle
7 height monitoring system, traffic control signal monitoring system, speed monitoring
8 system, work zone speed control system, or school bus monitoring camera is admissible as
9 otherwise provided by law.

10 Article – Transportation

11 21-1124.

12 (c) An individual who is under the age of 18 years may not use a wireless
13 communication device while operating a motor vehicle.

14 21-1124.1.

15 (b) Subject to subsection (c) of this section, an individual may not use a text
16 messaging device to write, send, or read a text message or an electronic message while
17 operating a motor vehicle in the travel portion of the roadway.

18 21-1124.2.

19 (c) The following individuals may not use a handheld telephone while operating
20 a motor vehicle:

21 (1) A driver of a Class H (school) vehicle that is carrying passengers and in
22 motion; and

23 (2) A holder of a learner's instructional permit or a provisional driver's
24 license who is 18 years of age or older.

25 (d) (1) This subsection does not apply to an individual specified in subsection
26 (c) of this section.

27 (2) A driver of a motor vehicle that is in motion may not use the driver's
28 hands to use a handheld telephone other than to initiate or terminate a wireless telephone
29 call or to turn on or turn off the handheld telephone.

30 21-1124.4.

31 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS

1 INDICATED.

2 (2) "DISTRACTED DRIVER MONITORING SYSTEM" MEANS A DEVICE
3 DESIGNED TO CAPTURE A RECORDED IMAGE OF A DRIVER OF A MOTOR VEHICLE
4 COMMITTING A VIOLATION.

5 (3) "LAW ENFORCEMENT AGENCY" MEANS A LAW ENFORCEMENT
6 AGENCY OF MONTGOMERY COUNTY THAT IS AUTHORIZED TO ISSUE A CITATION FOR
7 A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR
8 REGULATIONS.

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

12 (II) "OWNER" DOES NOT INCLUDE:

- 13 1. A MOTOR VEHICLE LEASING COMPANY; OR
14 2. A HOLDER OF A SPECIAL REGISTRATION PLATE
15 ISSUED UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.

16 (5) "RECORDED IMAGE" MEANS IMAGES RECORDED BY A
17 DISTRACTED DRIVER MONITORING SYSTEM:

18 (I) ON:

- 19 1. TWO OR MORE PHOTOGRAPHS;
20 2. TWO OR MORE MICROPHOTOGRAPHS;
21 3. TWO OR MORE ELECTRONIC IMAGES;
22 4. VIDEOTAPE; OR
23 5. ANY OTHER MEDIUM; AND

24 (II) SHOWING A MOTOR VEHICLE AND, ON AT LEAST ONE IMAGE
25 OR PORTION OF TAPE, CLEARLY IDENTIFYING THE REGISTRATION PLATE NUMBER
26 OF THE MOTOR VEHICLE.

27 (6) "VIOLATION" MEANS A VIOLATION OF § 21-1124, § 21-1124.1, OR
28 § 21-1124.2 OF THIS SUBTITLE.

1 **(B) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.**

2 **(C) (1) A DISTRACTED DRIVER MONITORING SYSTEM MAY NOT BE USED**
3 **IN MONTGOMERY COUNTY UNLESS ITS USE IS AUTHORIZED BY THE GOVERNING**
4 **BODY OF MONTGOMERY COUNTY BY LOCAL LAW ENACTED AFTER REASONABLE**
5 **NOTICE AND A PUBLIC HEARING.**

6 **(2) IF AUTHORIZED BY THE GOVERNING BODY OF MONTGOMERY**
7 **COUNTY, A LAW ENFORCEMENT AGENCY MAY PLACE DISTRACTED DRIVER**
8 **MONITORING SYSTEMS ON HIGHWAYS LOCATED IN MONTGOMERY COUNTY.**

9 **(D) A RECORDED IMAGE BY A DISTRACTED DRIVER MONITORING SYSTEM**
10 **UNDER THIS SECTION INDICATING THAT THE DRIVER OF A MOTOR VEHICLE HAS**
11 **COMMITTED A VIOLATION SHALL INCLUDE:**

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

13 **(2) AN IMAGE OF AT LEAST ONE OF THE MOTOR VEHICLE'S**
14 **REGISTRATION PLATES;**

15 **(3) THE TIME AND DATE OF THE VIOLATION; AND**

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

17 **(E) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A**
18 **CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER**
19 **OR, IN ACCORDANCE WITH SUBSECTION (H)(5) OF THIS SECTION, THE DRIVER OF A**
20 **MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS**
21 **RECORDED BY A DISTRACTED DRIVER MONITORING SYSTEM DURING THE**
22 **COMMISSION OF A VIOLATION.**

23 **(2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED**
24 **\$500.**

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

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

29 **(II) A CIVIL PENALTY, WHICH SHALL BE INDICATED ON THE**
30 **CITATION, TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL PENALTY**

1 WITHOUT APPEARING IN DISTRICT COURT.

2 (F) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (5)
3 OF THIS SUBSECTION, A LAW ENFORCEMENT AGENCY SHALL MAIL TO THE OWNER
4 LIABLE UNDER SUBSECTION (E) OF THIS SECTION A CITATION THAT SHALL INCLUDE:

5 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF
6 THE VEHICLE;

7 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE
8 INVOLVED IN THE VIOLATION;

9 (III) THE VIOLATION CHARGED;

10 (IV) TO THE EXTENT POSSIBLE, THE LOCATION OF THE
11 VIOLATION;

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

13 (VI) A COPY OF THE RECORDED IMAGE;

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

16 (VIII) A SIGNED STATEMENT BY A TECHNICIAN EMPLOYED BY THE
17 LAW ENFORCEMENT AGENCY THAT, BASED ON THE INSPECTION OF THE RECORDED
18 IMAGE, THE MOTOR VEHICLE WAS BEING OPERATED DURING THE COMMISSION OF A
19 VIOLATION;

20 (IX) A STATEMENT THAT THE RECORDED IMAGE IS EVIDENCE OF
21 A VIOLATION; AND

22 (X) INFORMATION ADVISING THE PERSON ALLEGED TO BE
23 LIABLE UNDER THIS SECTION:

24 1. OF THE MANNER AND TIME IN WHICH LIABILITY AS
25 ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND

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

29 (2) THE LAW ENFORCEMENT AGENCY MAY MAIL A WARNING NOTICE

1 IN PLACE OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION (E) OF THIS
2 SECTION.

3 (3) (I) BEFORE MAILING A CITATION TO A MOTOR VEHICLE
4 RENTAL COMPANY LIABLE UNDER SUBSECTION (E) OF THIS SECTION, A LAW
5 ENFORCEMENT AGENCY SHALL MAIL A NOTICE TO THE MOTOR VEHICLE RENTAL
6 COMPANY STATING THAT A CITATION WILL BE MAILED TO THE MOTOR VEHICLE
7 RENTAL COMPANY UNLESS, WITHIN 45 DAYS AFTER RECEIVING THE NOTICE, THE
8 MOTOR VEHICLE RENTAL COMPANY PROVIDES THE LAW ENFORCEMENT AGENCY
9 WITH:

10 1. A STATEMENT MADE UNDER OATH THAT STATES THE
11 NAME AND LAST KNOWN MAILING ADDRESS OF THE INDIVIDUAL DRIVING OR
12 RENTING THE MOTOR VEHICLE WHEN THE VIOLATION OCCURRED;

13 2. A. A STATEMENT MADE UNDER OATH THAT
14 STATES THAT THE MOTOR VEHICLE RENTAL COMPANY IS UNABLE TO DETERMINE
15 WHO WAS DRIVING OR RENTING THE VEHICLE AT THE TIME THE VIOLATION
16 OCCURRED BECAUSE THE MOTOR VEHICLE WAS STOLEN AT THE TIME OF THE
17 VIOLATION; AND

18 B. A COPY OF THE POLICE REPORT ASSOCIATED WITH
19 THE MOTOR VEHICLE THEFT CLAIMED UNDER ITEM A OF THIS ITEM; OR

20 3. PAYMENT FOR THE PENALTY ASSOCIATED WITH THE
21 VIOLATION.

22 (II) A LAW ENFORCEMENT AGENCY MAY NOT MAIL A CITATION
23 TO A MOTOR VEHICLE RENTAL COMPANY LIABLE UNDER SUBSECTION (E) OF THIS
24 SECTION IF THE MOTOR VEHICLE RENTAL COMPANY COMPLIES WITH
25 SUBPARAGRAPH (I) OF THIS PARAGRAPH.

26 (4) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION
27 AND SUBSECTION (H)(5) OF THIS SECTION, A CITATION ISSUED UNDER THIS SECTION
28 SHALL BE MAILED NOT LATER THAN 2 WEEKS AFTER THE ALLEGED VIOLATION.

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

31 (I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH
32 INSTRUCTIONS ON THE CITATION, DIRECTLY TO MONTGOMERY COUNTY; OR

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

1 **(G) (1) A CERTIFICATE ALLEGING THAT A VIOLATION OCCURRED, SWORN**
2 **TO OR AFFIRMED BY A DULY AUTHORIZED AGENT OF A LAW ENFORCEMENT AGENCY,**
3 **BASED ON THE INSPECTION OF A RECORDED IMAGE PRODUCED BY A DISTRACTED**
4 **DRIVER MONITORING SYSTEM SHALL BE EVIDENCE OF THE FACTS CONTAINED IN**
5 **THE 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, THAT**
12 **THE MOTOR VEHICLE OR REGISTRATION PLATES OF THE MOTOR VEHICLE WERE**
13 **STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL**
14 **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 THE**
17 **VEHICLE AT THE TIME OF THE VIOLATION; AND**

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

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

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

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

1 VEHICLE, OR CLASS P (PASSENGER BUS) VEHICLE.

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

7 1. STATES THAT THE PERSON NAMED IN THE CITATION
8 WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; 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 NAMED
13 IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE
14 VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (4)(II)2 OF THIS
15 SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF THE
16 VIOLATION, THE CLERK OF THE COURT SHALL PROVIDE TO THE LAW ENFORCEMENT
17 AGENCY ISSUING THE CITATION A COPY OF ANY EVIDENCE SUBSTANTIATING WHO
18 WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

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

24 (III) A CITATION ISSUED UNDER SUBPARAGRAPH (II) OF THIS
25 PARAGRAPH SHALL BE MAILED NOT LATER THAN 2 WEEKS AFTER RECEIPT OF THE
26 EVIDENCE FROM THE DISTRICT COURT.

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

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

32 (1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING
33 POINTS UNDER § 16-402 OF THIS ARTICLE AND MAY NOT BE RECORDED BY THE
34 ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OR DRIVER OF THE

1 VEHICLE; AND

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

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2020.