

HOUSE BILL 284

R5

1lr1222

(PRE-FILED)

By: **Delegate R. Lewis**

Requested: October 29, 2020

Introduced and read first time: January 13, 2021

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Dedicated Bus Lanes – Enforcement**

3 FOR the purpose of prohibiting a person from driving a motor vehicle in a dedicated bus
4 lane unless authorized by a local jurisdiction, subject to certain exceptions;
5 authorizing Baltimore City to use, under certain standards and procedures, a certain
6 bus lane monitoring system to enforce the prohibition against driving a motor vehicle
7 in a designated bus lane; modifying the jurisdiction of the District Court to include
8 certain proceedings related to bus lane monitoring systems; providing for the
9 payment of fines imposed and the distribution of revenues collected as a result of
10 violations enforced by a bus lane monitoring system; providing for the admissibility
11 of recorded images produced by bus lane monitoring systems; requiring the bus lane
12 monitoring system operator to complete certain training and follow certain
13 procedures; requiring the manufacturer of the bus lane monitoring system to issue a
14 certain certificate to the bus lane monitoring system operator on completion of the
15 training; requiring that the certificate of training be admitted as evidence in a
16 certain court proceeding; requiring a bus lane monitoring system to undergo a
17 certain calibration check; requiring an independent calibration laboratory to issue a
18 certain certificate of calibration after the calibration check that is kept on file and
19 admitted as evidence in a certain court proceeding; providing that the driver of a
20 motor vehicle recorded committing a certain violation is subject to a certain civil
21 penalty under certain circumstances; providing that a civil penalty under this Act
22 may not exceed a certain amount; requiring the District Court to prescribe a certain
23 uniform citation form and civil penalty; requiring the Baltimore City Police
24 Department or a contractor of the police department to mail a certain citation to the
25 owner of a certain motor vehicle within a certain time period; specifying the contents
26 of a certain citation; authorizing the Baltimore City Police Department to mail a
27 warning instead of a citation; requiring the Baltimore City Police Department to
28 mail a certain notice to a motor vehicle rental company liable under certain
29 provisions of this Act before mailing a certain citation to the motor vehicle rental
30 company; specifying the contents of a certain notice; prohibiting the Baltimore City

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Police Department from mailing a certain citation to a certain motor vehicle rental
2 company if the motor vehicle rental company complies with certain provisions of this
3 Act; authorizing a person receiving a certain citation to pay the civil penalty or elect
4 to stand trial; providing that a certain certificate is admissible as evidence in a
5 proceeding concerning a certain violation; authorizing persons receiving certain
6 citations to have the bus lane monitoring system operator be present and able to
7 testify at trial; providing that a certain adjudication of liability is based on a
8 preponderance of evidence; establishing certain defenses, and requirements for
9 proving the defenses, for a certain violation recorded by a bus lane monitoring
10 system; requiring the District Court to provide certain evidence to the Baltimore City
11 Police Department under certain circumstances; authorizing the Baltimore City
12 Police Department to mail a certain citation within a certain time period after
13 receiving certain evidence; authorizing the Motor Vehicle Administration to refuse
14 to register or reregister a motor vehicle under certain circumstances; establishing
15 that a violation for which a civil penalty may be imposed under this Act is not a
16 moving violation for certain purposes, may be treated as a parking violation for
17 certain purposes, and may not be considered for certain insurance purposes;
18 requiring the Chief Judge of the District Court, in consultation with the Baltimore
19 City Police Department, to adopt certain procedures; requiring the Baltimore City
20 Police Department or a certain contractor of the police department to administer and
21 process certain civil citations in coordination with the District Court; prohibiting a
22 certain contractor's fee from being contingent on the number of citations issued or
23 paid under certain circumstances; providing for the application of certain provisions
24 of this Act; defining certain terms; making certain conforming and stylistic changes;
25 and generally relating to the use of bus lane monitoring systems to enforce offenses
26 relating to the operation of a motor vehicle in a designated bus lane.

27 BY repealing and reenacting, with amendments,
28 Article – Courts and Judicial Proceedings
29 Section 4–401(13), 7–302(e), and 10–311
30 Annotated Code of Maryland
31 (2020 Replacement Volume)

32 BY repealing and reenacting, without amendments,
33 Article – Transportation
34 Section 21–101(a)
35 Annotated Code of Maryland
36 (2020 Replacement Volume)

37 BY adding to
38 Article – Transportation
39 Section 21–101(i–1), 21–1133, and 21–1134
40 Annotated Code of Maryland
41 (2020 Replacement Volume)

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

1 **Article – Courts and Judicial Proceedings**

2 4–401.

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

5 (13) A proceeding for a civil infraction under § 21–202.1, § 21–704.1, §
6 21–706.1, § 21–809, § 21–810, **§ 21–1134**, or § 24–111.3 of the Transportation Article or §
7 10–112 of the Criminal Law Article;

8 7–302.

9 (e) (1) **(I)** A citation issued pursuant to § 21–202.1, § 21–706.1, § 21–809, §
10 21–810, **§ 21–1134**, or § 24–111.3 of the Transportation Article shall provide that the
11 person receiving the citation may elect to stand trial by notifying the issuing agency of the
12 person’s intention to stand trial at least 5 days prior to the date of payment as set forth in
13 the citation.

14 **(II)** On receipt of the notice to stand trial, the agency shall forward
15 to the District Court having venue a copy of the citation and a copy of the notice from the
16 person who received the citation indicating the person’s intention to stand trial.

17 **(III)** On receipt thereof, the District Court shall schedule the case for
18 trial and notify the defendant of the trial date under procedures adopted by the Chief Judge
19 of the District Court.

20 (2) **(I)** A citation issued as the result of a vehicle height monitoring
21 system, a traffic control signal monitoring system, or a speed monitoring system, including
22 a work zone speed control system, controlled by a political subdivision [or], a school bus
23 monitoring camera, **OR A BUS LANE MONITORING SYSTEM** shall provide that, in an
24 uncontested case, the penalty shall be paid directly to that political subdivision.

25 **(II)** A citation issued as the result of a traffic control signal
26 monitoring system or a work zone speed control system controlled by a State agency, or as
27 a result of a vehicle height monitoring system, a traffic control signal monitoring system, a
28 speed monitoring system, [or] a school bus monitoring camera, **OR A BUS LANE**
29 **MONITORING SYSTEM** in a case contested in District Court, shall provide that the penalty
30 shall be paid directly to the District Court.

31 (3) Civil penalties resulting from citations issued using a vehicle height
32 monitoring system, traffic control signal monitoring system, speed monitoring system,
33 work zone speed control system, [or] school bus monitoring camera, **OR BUS LANE**
34 **MONITORING SYSTEM** that are collected by the District Court shall be collected in
35 accordance with subsection (a) of this section and distributed in accordance with § 12–118

1 of the Transportation Article.

2 (4) (i) From the fines collected by a political subdivision as a result of
3 violations enforced by speed monitoring systems [or], school bus monitoring cameras, **OR**
4 **BUS LANE MONITORING SYSTEMS**, a political subdivision:

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

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

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

18 (iii) The fines collected by Prince George's County as a result of
19 violations enforced by speed monitoring systems on Maryland Route 210 shall be remitted
20 to the Comptroller for distribution to the State Highway Administration to be used solely
21 to assist in covering the costs of:

22 1. Examining the engineering, infrastructure, and other
23 relevant factors that may contribute to safety issues on Maryland Route 210 in Prince
24 George's County;

25 2. Reporting its findings and recommendations on any
26 solutions to these safety issues; and

27 3. Implementing any solutions to these safety issues.

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

30 (i) Recover the costs of implementing and administering the vehicle
31 height monitoring systems; and

32 (ii) Spend the remaining balance solely on roadway improvements.

33 10-311.

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

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

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

13 (d) A recorded image of a motor vehicle produced by a vehicle height monitoring
14 system in accordance with § 24–111.3 of the Transportation Article is admissible in a
15 proceeding concerning a civil citation issued under that section for a violation of a State or
16 local law restricting the presence of certain vehicles during certain times without
17 authentication.

18 (e) **A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A BUS LANE**
19 **MONITORING SYSTEM IN ACCORDANCE WITH § 21–1134 OF THE TRANSPORTATION**
20 **ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A CIVIL CITATION ISSUED**
21 **UNDER THAT SECTION FOR A VIOLATION OF § 21–1133 OF THE TRANSPORTATION**
22 **ARTICLE WITHOUT AUTHENTICATION.**

23 (F) In any other judicial proceeding, a recorded image produced by a vehicle
24 height monitoring system, traffic control signal monitoring system, speed monitoring
25 system, work zone speed control system, [or] school bus monitoring camera, **OR BUS LANE**
26 **MONITORING SYSTEM** is admissible as otherwise provided by law.

27 Article – Transportation

28 21–101.

29 (a) In this title and Title 25 of this article the following words have the meanings
30 indicated.

31 (I–1) **“DEDICATED BUS LANE” MEANS A LANE DESIGNATED FOR USE BY MASS**
32 **TRANSIT VEHICLES OWNED BY THE MARYLAND TRANSIT ADMINISTRATION.**

33 **21–1133.**

34 (A) **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON**
35 **MAY NOT DRIVE A VEHICLE IN A DEDICATED BUS LANE UNLESS AUTHORIZED BY THE**

1 LOCAL JURISDICTION IN WHICH THE DEDICATED BUS LANE IS LOCATED.

2 (B) THE FOLLOWING VEHICLES MAY BE DRIVEN IN A DEDICATED BUS LANE:

3 (1) A MARYLAND TRANSIT ADMINISTRATION BUS;

4 (2) A SCHOOL BUS;

5 (3) A BICYCLE; AND

6 (4) AN EMERGENCY VEHICLE.

7 21-1134.

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (2) "BUS LANE MONITORING SYSTEM" MEANS AN ENFORCEMENT
11 SYSTEM THAT IS DESIGNED TO CAPTURE A RECORDED IMAGE OF A DRIVER OF A
12 MOTOR VEHICLE COMMITTING A VIOLATION.

13 (3) "BUS LANE MONITORING SYSTEM OPERATOR" MEANS A
14 REPRESENTATIVE OF A LOCAL POLICE DEPARTMENT OR A CONTRACTOR THAT
15 OPERATES A BUS LANE MONITORING SYSTEM.

16 (4) (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 LEASING COMPANY; OR

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

23 (5) "RECORDED IMAGE" MEANS AN IMAGE RECORDED BY A BUS LANE
24 MONITORING SYSTEM:

25 (I) ON:

26 1. A PHOTOGRAPH;

- 1 2. **A MICROPHOTOGRAPH;**
- 2 3. **AN ELECTRONIC IMAGE;**
- 3 4. **VIDEOTAPE; OR**
- 4 5. **ANY OTHER VISUAL MEDIUM; AND**

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

8 **(6) "VIOLATION" MEANS A VIOLATION OF § 21-1133 OF THIS**
9 **SUBTITLE.**

10 **(B) THIS SECTION APPLIES ONLY IN BALTIMORE CITY.**

11 **(C) (1) BALTIMORE CITY MAY USE A BUS LANE MONITORING SYSTEM**
12 **THAT MEETS THE REQUIREMENTS OF THIS SUBSECTION TO RECORD THE IMAGES OF**
13 **MOTOR VEHICLES TRAVELING IN A BUS LANE.**

14 **(2) A BUS LANE MONITORING SYSTEM MAY BE USED ONLY:**

15 **(I) WHEN BEING OPERATED BY A BUS LANE MONITORING**
16 **SYSTEM OPERATOR; AND**

17 **(II) IF, IN ACCORDANCE WITH THE MARYLAND MANUAL ON**
18 **UNIFORM TRAFFIC CONTROL DEVICES, A CONSPICUOUS ROAD SIGN IS PLACED AT**
19 **A REASONABLE DISTANCE CONSISTENT WITH NATIONAL GUIDELINES BEFORE THE**
20 **BUS LANE ALERTING DRIVERS THAT A BUS LANE MONITORING SYSTEM MAY BE IN**
21 **OPERATION IN THE BUS LANE.**

22 **(3) A BUS LANE MONITORING SYSTEM MAY BE USED TO RECORD ONLY**
23 **THE IMAGES OF VEHICLES THAT ARE TRAVELING IN A BUS LANE.**

24 **(D) (1) (I) A BUS LANE MONITORING SYSTEM OPERATOR SHALL**
25 **COMPLETE TRAINING BY THE MANUFACTURER OF THE BUS LANE MONITORING**
26 **SYSTEM IN THE PROCEDURES FOR SETTING UP, TESTING, AND OPERATING THE BUS**
27 **LANE MONITORING SYSTEM.**

28 **(II) ON COMPLETION OF THE TRAINING, THE MANUFACTURER**
29 **SHALL ISSUE A SIGNED CERTIFICATE TO THE BUS LANE MONITORING SYSTEM**
30 **OPERATOR.**

1 **(III) THE CERTIFICATE OF TRAINING SHALL BE ADMITTED AS**
2 **EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION.**

3 **(2) A BUS LANE MONITORING SYSTEM OPERATOR SHALL FILL OUT**
4 **AND SIGN A DAILY SET-UP LOG FOR EACH BUS LANE MONITORING SYSTEM THAT:**

5 **(I) STATES THE DATE AND TIME WHEN THE SYSTEM WAS SET**
6 **UP;**

7 **(II) STATES THAT THE BUS LANE MONITORING SYSTEM**
8 **OPERATOR SUCCESSFULLY PERFORMED, AND THE DEVICE PASSED, THE**
9 **MANUFACTURER-SPECIFIED SELF-TESTS OF THE BUS LANE MONITORING SYSTEM**
10 **BEFORE PRODUCING A RECORDED IMAGE;**

11 **(III) SHALL BE KEPT ON FILE; AND**

12 **(IV) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT**
13 **PROCEEDING FOR A VIOLATION.**

14 **(E) (1) A BUS LANE MONITORING SYSTEM SHALL UNDERGO AN ANNUAL**
15 **CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION**
16 **LABORATORY.**

17 **(2) THE INDEPENDENT CALIBRATION LABORATORY SHALL ISSUE A**
18 **SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL CALIBRATION CHECK**
19 **THAT:**

20 **(I) SHALL BE KEPT ON FILE; AND**

21 **(II) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT**
22 **PROCEEDING FOR A VIOLATION OF § 21-1133 OF THIS SUBTITLE.**

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

29 **(2) A CIVIL PENALTY UNDER THIS SECTION MAY NOT EXCEED \$100.**

30 **(3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT SHALL**

1 **PRESCRIBE:**

2 (I) A UNIFORM CITATION FORM CONSISTENT WITH
3 SUBSECTION (G)(1) OF THIS SECTION AND § 7-302 OF THE COURTS ARTICLE; 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 PENALTY
6 WITHOUT APPEARING IN DISTRICT COURT.

7 (G) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (5)
8 OF THIS SUBSECTION, THE BALTIMORE CITY POLICE DEPARTMENT OR A
9 CONTRACTOR OF THE POLICE DEPARTMENT SHALL MAIL TO THE OWNER LIABLE
10 UNDER SUBSECTION (F) OF THIS SECTION A CITATION THAT SHALL INCLUDE:

11 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF
12 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 POLICE OFFICER EMPLOYED BY
23 THE BALTIMORE CITY POLICE DEPARTMENT THAT, BASED ON INSPECTION OF THE
24 RECORDED IMAGES, THE MOTOR VEHICLE WAS BEING OPERATED DURING THE
25 COMMISSION OF A VIOLATION;

26 (IX) A STATEMENT THAT THE RECORDED IMAGE IS EVIDENCE OF
27 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 AS**
2 **ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND**

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

6 **(2) THE BALTIMORE CITY POLICE DEPARTMENT MAY MAIL A**
7 **WARNING NOTICE IN PLACE OF A CITATION TO THE OWNER LIABLE UNDER**
8 **SUBSECTION (F) OF THIS SECTION.**

9 **(3) (I) BEFORE MAILING A CITATION TO A MOTOR VEHICLE**
10 **RENTAL COMPANY LIABLE UNDER SUBSECTION (F) OF THIS SECTION, A LAW**
11 **ENFORCEMENT AGENCY SHALL MAIL A NOTICE TO THE MOTOR VEHICLE RENTAL**
12 **COMPANY STATING THAT A CITATION WILL BE MAILED TO THE MOTOR VEHICLE**
13 **RENTAL COMPANY UNLESS, WITHIN 45 DAYS AFTER RECEIVING THE NOTICE, THE**
14 **MOTOR VEHICLE RENTAL COMPANY PROVIDES THE BALTIMORE CITY POLICE**
15 **DEPARTMENT WITH:**

16 **1. A STATEMENT MADE UNDER OATH THAT STATES THE**
17 **NAME AND LAST KNOWN MAILING ADDRESS OF THE INDIVIDUAL DRIVING OR**
18 **RENTING THE MOTOR VEHICLE WHEN THE VIOLATION OCCURRED;**

19 **2. A. A STATEMENT MADE UNDER OATH THAT**
20 **STATES THAT THE MOTOR VEHICLE RENTAL COMPANY IS UNABLE TO DETERMINE**
21 **WHO WAS DRIVING OR RENTING THE VEHICLE AT THE TIME THE VIOLATION**
22 **OCCURRED BECAUSE THE MOTOR VEHICLE WAS STOLEN AT THE TIME OF THE**
23 **VIOLATION; AND**

24 **B. A COPY OF THE POLICE REPORT ASSOCIATED WITH**
25 **THE MOTOR VEHICLE THEFT CLAIMED UNDER ITEM A OF THIS ITEM; OR**

26 **3. PAYMENT FOR THE PENALTY ASSOCIATED WITH THE**
27 **VIOLATION.**

28 **(II) THE BALTIMORE CITY POLICE DEPARTMENT MAY NOT**
29 **MAIL A CITATION TO A MOTOR VEHICLE RENTAL COMPANY LIABLE UNDER**
30 **SUBSECTION (F) OF THIS SECTION IF THE MOTOR VEHICLE RENTAL COMPANY**
31 **COMPLIES WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

32 **(4) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION**
33 **AND SUBSECTION (I)(5) OF THIS SECTION, A CITATION ISSUED UNDER THIS SECTION**
34 **SHALL BE MAILED NOT LATER THAN 2 WEEKS AFTER THE ALLEGED VIOLATION.**

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

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

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

6 **(H) (1) (I) A CERTIFICATE ALLEGING THAT A VIOLATION OCCURRED,**
7 **SWORN TO OR AFFIRMED BY A BALTIMORE CITY POLICE OFFICER, BASED ON**
8 **INSPECTION OF A RECORDED IMAGE PRODUCED BY A BUS LANE MONITORING**
9 **SYSTEM, SHALL BE EVIDENCE OF THE FACTS CONTAINED IN THE CERTIFICATE AND**
10 **SHALL BE ADMISSIBLE IN ANY PROCEEDING CONCERNING THE ALLEGED VIOLATION**
11 **WITHOUT THE PRESENCE OR TESTIMONY OF THE BUS LANE MONITORING SYSTEM**
12 **OPERATOR WHO PERFORMED THE REQUIREMENTS UNDER SUBSECTION (D) OF THIS**
13 **SECTION.**

14 **(II) IF A PERSON WHO RECEIVED A CITATION UNDER THIS**
15 **SECTION DESIRES A BUS LANE MONITORING SYSTEM OPERATOR TO BE PRESENT**
16 **AND TESTIFY AT TRIAL, THE PERSON SHALL NOTIFY THE COURT AND THE**
17 **BALTIMORE CITY POLICE DEPARTMENT IN WRITING NOT LATER THAN 20 DAYS**
18 **BEFORE TRIAL.**

19 **(2) ADJUDICATION OF LIABILITY SHALL BE BASED ON A**
20 **PREPONDERANCE OF EVIDENCE.**

21 **(I) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A**
22 **VIOLATION:**

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

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

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

32 **(2) TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE**

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

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

11 (4) (I) THIS PARAGRAPH APPLIES ONLY TO A CITATION THAT
12 INVOLVES A CLASS E (TRUCK) VEHICLE WITH A REGISTERED GROSS WEIGHT OF
13 26,001 POUNDS OR MORE, A CLASS F (TRACTOR) VEHICLE, A CLASS G (TRAILER)
14 VEHICLE OPERATED IN COMBINATION WITH A CLASS F (TRACTOR) VEHICLE, AND A
15 CLASS P (PASSENGER BUS) VEHICLE.

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

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

23 2. PROVIDES THE NAME, ADDRESS, AND DRIVER'S
24 LICENSE IDENTIFICATION NUMBER OF THE PERSON WHO WAS OPERATING THE
25 VEHICLE AT THE TIME OF THE VIOLATION.

26 (5) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED
27 IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE
28 VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (4)(II)2 OF THIS
29 SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF THE
30 VIOLATION, THE CLERK OF THE COURT SHALL PROVIDE TO THE BALTIMORE CITY
31 POLICE DEPARTMENT A COPY OF ANY EVIDENCE SUBSTANTIATING WHO WAS
32 OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

33 (II) ON THE RECEIPT OF SUBSTANTIATING EVIDENCE FROM
34 THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE
35 BALTIMORE CITY POLICE DEPARTMENT MAY ISSUE A NEW CITATION AS PROVIDED
36 IN SUBSECTION (F) OF THIS SECTION TO THE PERSON THAT THE EVIDENCE

1 INDICATES WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

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

5 (J) IF THE CIVIL PENALTY IS NOT PAID AND THE VIOLATION IS NOT
6 CONTESTED, THE ADMINISTRATION MAY REFUSE TO REGISTER OR REREGISTER THE
7 MOTOR VEHICLE.

8 (K) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS
9 SECTION:

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

14 (2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF §
15 26-305 OF THIS ARTICLE; AND

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

18 (L) IN CONSULTATION WITH THE BALTIMORE CITY POLICE DEPARTMENT,
19 THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE
20 ISSUANCE OF CITATIONS, TRIALS FOR VIOLATIONS, AND THE COLLECTION OF CIVIL
21 PENALTIES IMPOSED UNDER THIS SECTION.

22 (M) (1) THE BALTIMORE CITY POLICE DEPARTMENT OR A CONTRACTOR
23 DESIGNATED BY THE BALTIMORE CITY POLICE DEPARTMENT SHALL ADMINISTER
24 AND PROCESS CIVIL CITATIONS ISSUED UNDER THIS SECTION IN COORDINATION
25 WITH THE DISTRICT COURT.

26 (2) IF A CONTRACTOR PROVIDES, DEPLOYS, OR OPERATES A BUS
27 LANE MONITORING SYSTEM FOR THE BALTIMORE CITY POLICE DEPARTMENT, THE
28 CONTRACTOR'S FEE MAY NOT BE CONTINGENT ON THE NUMBER OF CITATIONS
29 ISSUED OR PAID.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2021.