

SENATE BILL 179

R5

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(PRE-FILED)

By: **Senator Klausmeier**

Requested: October 28, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Distracted Driving Monitoring Systems – Authorization**

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certain procedures; providing for the distribution of revenues collected as a result of
 2 violations recorded by a distracted driver monitoring system; providing that a
 3 proceeding for a certain violation recorded by a distracted driver monitoring system
 4 is under the exclusive original jurisdiction of the District Court; providing that a
 5 recorded image of a motor vehicle produced by a distracted driver monitoring system
 6 is admissible in a certain proceeding under certain circumstances; requiring civil
 7 citations issued under this Act to be administered and processed in coordination with
 8 the District Court; prohibiting a certain contractor fee from being based on the
 9 number of citations issued or paid; prohibiting a certain person from displaying,
 10 sending, transmitting, or otherwise sharing a certain image or video unless the
 11 image or video has been edited in a certain manner, subject to a certain exception;
 12 establishing a certain penalty; defining certain terms; making conforming and
 13 stylistic changes; and generally relating to the use of distracted driver monitoring
 14 systems to enforce offenses relating to distracted driving.

15 BY repealing and reenacting, with amendments,
 16 Article – Courts and Judicial Proceedings
 17 Section 4–401(13), 7–302(e)(1) through (3) and (4)(i), and 10–311
 18 Annotated Code of Maryland
 19 (2020 Replacement Volume)

20 BY repealing and reenacting, without amendments,
 21 Article – Transportation
 22 Section 21–1124(c), 21–1124.1(b), and 21–1124.2(c) and (d)
 23 Annotated Code of Maryland
 24 (2020 Replacement Volume)

25 BY adding to
 26 Article – Transportation
 27 Section 21–1124.4
 28 Annotated Code of Maryland
 29 (2020 Replacement Volume)

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

32 **Article – Courts and Judicial Proceedings**

33 4–401.

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

36 (13) A proceeding for a civil infraction under § 21–202.1, § 21–704.1, §
 37 21–706.1, § 21–809, § 21–810, **§ 21–1124.4**, or § 24–111.3 of the Transportation Article or
 38 § 10–112 of the Criminal Law Article;

1 7-302.

2 (e) (1) (I) A citation issued pursuant to § 21-202.1, § 21-706.1, § 21-809, §
3 21-810, **§ 21-1124.4**, or § 24-111.3 of the Transportation Article shall provide that the
4 person receiving the citation may elect to stand trial by notifying the issuing agency of the
5 person's intention to stand trial at least 5 days prior to the date of payment as set forth in
6 the citation.

7 (II) On receipt of the notice to stand trial, the agency shall forward
8 to the District Court having venue a copy of the citation and a copy of the notice from the
9 person who received the citation indicating the person's intention to stand trial.

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

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

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

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

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

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

37 2. Subject to subparagraphs (ii) and (iii) of this paragraph,

1 may spend any remaining balance solely for public safety purposes, including pedestrian
2 safety programs.

3 10-311.

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

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

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

16 (d) **A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A**
17 **DISTRACTED DRIVER MONITORING SYSTEM IN ACCORDANCE WITH § 21-1124.4 OF**
18 **THE TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A**
19 **CIVIL CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION OF § 21-1124, §**
20 **21-1124.1, OR § 21-1124.2 OF THE TRANSPORTATION ARTICLE WITHOUT**
21 **AUTHENTICATION.**

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

27 [(e)] (F) In any other judicial proceeding, a recorded image produced by a vehicle
28 height monitoring system, traffic control signal monitoring system, speed monitoring
29 system, work zone speed control system, **DISTRACTED DRIVER MONITORING SYSTEM**, or
30 school bus monitoring camera is admissible as otherwise provided by law.

31 Article – Transportation

32 21-1124.

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

35 21-1124.1.

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

4 21-1124.2.

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

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

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

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

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

16 21-1124.4.

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (2) "AGENCY" MEANS:

20 (I) A LAW ENFORCEMENT AGENCY THAT IS AUTHORIZED TO
21 ISSUE A CITATION FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL
22 TRAFFIC LAWS OR REGULATIONS; OR

23 (II) FOR A MUNICIPAL CORPORATION THAT DOES NOT
24 MAINTAIN A POLICE FORCE, AN AGENCY ESTABLISHED OR DESIGNATED BY THE
25 MUNICIPAL CORPORATION TO IMPLEMENT THIS SUBTITLE USING DISTRACTED
26 DRIVER MONITORING SYSTEMS IN ACCORDANCE WITH THIS SECTION.

27 (3) "DISTRACTED DRIVER MONITORING SYSTEM" MEANS A DEVICE
28 DESIGNED TO CAPTURE A RECORDED IMAGE OF A VIOLATION.

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

1 (II) "OWNER" DOES NOT INCLUDE:

2 1. A MOTOR VEHICLE LEASING COMPANY; OR

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

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

7 (I) ON:

8 1. TWO OR MORE PHOTOGRAPHS;

9 2. TWO OR MORE MICROPHOTOGRAPHS;

10 3. TWO OR MORE ELECTRONIC IMAGES;

11 4. VIDEOTAPE; OR

12 5. ANY OTHER MEDIUM; AND

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

16 (6) "VIOLATION" MEANS A VIOLATION OF § 21-1124, § 21-1124.1, OR
17 § 21-1124.2 OF THIS SUBTITLE.

18 (B) (1) SUBJECT TO PARAGRAPHS (2) THROUGH (5) OF THIS
19 SUBSECTION, AN AGENCY MAY USE DISTRACTED DRIVER MONITORING SYSTEMS:

20 (I) ON HIGHWAYS MAINTAINED BY A LOCAL JURISDICTION, IF
21 AUTHORIZED BY THE GOVERNING BODY OF THE LOCAL JURISDICTION; OR

22 (II) ON STATE HIGHWAYS, IF AUTHORIZED BY THE STATE
23 HIGHWAY ADMINISTRATION.

24 (2) A DISTRACTED DRIVER MONITORING SYSTEM MAY NOT BE USED
25 IN A LOCAL JURISDICTION UNDER THIS SECTION UNLESS ITS USE IS AUTHORIZED BY
26 THE GOVERNING BODY OF THE LOCAL JURISDICTION BY LOCAL LAW ENACTED
27 AFTER REASONABLE NOTICE AND A PUBLIC HEARING.

1 **(3) BEFORE A COUNTY MAY USE A DISTRACTED DRIVER MONITORING**
2 **SYSTEM ON STATE HIGHWAYS LOCATED WITHIN A MUNICIPAL CORPORATION, THE**
3 **COUNTY SHALL:**

4 **(I) OBTAIN APPROVAL OF THE STATE HIGHWAY**
5 **ADMINISTRATION;**

6 **(II) NOTIFY THE MUNICIPAL CORPORATION OF THE STATE**
7 **HIGHWAY ADMINISTRATION'S APPROVAL OF THE USE OF A DISTRACTED DRIVER**
8 **MONITORING SYSTEM ON THE STATE HIGHWAYS WITHIN THE MUNICIPAL**
9 **CORPORATION; AND**

10 **(III) GRANT THE MUNICIPAL CORPORATION 60 DAYS FROM THE**
11 **DATE OF THE COUNTY'S NOTICE TO THE MUNICIPAL CORPORATION TO ENACT AN**
12 **ORDINANCE AUTHORIZING THE MUNICIPAL CORPORATION INSTEAD OF THE COUNTY**
13 **TO USE A DISTRACTED DRIVER MONITORING SYSTEM.**

14 **(4) BEFORE BEGINNING USE OF DISTRACTED DRIVER MONITORING**
15 **SYSTEMS, AN AGENCY SHALL PUBLISH NOTICE THAT THE AGENCY HAS ADOPTED THE**
16 **USE OF DISTRACTED DRIVER MONITORING SYSTEMS ON ITS WEBSITE AND IN A**
17 **NEWSPAPER OF GENERAL CIRCULATION IN THE JURISDICTION IN WHICH THE**
18 **DISTRACTED DRIVING MONITORING SYSTEM WILL BE USED.**

19 **(5) (I) A LOCAL JURISDICTION THAT USES A DISTRACTED DRIVER**
20 **MONITORING SYSTEM SHALL PROMINENTLY PLACE SIGNS ON ROADS WITHIN THE**
21 **LOCAL JURISDICTION PROVIDING NOTICE THAT DISTRACTED DRIVER MONITORING**
22 **SYSTEMS ARE USED IN THE JURISDICTION.**

23 **(II) THE STATE HIGHWAY ADMINISTRATION SHALL PLACE**
24 **SIGNS PROMINENTLY PROVIDING NOTICE THAT DISTRACTED DRIVER MONITORING**
25 **SYSTEMS ARE IN USE ON STATE HIGHWAYS.**

26 **(C) A RECORDED IMAGE BY A DISTRACTED DRIVER MONITORING SYSTEM**
27 **UNDER THIS SECTION INDICATING THAT THE DRIVER OF A MOTOR VEHICLE HAS**
28 **COMMITTED A VIOLATION SHALL INCLUDE:**

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

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

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

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

2 **(D) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A**
3 **CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER**
4 **OR, IN ACCORDANCE WITH SUBSECTION (G)(5) OF THIS SECTION, THE DRIVER OF A**
5 **MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS**
6 **RECORDED BY A DISTRACTED DRIVER MONITORING SYSTEM DURING THE**
7 **COMMISSION OF A VIOLATION.**

8 **(2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED**
9 **\$500.**

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

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

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

17 **(E) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (5)**
18 **OF THIS SUBSECTION, AN AGENCY SHALL MAIL TO THE OWNER LIABLE UNDER**
19 **SUBSECTION (D) OF THIS SECTION A CITATION THAT SHALL INCLUDE:**

20 **(I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF**
21 **THE VEHICLE;**

22 **(II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE**
23 **INVOLVED IN THE VIOLATION;**

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

25 **(IV) TO THE EXTENT POSSIBLE, THE LOCATION OF THE**
26 **VIOLATION;**

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

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

29 **(VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE**

1 DATE BY WHICH THE CIVIL PENALTY MUST BE PAID;

2 (VIII) A SIGNED STATEMENT BY A TECHNICIAN EMPLOYED BY THE
3 AGENCY THAT, BASED ON THE INSPECTION OF THE RECORDED IMAGE, THE MOTOR
4 VEHICLE WAS BEING OPERATED DURING THE COMMISSION OF A VIOLATION;

5 (IX) A STATEMENT THAT THE RECORDED IMAGE IS EVIDENCE OF
6 A VIOLATION; AND

7 (X) INFORMATION ADVISING THE PERSON ALLEGED TO BE
8 LIABLE UNDER THIS SECTION:

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

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

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

16 (3) (I) BEFORE MAILING A CITATION TO A MOTOR VEHICLE
17 RENTAL COMPANY LIABLE UNDER SUBSECTION (D) OF THIS SECTION, AN AGENCY
18 SHALL MAIL A NOTICE TO THE MOTOR VEHICLE RENTAL COMPANY STATING THAT A
19 CITATION WILL BE MAILED TO THE MOTOR VEHICLE RENTAL COMPANY UNLESS,
20 WITHIN 45 DAYS AFTER RECEIVING THE NOTICE, THE MOTOR VEHICLE RENTAL
21 COMPANY PROVIDES THE AGENCY WITH:

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

25 2. A. A STATEMENT MADE UNDER OATH THAT
26 STATES THAT THE MOTOR VEHICLE RENTAL COMPANY IS UNABLE TO DETERMINE
27 WHO WAS DRIVING OR RENTING THE VEHICLE AT THE TIME THE VIOLATION
28 OCCURRED BECAUSE THE MOTOR VEHICLE WAS STOLEN AT THE TIME OF THE
29 VIOLATION; AND

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

32 3. PAYMENT FOR THE PENALTY ASSOCIATED WITH THE

1 VIOLATION.

2 (II) AN AGENCY MAY NOT MAIL A CITATION TO A MOTOR
3 VEHICLE RENTAL COMPANY LIABLE UNDER SUBSECTION (D) OF THIS SECTION IF
4 THE MOTOR VEHICLE RENTAL COMPANY COMPLIES WITH SUBPARAGRAPH (I) OF
5 THIS PARAGRAPH.

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

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

11 (I) PAY THE CIVIL PENALTY IN ACCORDANCE WITH
12 INSTRUCTIONS ON THE CITATION; OR

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

14 (F) (1) A CERTIFICATE ALLEGING THAT A VIOLATION OCCURRED, SWORN
15 TO OR AFFIRMED BY A DULY AUTHORIZED AGENT OF AN AGENCY, BASED ON THE
16 INSPECTION OF A RECORDED IMAGE PRODUCED BY A DISTRACTED DRIVER
17 MONITORING SYSTEM SHALL BE EVIDENCE OF THE FACTS CONTAINED IN THE
18 CERTIFICATE AND SHALL BE ADMISSIBLE IN ANY PROCEEDING CONCERNING THE
19 ALLEGED VIOLATION.

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

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

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

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

31 (III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT
32 COURT CONSIDERS PERTINENT.

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

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

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

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

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

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

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

34 **(II) ON THE RECEIPT OF SUBSTANTIATING EVIDENCE FROM**
35 **THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE**

1 AGENCY MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (E) OF THIS SECTION
2 TO THE PERSON WHO THE EVIDENCE INDICATES WAS OPERATING THE VEHICLE AT
3 THE TIME OF THE VIOLATION.

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

7 (H) IF THE CIVIL PENALTY IS NOT PAID AND THE VIOLATION IS NOT
8 CONTESTED, THE ADMINISTRATION MAY REFUSE TO REGISTER OR REREGISTER OR
9 MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE.

10 (I) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS
11 SECTION:

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

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

18 (J) IN CONSULTATION WITH LAW ENFORCEMENT AGENCIES, THE CHIEF
19 JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE ISSUANCE
20 OF CITATIONS, TRIALS FOR VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES
21 IMPOSED UNDER THIS SECTION.

22 (K) (1) AN AGENCY OR AN AGENT OR CONTRACTOR DESIGNATED BY THE
23 AGENCY SHALL ADMINISTER AND PROCESS CIVIL CITATIONS ISSUED UNDER THIS
24 SECTION IN COORDINATION WITH THE DISTRICT COURT.

25 (2) IF A CONTRACTOR IN ANY MANNER OPERATES A SPEED
26 MONITORING SYSTEM OR ADMINISTERS OR PROCESSES CITATIONS GENERATED BY
27 A DISTRACTED DRIVER MONITORING SYSTEM ON BEHALF OF A LOCAL
28 JURISDICTION, THE CONTRACTOR'S FEE MAY NOT BE CONTINGENT ON A
29 PER-TICKET BASIS ON THE NUMBER OF CITATIONS ISSUED OR PAID.

30 (3) (I) EXCEPT IN RESPONSE TO A VALID SUBPOENA OR COURT
31 ORDER, A PERSON UNDER CONTRACT WITH AN AGENCY TO ADMINISTER AND
32 PROCESS CIVIL CITATIONS ISSUED UNDER THIS SECTION MAY NOT DISPLAY, SEND,
33 TRANSMIT, OR OTHERWISE SHARE AN IMAGE OR VIDEO RECORDED BY A
34 DISTRACTED DRIVER MONITORING SYSTEM THAT DEPICTS THE DRIVER OR ANY

1 PASSENGER OF A MOTOR VEHICLE UNLESS THE IMAGE OR VIDEO HAS BEEN EDITED
2 TO OBSCURE THE IDENTITY OF THE DRIVER AND EACH PASSENGER.

3 (II) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A
4 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000.

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