

# HOUSE BILL 367

R5, R1

3lr0753

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By: **Delegate Charkoudian**

Introduced and read first time: January 26, 2023

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Stop Sign Monitoring Systems – Authorization**

3 FOR the purpose of authorizing a local jurisdiction to use a stop sign monitoring system if  
4 authorized by local law and if the local jurisdiction conducts certain public  
5 engagement and performs certain actions; prohibiting a local jurisdiction from using  
6 or sharing stop sign monitoring system data for certain immigration purposes;  
7 prohibiting a civil penalty for a violation recorded by a stop sign monitoring system  
8 from exceeding certain amounts, based on the annual income of the owner or driver  
9 of the vehicle; requiring civil penalties from citations issued using a stop sign  
10 monitoring system collected by the District Court to be distributed to the  
11 Department of Transportation for the benefit of the Complete Streets Program;  
12 requiring that revenue collected by local jurisdictions from citations for violations  
13 enforced by stop sign monitoring systems, after certain costs, be used solely on  
14 pedestrian safety programs; and generally relating to stop sign monitoring systems.

15 BY repealing and reenacting, with amendments,  
16 Article – Courts and Judicial Proceedings  
17 Section 4–401(13), 7–302(e)(1)(i), (2), (3), and (4)(i), and 10–311  
18 Annotated Code of Maryland  
19 (2020 Replacement Volume and 2022 Supplement)

20 BY repealing and reenacting, without amendments,  
21 Article – Transportation  
22 Section 8–902 and 21–707(a) through (c)  
23 Annotated Code of Maryland  
24 (2020 Replacement Volume and 2022 Supplement)

25 BY repealing and reenacting, with amendments,  
26 Article – Transportation  
27 Section 8–904  
28 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2020 Replacement Volume and 2022 Supplement)

BY adding to

Article – Transportation

Section 21–707.1

Annotated Code of Maryland

(2020 Replacement Volume and 2022 Supplement)

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

### Article – Courts and Judicial Proceedings

4–401.

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

(13) A proceeding for a civil infraction under § 21–202.1, § 21–704.1, § 21–706.1, **§ 21–707.1**, § 21–809, § 21–810, § 21–1134, or § 24–111.3 of the Transportation Article or § 10–112 of the Criminal Law Article;

7–302.

(e) (1) (i) A citation issued pursuant to § 21–202.1, § 21–706.1, **§ 21–707.1**, § 21–809, § 21–810, § 21–1134, or § 24–111.3 of the Transportation Article shall provide that the person receiving the citation may elect to stand trial by notifying the issuing agency of the person’s intention to stand trial at least 5 days prior to the date of payment as set forth in the citation.

(2) (i) A citation issued as the result of a vehicle height monitoring system, a traffic control signal monitoring system, **A STOP SIGN MONITORING SYSTEM**, or a speed monitoring system, including a work zone speed control system, [controlled by a political subdivision,] a school bus monitoring camera, or a bus lane monitoring system **CONTROLLED BY A POLITICAL SUBDIVISION** shall provide that, in an uncontested case, the penalty shall be paid directly to that political subdivision.

(ii) A citation issued as the result of a traffic control signal monitoring system or a work zone speed control system controlled by a State agency, or as a result of a vehicle height monitoring system, a traffic control signal monitoring system, **A STOP SIGN MONITORING SYSTEM**, a speed monitoring system, a school bus monitoring camera, or a bus lane monitoring system in a case contested in District Court, shall provide that the penalty shall be paid directly to the District Court.

(3) **(I)** Civil penalties resulting from citations issued using a vehicle height monitoring system, traffic control signal monitoring system, speed monitoring

1 system, work zone speed control system, school bus monitoring camera, or bus lane  
2 monitoring system that are collected by the District Court shall be collected in accordance  
3 with subsection (a) of this section and distributed in accordance with § 12–118 of the  
4 Transportation Article.

5 **(II) CIVIL PENALTIES RESULTING FROM CITATIONS ISSUED**  
6 **USING A STOP SIGN MONITORING SYSTEM THAT ARE COLLECTED BY THE DISTRICT**  
7 **COURT SHALL BE COLLECTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS**  
8 **SECTION AND DISTRIBUTED TO THE DEPARTMENT OF TRANSPORTATION FOR THE**  
9 **BENEFIT OF THE COMPLETE STREETS PROGRAM UNDER TITLE 8, SUBTITLE 9 OF**  
10 **THE TRANSPORTATION ARTICLE.**

11 (4) (i) 1. Except as provided in paragraph (5) of this subsection,  
12 from the fines collected by a political subdivision as a result of violations enforced by speed  
13 monitoring systems, school bus monitoring cameras, or bus lane monitoring systems, a  
14 political subdivision:

15 [1.] A. May recover the costs of implementing and  
16 administering the speed monitoring systems, school bus monitoring cameras, or bus lane  
17 monitoring systems; and

18 [2.] B. Subject to subparagraphs (ii), (iii), and (iv) of this  
19 paragraph, may spend any remaining balance solely for public safety purposes, including  
20 pedestrian safety programs.

21 2. FROM THE FINES COLLECTED BY A POLITICAL  
22 SUBDIVISION AS A RESULT OF VIOLATIONS ENFORCED BY A STOP SIGN MONITORING  
23 SYSTEM, THE POLITICAL SUBDIVISION:

24 A. MAY RECOVER THE COSTS OF IMPLEMENTING AND  
25 ADMINISTERING THE STOP SIGN MONITORING SYSTEM; AND

26 B. SHALL SPEND ANY REMAINING BALANCE SOLELY ON  
27 PEDESTRIAN SAFETY PROGRAMS.

28 10–311.

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

33 (b) A recorded image of a motor vehicle produced by a speed monitoring system  
34 in accordance with § 21–809 or § 21–810 of the Transportation Article is admissible in a

1 proceeding concerning a civil citation issued under that section for a violation of Title 21,  
2 Subtitle 8 of the Transportation Article without authentication.

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

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

12 (e) A recorded image of a motor vehicle produced by a bus lane monitoring system  
13 in accordance with § 21–1134 of the Transportation Article is admissible in a proceeding  
14 concerning a civil citation issued under that section for a violation of § 21–1133 of the  
15 Transportation Article without authentication.

16 (f) **A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A STOP SIGN**  
17 **MONITORING SYSTEM IN ACCORDANCE WITH § 21–707.1 OF THE TRANSPORTATION**  
18 **ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A CIVIL CITATION ISSUED**  
19 **UNDER THAT SECTION FOR A VIOLATION OF § 21–707 OF THE TRANSPORTATION**  
20 **ARTICLE WITHOUT AUTHENTICATION.**

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

#### 26 Article – Transportation

27 8–902.

28 There is a competitive matching grant program within the Department known as  
29 the “Complete Streets Program”.

30 8–904.

31 Funds for the Program shall [be]:

32 (1) **BE** as provided by the Governor in the State budget; **AND**

1           **(2) INCLUDE PROCEEDS FROM CIVIL PENALTIES ASSESSED FOR**  
2 **VIOLATIONS RECORDED BY STOP SIGN MONITORING SYSTEMS THAT ARE**  
3 **DISTRIBUTED BY THE DISTRICT COURT TO THE DEPARTMENT.**

4 21-707.

5           (a) Unless otherwise directed by a police officer or traffic control signal, the driver  
6 of a vehicle approaching a stop sign at an intersection shall stop at the near side of the  
7 intersection at a clearly marked stop line.

8           (b) Unless otherwise directed by a police officer or traffic control signal, the driver  
9 of a vehicle approaching a stop sign at an intersection shall stop at the near side of the  
10 intersection and, if there is no clearly marked stop line, before entering any crosswalk.

11           (c) Unless otherwise directed by a police officer or traffic control signal, the driver  
12 of a vehicle approaching a stop sign at an intersection shall stop at the near side of an  
13 intersection and, if there is no crosswalk, at the nearest point before entering the  
14 intersection that gives the driver a view of traffic approaching on the intersecting roadway.

15 **21-707.1.**

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

18                   **(2) “AGENCY” MEANS:**

19                           **(I) FOR A STOP SIGN MAINTAINED AT AN INTERSECTION UNDER**  
20 **THE CONTROL OF THE STATE, THE LAW ENFORCEMENT AGENCY PRIMARILY**  
21 **RESPONSIBLE FOR TRAFFIC CONTROL AT THAT INTERSECTION; OR**

22                           **(II) FOR A STOP SIGN MAINTAINED AT AN INTERSECTION UNDER**  
23 **THE CONTROL OF A POLITICAL SUBDIVISION, A LAW ENFORCEMENT AGENCY OF THE**  
24 **POLITICAL SUBDIVISION THAT IS AUTHORIZED TO ISSUE CITATIONS FOR A**  
25 **VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR**  
26 **REGULATIONS.**

27                           **(3) “ANNUAL INCOME” MEANS THE TOTAL INCOME FROM ALL**  
28 **SOURCES OF A DESIGNATED HOUSEHOLD FOR THE IMMEDIATELY PRECEDING**  
29 **INCOME TAX YEAR AS REPORTED ON FEDERAL OR STATE INCOME TAX RETURNS.**

30                           **(4) (I) “OWNER” MEANS THE REGISTERED OWNER OF A MOTOR**  
31 **VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR**  
32 **MORE.**

1 (II) "OWNER" DOES NOT INCLUDE A MOTOR VEHICLE RENTAL  
2 OR LEASING COMPANY OR A HOLDER OF A SPECIAL REGISTRATION PLATE ISSUED  
3 UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.

4 (5) "RECORDED IMAGES" MEANS IMAGES RECORDED BY A STOP SIGN  
5 MONITORING SYSTEM:

6 (I) ON VIDEOTAPE OR ANY OTHER CONTINUOUS RECORDING  
7 MEDIUM; AND

8 (II) SHOWING THE MOTOR VEHICLE AND, ON AT LEAST ONE  
9 PORTION OF THE TAPE, CLEARLY IDENTIFYING THE REGISTRATION PLATE NUMBER  
10 OF THE MOTOR VEHICLE.

11 (6) "STOP SIGN MONITORING SYSTEM" MEANS A DEVICE WITH ONE OR  
12 MORE MOTOR VEHICLE SENSORS THAT PRODUCE RECORDED IMAGES OF MOTOR  
13 VEHICLES THAT FAIL TO COME TO A COMPLETE STOP BEFORE ENTERING AN  
14 INTERSECTION.

15 (B) THIS SECTION APPLIES TO A VIOLATION OF § 21-707(A), (B), OR (C) OF  
16 THIS SUBTITLE AT AN INTERSECTION MONITORED BY A STOP SIGN MONITORING  
17 SYSTEM.

18 (C) (1) A LOCAL JURISDICTION MAY USE A STOP SIGN MONITORING  
19 SYSTEM UNDER THIS SECTION IF:

20 (I) ITS USE IS AUTHORIZED BY THE GOVERNING BODY OF THE  
21 LOCAL JURISDICTION BY LOCAL LAW ENACTED AFTER REASONABLE NOTICE AND A  
22 PUBLIC HEARING;

23 (II) THE LOCAL JURISDICTION USES SAFETY DATA TO  
24 DETERMINE THE PLACEMENT OF THE STOP SIGN MONITORING SYSTEM;

25 (III) 1. THE LOCAL JURISDICTION CONDUCTS A COMMUNITY  
26 ENGAGEMENT PROCESS WHEN DETERMINING THE PLACEMENT OF THE STOP SIGN  
27 MONITORING SYSTEM; AND

28 2. DURING THE COMMUNITY ENGAGEMENT PROCESS,  
29 THE LOCAL JURISDICTION DEMONSTRATES THAT IMPLEMENTING A STOP SIGN  
30 MONITORING SYSTEM WILL DECREASE THE USE OF LAW ENFORCEMENT OFFICERS  
31 FOR STOP SIGN VIOLATIONS; AND

1 (IV) THE LOCAL JURISDICTION PLACES SIGNS AND OTHER  
2 NOTICES TO ALERT DRIVERS OF THE PRESENCE AND USE OF A STOP SIGN  
3 MONITORING SYSTEM.

4 (2) BEFORE A COUNTY MAY USE A STOP SIGN MONITORING SYSTEM  
5 ON A STATE HIGHWAY AT A LOCATION WITHIN A MUNICIPAL CORPORATION, THE  
6 COUNTY SHALL:

7 (I) OBTAIN THE APPROVAL OF THE STATE HIGHWAY  
8 ADMINISTRATION;

9 (II) NOTIFY THE MUNICIPAL CORPORATION OF THE STATE  
10 HIGHWAY ADMINISTRATION'S APPROVAL OF THE USE OF A STOP SIGN MONITORING  
11 SYSTEM AT THAT LOCATION; AND

12 (III) GRANT THE MUNICIPAL CORPORATION 60 DAYS AFTER THE  
13 DATE OF THE COUNTY'S NOTICE TO THE MUNICIPAL CORPORATION TO ENACT AN  
14 ORDINANCE AUTHORIZING THE MUNICIPAL CORPORATION INSTEAD OF THE COUNTY  
15 TO USE A STOP SIGN MONITORING SYSTEM AT THAT LOCATION.

16 (3) A LOCAL JURISDICTION MAY NOT:

17 (I) USE STOP SIGN MONITORING SYSTEM DATA FOR  
18 IMMIGRATION INVESTIGATIONS OR ENFORCEMENT; OR

19 (II) SHARE STOP SIGN MONITORING SYSTEM DATA WITH ANY  
20 LOCAL, STATE, OR FEDERAL IMMIGRATION OFFICIAL.

21 (D) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A  
22 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER  
23 OR, IN ACCORDANCE WITH SUBSECTION (G)(5) OF THIS SECTION, THE DRIVER OF A  
24 MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS  
25 RECORDED BY A STOP SIGN MONITORING SYSTEM WHILE BEING OPERATED IN  
26 VIOLATION OF § 21-707(A), (B), OR (C) OF THIS SUBTITLE.

27 (2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED:

28 (I) \$110 FOR AN OWNER OR A DRIVER OF A COMMERCIAL  
29 VEHICLE;

30 (II) \$10 FOR AN OWNER OR A DRIVER WITH AN ANNUAL INCOME  
31 THAT IS LESS THAN \$20,000;

1 (III) \$15 FOR AN OWNER OR A DRIVER WITH AN ANNUAL INCOME  
2 OF AT LEAST \$20,000 BUT LESS THAN \$40,000;

3 (IV) \$25 FOR AN OWNER OR A DRIVER WITH AN ANNUAL INCOME  
4 OF AT LEAST \$40,000 BUT LESS THAN \$60,000;

5 (V) \$40 FOR AN OWNER OR A DRIVER WITH AN ANNUAL INCOME  
6 OF AT LEAST \$60,000 BUT LESS THAN \$100,000;

7 (VI) \$80 FOR AN OWNER OR A DRIVER WITH AN ANNUAL INCOME  
8 OF AT LEAST \$100,000 BUT LESS THAN \$150,000; AND

9 (VII) \$120 FOR AN OWNER OR A DRIVER WITH AN ANNUAL  
10 INCOME OF AT LEAST \$150,000.

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

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

15 (II) A CIVIL PENALTY TO BE PAID BY PERSONS WHO CHOOSE TO  
16 PREPAY THE CIVIL PENALTY WITHOUT APPEARING IN DISTRICT COURT.

17 (E) (1) SUBJECT TO PARAGRAPHS (2) THROUGH (4) OF THIS  
18 SUBSECTION, AN AGENCY SHALL MAIL TO THE OWNER SUBJECT TO A CIVIL PENALTY  
19 UNDER 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) THE LOCATION OF THE INTERSECTION;

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

27 (VI) A COPY OF THE RECORDED IMAGE;

28 (VII) THE DATE BY WHICH THE CIVIL PENALTY SHOULD BE PAID;

1 (VIII) A SIGNED STATEMENT BY A DULY AUTHORIZED AGENT OF  
2 THE AGENCY THAT, BASED ON INSPECTION OF RECORDED IMAGES, THE MOTOR  
3 VEHICLE WAS BEING OPERATED IN VIOLATION OF § 21-707(A), (B), OR (C) OF THIS  
4 SUBTITLE;

5 (IX) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE OF  
6 A VIOLATION OF § 21-707(A), (B), OR (C) OF THIS SUBTITLE; 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. WARNING THAT FAILURE TO PAY THE CIVIL PENALTY  
12 OR TO CONTEST LIABILITY IN A TIMELY MANNER IS AN ADMISSION OF LIABILITY AND  
13 MAY RESULT IN REFUSAL OR SUSPENSION OF THE MOTOR VEHICLE REGISTRATION.

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

16 (3) EXCEPT AS PROVIDED IN SUBSECTION (G)(5) OF THIS SECTION, A  
17 CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NOT LATER THAN 7 DAYS  
18 AFTER THE ALLEGED VIOLATION.

19 (4) EXCEPT AS PROVIDED IN SUBSECTION (G)(5) OF THIS SECTION, AN  
20 AGENCY MAY NOT MAIL A CITATION TO A PERSON WHO IS NOT AN OWNER.

21 (5) (I) A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH  
22 (1) OF THIS SUBSECTION MAY:

23 1. PAY THE CIVIL PENALTY UNDER THIS SECTION  
24 DIRECTLY TO THE POLITICAL SUBDIVISION; OR

25 2. ELECT TO STAND TRIAL FOR THE ALLEGED  
26 VIOLATION.

27 (II) A PERSON WHO PAYS THE CIVIL PENALTY DIRECTLY TO THE  
28 POLITICAL SUBDIVISION:

29 1. MAY PAY THE MAXIMUM FINE ESTABLISHED BY THE  
30 DISTRICT COURT WITHOUT PROVIDING AN INCOME ATTESTATION; OR

1                   **2. A. SHALL PROVIDE AN ATTESTATION OF THE**  
2 **PERSON'S ANNUAL INCOME, IN A FORM DETERMINED BY THE POLITICAL**  
3 **SUBDIVISION; AND**

4                   **B. SHALL AUTHORIZE THE POLITICAL SUBDIVISION TO**  
5 **VERIFY THE PERSON'S ANNUAL INCOME WITH THE COMPTROLLER.**

6                   **(III) A POLITICAL SUBDIVISION MAY VERIFY THE INCOME**  
7 **ATTESTATIONS RECEIVED IN ACCORDANCE WITH SUBPARAGRAPH (II)2 OF THIS**  
8 **PARAGRAPH WITH THE COMPTROLLER.**

9                   **(6) (I) 1. IF A PERSON ELECTS TO STAND TRIAL FOR AN**  
10 **ALLEGED VIOLATION, THE DISTRICT COURT MAY DETERMINE THE ANNUAL INCOME**  
11 **OF THE DEFENDANT.**

12                   **2. A PERSON MAY ESTABLISH THE PERSON'S ANNUAL**  
13 **INCOME THROUGH RECORDS OR TESTIMONY.**

14                   **(II) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**  
15 **SUBSECTION, IN DETERMINING THE ANNUAL INCOME OF A DEFENDANT, THE**  
16 **DISTRICT COURT MAY CONSIDER INCOME FROM ANY LEGAL SOURCE, INCLUDING:**

17                   **1. EMPLOYMENT;**

18                   **2. PUBLIC BENEFITS;**

19                   **3. INVESTMENTS;**

20                   **4. RENTAL PROPERTY; AND**

21                   **5. INCOME FROM INTELLECTUAL PROPERTY.**

22                   **(III) IN DETERMINING THE ANNUAL INCOME OF A DEFENDANT,**  
23 **THE DISTRICT COURT MAY NOT CONSIDER A PENSION OR OTHER RETIREMENT**  
24 **INCOME.**

25                   **(IV) AN INDIVIDUAL WHO EXPERIENCES AN UNEXPECTED**  
26 **HARDSHIP FOLLOWING THE IMPOSITION OF A FINE UNDER THIS SUBSECTION MAY**  
27 **PETITION THE DISTRICT COURT FOR A REDUCTION OF THE FINE IMPOSED.**

28                   **(F) (1) A CERTIFICATE ALLEGING THAT A VIOLATION OCCURRED, SWORN**  
29 **TO OR AFFIRMED BY A DULY AUTHORIZED AGENT OF THE AGENCY, BASED ON**

1 INSPECTION OF RECORDED IMAGES PRODUCED BY A STOP SIGN MONITORING  
2 SYSTEM SHALL BE EVIDENCE OF THE FACTS CONTAINED THEREIN AND SHALL BE  
3 ADMISSIBLE IN ANY PROCEEDING ALLEGING A VIOLATION UNDER THIS SECTION.

4 (2) ADJUDICATION OF LIABILITY SHALL BE BASED ON A  
5 PREPONDERANCE OF EVIDENCE.

6 (G) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A  
7 VIOLATION:

8 (I) THAT THE DRIVER OF THE VEHICLE PASSED THROUGH THE  
9 INTERSECTION IN VIOLATION OF § 21-707(A), (B), OR (C) OF THIS SUBTITLE:

10 1. TO YIELD THE RIGHT-OF-WAY TO AN EMERGENCY  
11 VEHICLE; OR

12 2. AS PART OF A FUNERAL PROCESSION IN ACCORDANCE  
13 WITH § 21-207 OF THIS TITLE;

14 (II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THAT  
15 THE MOTOR VEHICLE OR REGISTRATION PLATES OF THE MOTOR VEHICLE WERE  
16 STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL  
17 OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION;

18 (III) THAT UNDER § 21-201 OF THIS TITLE, THIS SECTION IS  
19 UNENFORCEABLE AGAINST THE OWNER BECAUSE AT THE TIME AND PLACE OF THE  
20 ALLEGED VIOLATION THE STOP SIGN WAS NOT IN PROPER POSITION AND LEGIBLE  
21 ENOUGH TO BE SEEN BY AN ORDINARILY OBSERVANT INDIVIDUAL;

22 (IV) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,  
23 EVIDENCE THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE  
24 VEHICLE AT THE TIME OF THE VIOLATION; AND

25 (V) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT  
26 COURT DEEMS PERTINENT.

27 (2) TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE  
28 REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND  
29 WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF  
30 THE VIOLATION, THE OWNER MUST SUBMIT PROOF THAT A POLICE REPORT ABOUT  
31 THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN A TIMELY  
32 MANNER.

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

6           **(4) (I) THIS PARAGRAPH APPLIES ONLY TO A CITATION THAT**  
7 **INVOLVES A CLASS E (TRUCK) VEHICLE WITH A REGISTERED GROSS WEIGHT OF**  
8 **26,001 POUNDS OR MORE, CLASS F (TRACTOR) VEHICLE, CLASS G (TRAILER)**  
9 **VEHICLE OPERATED IN COMBINATION WITH A CLASS F (TRACTOR) VEHICLE, OR**  
10 **CLASS P (PASSENGER BUS) VEHICLE.**

11           **(II) TO SATISFY THE EVIDENTIARY BURDEN UNDER**  
12 **PARAGRAPH (1)(IV) OF THIS SUBSECTION, THE PERSON NAMED IN A CITATION**  
13 **DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY PROVIDE TO THE**  
14 **DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE PERSON AND MAILED**  
15 **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT:**

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

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

21           **(5) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED**  
22 **IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE**  
23 **VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (4)(II)2 OF THIS**  
24 **SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF THE**  
25 **VIOLATION, THE CLERK OF THE COURT SHALL PROVIDE TO THE AGENCY ISSUING**  
26 **THE CITATION A COPY OF THE FINDING OR OF ANY EVIDENCE SUBSTANTIATING WHO**  
27 **WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.**

28           **(II) ON THE RECEIPT OF THE FINDING OR OF SUBSTANTIATING**  
29 **EVIDENCE FROM THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS**  
30 **PARAGRAPH, AN AGENCY MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (E)**  
31 **OF THIS SECTION TO THE PERSON THAT THE EVIDENCE INDICATES WAS OPERATING**  
32 **THE VEHICLE AT THE TIME OF THE VIOLATION.**

33           **(III) A CITATION ISSUED UNDER SUBPARAGRAPH (II) OF THIS**  
34 **PARAGRAPH SHALL BE MAILED NOT LATER THAN 7 DAYS AFTER RECEIPT OF THE**  
35 **FINDING OR EVIDENCE FROM THE DISTRICT COURT.**

1           **(H) IF THE CIVIL PENALTY IS NOT PAID AND THE VIOLATION IS NOT**  
2 **CONTESTED, THE ADMINISTRATION MAY REFUSE TO REGISTER OR REREGISTER THE**  
3 **MOTOR VEHICLE.**

4           **(I) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS**  
5 **SECTION:**

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

10                   **(2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF §**  
11 **26-305 OF THIS ARTICLE; AND**

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

14           **(J) IN CONSULTATION WITH LOCAL JURISDICTIONS, THE CHIEF JUDGE OF**  
15 **THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE ISSUANCE OF**  
16 **CITATIONS, THE TRIAL OF CIVIL VIOLATIONS, AND THE COLLECTION OF CIVIL**  
17 **PENALTIES UNDER THIS SECTION.**

18           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2023.