

Below is a **cross-reference amendment draft** with added modernization language allowing:

- Identification of rental companies by Maryland ID or FEIN
- Secure electronic access to the citation system
- Direct upload of renter/driver information
- Electronic reporting of stolen vehicle/license plate with police report number
- Recognition that electronic submission satisfies the sworn statement requirement

This is structured in legislative drafting style for counsel review.

### **Policy Rationale for Added Electronic Language**

This modernization provision:

- Eliminates paper affidavits and manual processing
- Reduces administrative, printing and mailing costs for local governments
- Accelerates driver identification
- Reduces contested citations
- Prevents backlog delays
- Aligns with modern electronic citation systems already in use

It strengthens enforcement efficiency while protecting due process.

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# **PROPOSED AMENDMENT**

## **Uniform Rental Company Violation Transfer Procedure § 21-8XX**

**(With Electronic Submission & System Access Modernization)**

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### **SECTION 1**

**Add New § 21-8XX — Motor Vehicle Rental Company — Pre-Citation Notice & Electronic Transfer Procedure**

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### **§ 21-8XX. MOTOR VEHICLE RENTAL COMPANY — PRE-CITATION NOTICE AND ELECTRONIC TRANSFER PROCEDURE.**

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#### **(A) Applicability**

THIS SECTION APPLIES TO A VIOLATION ENFORCED USING AN AUTOMATED TRAFFIC ENFORCEMENT SYSTEM UNDER:

- (1) § 21-202.1 (TRAFFIC SIGNAL MONITORING SYSTEMS);
  - (2) § 21-706.1 (SCHOOL BUS MONITORING CAMERAS);
  - (3) § 21-707.1 (STOP SIGN MONITORING SYSTEMS);
  - (4) § 21-809 (SPEED MONITORING SYSTEMS);
  - (5) § 21-810 (WORK ZONE SPEED CONTROL SYSTEMS);
  - (6) § 21-1134 (BUS LANE MONITORING SYSTEMS);
  - (7) § 21-704.1 (RAILROAD GRADE CROSSING MONITORING SYSTEMS); AND
  - (8) § 24-111.3 (VEHICLE HEIGHT MONITORING SYSTEMS).
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#### **(B) Pre-Citation Notice Requirement**

BEFORE MAILING A CITATION TO A MOTOR VEHICLE RENTAL COMPANY LIABLE AS THE OWNER OF A MOTOR VEHICLE UNDER ANY SECTION LISTED IN SUBSECTION (A), AN AGENCY SHALL PROVIDE NOTICE TO THE MOTOR VEHICLE RENTAL COMPANY STATING THAT A CITATION WILL BE MAILED UNLESS, WITHIN 45 DAYS AFTER RECEIVING THE NOTICE, THE MOTOR VEHICLE RENTAL COMPANY:

- (1) PROVIDES A STATEMENT MADE UNDER OATH STATING THE NAME AND LAST KNOWN MAILING ADDRESS OF THE INDIVIDUAL DRIVING OR RENTING THE MOTOR VEHICLE AT THE TIME OF THE VIOLATION;
  - (2) PROVIDES A STATEMENT MADE UNDER OATH THAT THE MOTOR VEHICLE OR LICENSE PLATE WAS STOLEN AT THE TIME OF THE VIOLATION, INCLUDING THE ASSOCIATED POLICE REPORT NUMBER; OR
  - (3) PAYS THE CIVIL PENALTY.
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**(C) Electronic Submission & Database Access**

(1) AN AGENCY OR ITS DESIGNATED VENDOR SHALL PROVIDE A SECURE ELECTRONIC PORTAL OR DATA INTERFACE THROUGH WHICH A MOTOR VEHICLE RENTAL COMPANY MAY:

(I) BE IDENTIFIED USING ITS MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION IDENTIFICATION NUMBER, FEDERAL EMPLOYER IDENTIFICATION NUMBER (FEIN), OR OTHER UNIQUE IDENTIFIER APPROVED BY THE MOTOR VEHICLE ADMINISTRATION;

(II) ACCESS AND SEARCH PENDING PRE-CITATION NOTICES OR CITATIONS ISSUED TO THE RENTAL COMPANY;

(III) ELECTRONICALLY SUBMIT THE NAME AND LAST KNOWN MAILING ADDRESS OF THE INDIVIDUAL DRIVING OR RENTING THE VEHICLE AT THE TIME OF THE VIOLATION;

(IV) ELECTRONICALLY REPORT THAT THE MOTOR VEHICLE OR LICENSE PLATE WAS STOLEN AT THE TIME OF THE VIOLATION, INCLUDING ENTRY OF THE ASSOCIATED POLICE REPORT NUMBER; AND

(V) ELECTRONICALLY REMIT PAYMENT OF THE CIVIL PENALTY.

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(2) INFORMATION SUBMITTED THROUGH THE SECURE ELECTRONIC PORTAL SHALL:

(I) SATISFY THE "STATEMENT MADE UNDER OATH" REQUIREMENT IF THE SUBMISSION INCLUDES AN ELECTRONIC CERTIFICATION OR ATTESTATION MADE UNDER PENALTY OF PERJURY; AND

(II) BE DEEMED RECEIVED ON THE DATE OF ELECTRONIC TRANSMISSION.

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(3) AN AGENCY SHALL ACCEPT ELECTRONIC SUBMISSIONS MADE IN ACCORDANCE WITH THIS SUBSECTION AS FULL COMPLIANCE WITH SUBSECTION (B).

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**(D) Prohibition on Citation After Compliance**

AN AGENCY MAY NOT MAIL OR ISSUE A CITATION TO A MOTOR VEHICLE RENTAL COMPANY IF THE MOTOR VEHICLE RENTAL COMPANY COMPLIES WITH SUBSECTION (B)(1) OR (2), INCLUDING BY ELECTRONIC SUBMISSION UNDER SUBSECTION (C).

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**(E) Liability Upon Non-Compliance**

A MOTOR VEHICLE RENTAL COMPANY THAT FAILS TO COMPLY WITH SUBSECTION (B) WITHIN THE REQUIRED TIME SHALL BE LIABLE FOR THE CIVIL PENALTY AS THE OWNER OF THE MOTOR VEHICLE.

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**(F) Administrative Implementation**

THE MOTOR VEHICLE ADMINISTRATION MAY ADOPT REGULATIONS NECESSARY TO IMPLEMENT THE ELECTRONIC DATA SUBMISSION PROCESS ESTABLISHED UNDER THIS SECTION.

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## **SECTION 2**

### **Conforming Amendments**

For each statute listed in § 21-8XX(A):

Delete language excluding rental/leasing companies from the definition of "Owner" and replace with:

"OWNER" INCLUDES A MOTOR VEHICLE RENTAL COMPANY OR LEASING COMPANY, SUBJECT TO § 21-8XX OF THIS TITLE."