

HOUSE BILL 151

R5

2lr1144

(PRE-FILED)

By: **Delegate Healey**

Requested: November 1, 2021

Introduced and read first time: January 12, 2022

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Traffic Control Device Monitoring Systems – Authorization**

3 FOR the purpose of authorizing the use of traffic control device monitoring systems by State
4 and local agencies, if authorized by local law; providing that the owner or driver of a
5 motor vehicle recorded failing to obey a traffic control device is subject to a citation
6 and a certain civil penalty under certain circumstances; establishing certain
7 defenses to a charge of an alleged violation recorded by a traffic control device
8 monitoring system; prohibiting a contractor administering a traffic control device
9 monitoring system from being compensated in a certain manner; and generally
10 relating to the use of traffic control device monitoring systems.

11 BY repealing and reenacting, with amendments,
12 Article – Courts and Judicial Proceedings
13 Section 4–401(13), 7–302(e)(1) through (3) and (4)(i), and 10–311
14 Annotated Code of Maryland
15 (2020 Replacement Volume and 2021 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Transportation
18 Section 21–201(a)
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2021 Supplement)

21 BY adding to
22 Article – Transportation
23 Section 21–201.1
24 Annotated Code of Maryland
25 (2020 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Courts and Judicial Proceedings**

4 4–401.

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

7 (13) A proceeding for a civil infraction under **§ 21–201.1**, § 21–202.1, §
8 21–704.1, § 21–706.1, § 21–809, § 21–810, or § 24–111.3 of the Transportation Article or §
9 10–112 of the Criminal Law Article;

10 7–302.

11 (e) (1) **(I)** A citation issued pursuant to **§ 21–201.1**, § 21–202.1, § 21–706.1,
12 § 21–809, § 21–810, or § 24–111.3 of the Transportation Article shall provide that the person
13 receiving the citation may elect to stand trial by notifying the issuing agency of the person’s
14 intention to stand trial at least 5 days prior to the date of payment as set forth in the
15 citation.

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

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

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

28 **(II)** A citation issued as the result of a traffic control signal
29 monitoring system or a work zone speed control system controlled by a State agency, or as
30 a result of a vehicle height monitoring system, a traffic control signal monitoring system, a
31 speed monitoring system, **A TRAFFIC CONTROL DEVICE MONITORING SYSTEM**, or a
32 school bus monitoring camera in a case contested in District Court, shall provide that the
33 penalty shall be paid directly to the District Court.

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

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

5 (4) (i) From the fines collected by a political subdivision as a result of
6 violations enforced by speed monitoring systems, **TRAFFIC CONTROL DEVICE**
7 **MONITORING SYSTEMS**, or school bus monitoring cameras, a political subdivision:

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

10 2. Subject to subparagraphs (ii), (iii), and (iv) of this
11 paragraph, may spend any remaining balance solely for public safety purposes, including
12 pedestrian safety programs.

13 10–311.

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

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

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

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

31 (e) **A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A TRAFFIC**
32 **CONTROL DEVICE MONITORING SYSTEM IN ACCORDANCE WITH § 21–201.1 OF THE**
33 **TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A CIVIL**
34 **CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION OF § 21–201 OF THE**
35 **TRANSPORTATION ARTICLE WITHOUT AUTHENTICATION.**

1 (F) In any other judicial proceeding, a recorded image produced by a vehicle
2 height monitoring system, traffic control signal monitoring system, speed monitoring
3 system, work zone speed control system, **TRAFFIC CONTROL DEVICE MONITORING**
4 **SYSTEM**, or school bus monitoring camera is admissible as otherwise provided by law.

5 **Article – Transportation**

6 21–201.

7 (a) (1) Subject to the exceptions granted in this title to the driver of an
8 emergency vehicle, the driver of any vehicle, unless otherwise directed by a police officer,
9 shall obey the instructions of any traffic control device applicable to the vehicle and placed
10 in accordance with the Maryland Vehicle Law.

11 (2) The driver of a vehicle approaching an intersection controlled by a
12 traffic control device may not drive across private property or leave the roadway for the
13 purpose of avoiding the instructions of a traffic control device.

14 **21–201.1.**

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

17 (2) **“AGENCY” MEANS:**

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

21 (II) **FOR A MUNICIPAL CORPORATION THAT DOES NOT**
22 **MAINTAIN A POLICE FORCE, AN AGENCY ESTABLISHED OR DESIGNATED BY THE**
23 **MUNICIPAL CORPORATION TO IMPLEMENT THIS SUBTITLE USING TRAFFIC**
24 **CONTROL DEVICE MONITORING SYSTEMS IN ACCORDANCE WITH THIS SECTION.**

25 (3) (I) **“OWNER” MEANS THE REGISTERED OWNER OF A MOTOR**
26 **VEHICLE OR LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR MORE.**

27 (II) **“OWNER” DOES NOT INCLUDE:**

28 1. **A MOTOR VEHICLE LEASING COMPANY; OR**

29 2. **A HOLDER OF A SPECIAL REGISTRATION PLATE**
30 **ISSUED UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.**

1 **(4) “RECORDED IMAGE” MEANS IMAGES RECORDED BY A TRAFFIC**
2 **CONTROL DEVICE MONITORING SYSTEM:**

3 **(I) ON:**

- 4 1. **TWO OR MORE PHOTOGRAPHS;**
- 5 2. **TWO OR MORE MICROPHOTOGRAPHS;**
- 6 3. **TWO OR MORE ELECTRONIC IMAGES;**
- 7 4. **VIDEOTAPE; OR**
- 8 5. **ANY OTHER MEDIUM; AND**

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

12 **(5) “TRAFFIC CONTROL DEVICE MONITORING SYSTEM” MEANS A**
13 **DEVICE DESIGNED TO CAPTURE A RECORDED IMAGE OF A VIOLATION.**

14 **(6) (I) “VIOLATION” MEANS A VIOLATION OF § 21-201 OF THIS**
15 **SUBTITLE.**

16 **(II) “VIOLATION” DOES NOT INCLUDE ANY ACTION A DRIVER IS**
17 **INSTRUCTED TO TAKE BY A POLICE OFFICER.**

18 **(B) (1) SUBJECT TO PARAGRAPHS (2) THROUGH (5) OF THIS**
19 **SUBSECTION, AN AGENCY MAY USE TRAFFIC CONTROL DEVICE MONITORING**
20 **SYSTEMS:**

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

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

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

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

4 **(I) OBTAIN THE 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 THE TRAFFIC CONTROL**
8 **DEVICE MONITORING SYSTEM ON THE STATE HIGHWAYS WITHIN THE MUNICIPAL**
9 **CORPORATION; AND**

10 **(III) GRANT THE MUNICIPAL CORPORATION 60 DAYS AFTER 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 TRAFFIC CONTROL DEVICE MONITORING SYSTEM.**

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

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

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

26 **(C) A RECORDED IMAGE BY A TRAFFIC CONTROL DEVICE MONITORING**
27 **SYSTEM UNDER THIS SECTION INDICATING THAT THE DRIVER OF A MOTOR VEHICLE**
28 **HAS 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 (E)(3) OR (G)(4) OR (5) OF THIS SECTION,**
5 **THE DRIVER OF A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR**
6 **VEHICLE IS RECORDED BY A TRAFFIC CONTROL DEVICE MONITORING SYSTEM**
7 **DURING THE COMMISSION OF A VIOLATION.**

8 **(2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED \$40.**

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

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

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

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

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

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

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

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

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

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

28 **(VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE**
29 **DATE BY WHICH THE CIVIL PENALTY MUST BE PAID;**

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

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

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

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

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

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

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

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

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

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

30 3. PAYMENT FOR THE PENALTY ASSOCIATED WITH THE
31 VIOLATION.

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

5 **(4) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION**
6 **AND SUBSECTION (G)(4) AND (5) OF THIS SECTION, A CITATION ISSUED UNDER THIS**
7 **SECTION SHALL BE MAILED NOT LATER THAN 2 WEEKS AFTER THE ALLEGED**
8 **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 LAW ENFORCEMENT OFFICER EMPLOYED**
16 **BY OR UNDER CONTRACT WITH AN AGENCY, BASED ON THE INSPECTION OF A**
17 **RECORDED IMAGE PRODUCED BY A TRAFFIC CONTROL DEVICE MONITORING**
18 **SYSTEM, SHALL BE EVIDENCE OF THE FACTS CONTAINED IN THE CERTIFICATE AND**
19 **SHALL BE ADMISSIBLE IN ANY PROCEEDING CONCERNING THE ALLEGED**
20 **VIOLATION.**

21 **(2) ADJUDICATION OF LIABILITY SHALL BE BASED ON**
22 **PREPONDERANCE OF THE EVIDENCE.**

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

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

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

32 **(III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT**
33 **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 COURT SHALL PROVIDE TO THE AGENCY ISSUING THE**
32 **CITATION A COPY OF ANY EVIDENCE SUBSTANTIATING WHO WAS OPERATING THE**
33 **VEHICLE AT THE TIME OF THE VIOLATION.**

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

1 MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (E) OF THIS SECTION TO THE
2 PERSON WHO THE EVIDENCE INDICATES WAS OPERATING THE VEHICLE AT THE TIME
3 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 A 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 TRAFFIC
26 CONTROL DEVICE MONITORING SYSTEM OR ADMINISTERS OR PROCESSES
27 CITATIONS GENERATED BY A TRAFFIC CONTROL DEVICE MONITORING SYSTEM ON
28 BEHALF OF A LOCAL JURISDICTION, THE CONTRACTOR'S FEE MAY NOT BE
29 CONTINGENT ON A PER-TICKET BASIS ON THE NUMBER OF CITATIONS ISSUED OR
30 PAID.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2022.