

HOUSE BILL 367

R5, R1

3lr0753

By: **Delegate Charkoudian**

Introduced and read first time: January 26, 2023

Assigned to: Environment and Transportation

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

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

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

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

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

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

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

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

Article – Transportation

8–902.

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

8–904.

Funds for the Program shall [be]:

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

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

21-707.

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

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

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

21-707.1.

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

(2) "AGENCY" MEANS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) A LOCAL JURISDICTION MAY NOT:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) (1) SUBJECT TO PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION, AN AGENCY SHALL MAIL TO THE OWNER SUBJECT TO A CIVIL PENALTY UNDER SUBSECTION (D) OF THIS SECTION A CITATION THAT SHALL INCLUDE:

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

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

(III) THE VIOLATION CHARGED;

(IV) THE LOCATION OF THE INTERSECTION;

(V) THE DATE AND TIME OF THE VIOLATION;

(VI) A COPY OF THE RECORDED IMAGE;

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

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

(IX) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE OF A VIOLATION OF § 21-707(A), (B), OR (C) OF THIS SUBTITLE; AND

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

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

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

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

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

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

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

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

2. ELECT TO STAND TRIAL FOR THE ALLEGED VIOLATION.

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

1. MAY PAY THE MAXIMUM FINE ESTABLISHED BY THE 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.

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

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

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

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

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

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

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

(III) A CITATION ISSUED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL BE MAILED NOT LATER THAN 7 DAYS AFTER RECEIPT OF THE 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.**