## **HOUSE BILL 263**

R5 7lr1304

By: Delegates Carr, Beidle, and Stein

Introduced and read first time: January 23, 2017 Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2017

CHAPTER

## 1 AN ACT concerning

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## School Bus Monitoring Cameras – Exclusion of Vehicle Rental Companies – Repeal <u>and Notification Requirement</u>

- 4 FOR the purpose of altering a certain definition to repeal the exclusion of motor vehicle 5 rental companies as owners of motor vehicles for the purpose of the enforcement of 6 violations of overtaking and passing school vehicles operating alternately flashing 7 red lights that are recorded by school bus monitoring cameras; requiring a law enforcement agency to provide a certain notice to a motor vehicle rental company 8 9 before issuing a certain citation; prohibiting a law enforcement agency from mailing 10 a motor vehicle rental company a certain citation if the motor vehicle rental company 11 provides the law enforcement agency with certain information or pays a certain penalty; making conforming changes; and generally relating to vehicle rental 12 13 companies and school bus monitoring cameras.
- 14 BY repealing and reenacting, with amendments,
- 15 Article Transportation
- 16 Section 21–706.1(a)(3) and (f)
- 17 Annotated Code of Maryland
- 18 (2012 Replacement Volume and 2016 Supplement)
- 19 BY repealing and reenacting, without amendments,
- 20 Article Transportation
- 21 Section 21–706.1(e) and (h)(5)
- 22 Annotated Code of Maryland
- 23 (2012 Replacement Volume and 2016 Supplement)

## EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.

$\frac{1}{2}$			T ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, and read as follows:
3			Article - Transportation
4	21–706.1.		
5 6	(a) (3) lessee of a motor v	(i) vehicle	"Owner" means the registered owner of a motor vehicle or a under a lease of 6 months or more.
7		(ii)	"Owner" does not include:
8			1. A motor vehicle [rental or] leasing company; or
9 10	13, Subtitle 9, Par	rt III of	2. A holder of a special registration plate issued under Title this article.
11 12 13 14	section, the drive	of the	ss the driver of the motor vehicle received a citation from a police violation, the owner or, in accordance with subsection (h)(5) of this motor vehicle is subject to a civil penalty if the motor vehicle is monitoring camera during the commission of a violation.
15	(2)	A civ	il penalty under this subsection may not exceed \$250.
16	(3)	For p	ourposes of this section, the District Court shall prescribe:
17 18	section and § 7–30	(i) )2 of th	A uniform citation form consistent with subsection (f)(1) of this the Courts Article; and
19 20	by persons who ch	(ii) noose to	A civil penalty, which shall be indicated on the citation, to be paid prepay the civil penalty without appearing in District Court.
21 22 23	(f) (1) subsection, a law of this section a citat	enforce	ect to the provisions of paragraphs (2) through [(4)] (5) of this ement agency shall mail to the owner liable under subsection (e) of at shall include:
24		<u>(i)</u>	The name and address of the registered owner of the vehicle;
25 26	violation;	<u>(ii)</u>	The registration number of the motor vehicle involved in the
27		<u>(iii)</u>	The violation charged:
28		<u>(iv)</u>	To the extent possible, the location of the violation;
29		<u>(v)</u>	The date and time of the violation;

1	<u>(vi</u>	<u>i)</u>	A copy of the recorded image;
2 3	(vi the civil penalty must		The amount of the civil penalty imposed and the date by which paid;
4 5 6	enforcement agency t	hat,	A signed statement by a technician employed by the law based on inspection of recorded images, the motor vehicle was commission of a violation;
7	<u>(ix</u>	<u>x)</u>	A statement that recorded images are evidence of a violation; and
8	<u>(x)</u> section:	<u>)</u>	Information advising the person alleged to be liable under this
10 11	citation may be contes		1. Of the manner and time in which liability as alleged in the in the District Court; and
12 13 14	in a timely manner is the motor vehicle regis	an	2. That failure to pay the civil penalty or to contest liability admission of liability and may result in refusal or suspension of tion.
15 16			w enforcement agency may mail a warning notice in place of a e under subsection (e) of this section.
17 18 19 20 21 22 23	ENFORCEMENT AGE COMPANY STATING RENTAL COMPANY	LIA ENCY THA UNI	BEFORE MAILING A CITATION TO A MOTOR VEHICLE BLE UNDER SUBSECTION (E) OF THIS SECTION, A LAW SHALL MAIL A NOTICE TO THE MOTOR VEHICLE RENTAL AT A CITATION WILL BE MAILED TO THE MOTOR VEHICLE LESS, WITHIN 45 DAYS OF RECEIVING THE NOTICE, THE AL COMPANY PROVIDES THE LAW ENFORCEMENT AGENCY
24 25 26		NOV	1. A STATEMENT MADE UNDER OATH THAT STATES THE VN MAILING ADDRESS OF THE INDIVIDUAL DRIVING OR EHICLE WHEN THE VIOLATION OCCURRED;
27 28 29 30 31	WHO WAS DRIVING OCCURRED BECAUS VIOLATION; AND	MOTO OR SE T	2. A. A STATEMENT MADE UNDER OATH THAT OR VEHICLE RENTAL COMPANY IS UNABLE TO DETERMINE RENTING THE VEHICLE AT THE TIME THE VIOLATION HE MOTOR VEHICLE WAS STOLEN AT THE TIME OF THE B. A COPY OF THE POLICE REPORT ASSOCIATED WITH
33	THE MOTOR VEHICL	E TE	HEFT CLAIMED UNDER ITEM A OF THIS ITEM; OR

1	3. PAYMENT FOR THE PENALTY ASSOCIATED WITH THE
2	<u>VIOLATION.</u>
3	(II) A LAW ENFORCEMENT AGENCY MAY NOT MAIL A CITATION
4	TO A MOTOR VEHICLE RENTAL COMPANY LIABLE UNDER SUBSECTION (E) OF THIS SECTION IF THE MOTOR VEHICLE RENTAL COMPANY COMPLIES WITH
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O	SUBPARAGRAPH (I) OF THIS PARAGRAPH.
7 8 9	(4) Except as provided in PARAGRAPH (3) OF THIS SUBSECTION AND subsection (h)(5) of this section, a citation issued under this section shall be mailed no later than 2 weeks after the alleged violation.
10 11	[(4)] (5) A person who receives a citation under paragraph (1) of this subsection may:
12 13	(i) Pay the civil penalty, in accordance with instructions on the citation, directly to the county; or
14	(ii) Elect to stand trial for the alleged violation.
15 16 17 18 19 20	(h) (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 law enforcement agency issuing the citation a copy of any evidence substantiating who was operating the vehicle at the time of the violation.
21 22 23 24	(ii) On the receipt of substantiating evidence from the District Court under subparagraph (i) of this paragraph, the law enforcement agency may issue a citation as provided in subsection (f) of this section to the person that the evidence indicates was operating the vehicle at the time of the violation.
25 26	(iii) A citation issued under subparagraph (ii) of this paragraph shall be mailed no later than 2 weeks after receipt of the evidence from the District Court.
27 28	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.