

SENATE BILL 613

R6

5lr2686
CF 5lr2191

By: **Senators Jackson and Waldstreicher**

Introduced and read first time: January 24, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County and Prince George's County – Distracted Driving**
3 **Monitoring System Pilot Program**

4 FOR the purpose of establishing a pilot program to authorize the use of distracted driving
5 monitoring systems in Montgomery County and Prince George's County to enforce
6 certain prohibitions regarding the use of certain devices while operating a vehicle;
7 and generally relating to the use of distracted driving monitoring systems.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 4–401(13), 7–302(e)(1) through (3) and (4)(i), and 10–311
11 Annotated Code of Maryland
12 (2020 Replacement Volume and 2024 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Transportation
15 Section 21–1124(b) and (c), 21–1124.1(b) and (c), and 21–1124.2(b) through (e)
16 Annotated Code of Maryland
17 (2020 Replacement Volume and 2024 Supplement)

18 BY adding to
19 Article – Transportation
20 Section 21–1124.4
21 Annotated Code of Maryland
22 (2020 Replacement Volume and 2024 Supplement)

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

25 **Article – Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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, **§ 21–1124.4**, § 21–1134, § 22–612, 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] **IN ACCORDANCE WITH** § 21–202.1, § 21–706.1, § 21–707.1, § 21–809, § 21–810, **§ 21–1124.4**, § 21–1134, § 22–612, 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] **BEFORE** the date of payment as set forth in the citation.

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

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

(2) (i) A citation issued as the result of a vehicle height monitoring system, a traffic control signal monitoring system, a speed monitoring system, a work zone speed control system or a stop sign monitoring system controlled by a political subdivision, a school bus monitoring camera, a bus lane monitoring system, [or] a noise abatement monitoring system, **OR A DISTRACTED DRIVING MONITORING SYSTEM** 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 speed monitoring system, a stop sign monitoring system, a school bus monitoring camera, a bus lane monitoring system, [or] a noise abatement monitoring system, **OR A DISTRACTED DRIVING MONITORING SYSTEM** in a case contested in District Court, shall provide that the penalty shall be paid directly to the District Court.

(3) Civil penalties resulting from citations issued using a vehicle height monitoring system, traffic control signal monitoring system, speed monitoring system, work zone speed control system, stop sign monitoring system, school bus monitoring camera, bus lane monitoring system, [or] a noise abatement monitoring system, **OR A DISTRACTED DRIVING MONITORING SYSTEM** that are collected by the District Court

shall be collected in accordance with subsection (a) of this section and distributed in accordance with § 12–118 of the Transportation Article.

(4) (i) Except as provided in paragraph (5) of this subsection, from the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems, work zone speed control systems, stop sign monitoring systems, school bus monitoring cameras, bus lane monitoring systems, [or] noise abatement monitoring systems, **OR DISTRACTED DRIVING MONITORING SYSTEMS**, a political subdivision:

1. May recover the costs of implementing and administering the [speed monitoring systems, work zone speed control systems, school bus monitoring cameras, bus lane monitoring systems, or noise abatement monitoring] systems; and

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

10–311.

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

(b) A recorded image of a motor vehicle produced by a speed monitoring system 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 DISTRACTED DRIVING MONITORING SYSTEM IN ACCORDANCE WITH § 21–1124.4 OF THE TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A CIVIL CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION OF § 21–1124, § 21–1124.1, OR § 21–1124.2 OF THE TRANSPORTATION ARTICLE WITHOUT AUTHENTICATION.

(F) 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)] (G) A recorded image of a motor vehicle and any relevant recorded audio produced by a noise abatement monitoring system in conjunction with a noise measuring device in accordance with § 22–612 of the Transportation Article is admissible in a proceeding concerning a civil citation issued under that section for a violation of § 22–602 of the Transportation Article without authentication.

[(g)] (H) 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.

[(h)] (I) 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, stop sign monitoring system, **DISTRACTED DRIVING MONITORING SYSTEM**, school bus monitoring camera, or bus lane monitoring system or a recorded image and any relevant recorded audio produced by a noise abatement monitoring system in conjunction with a noise measuring device is admissible as otherwise provided by law.

Article – Transportation

21–1124.

(b) This section does not apply to the use of a wireless communication device:

(1) To contact a 9–1–1 system; or

(2) As a text messaging device as defined in § 21–1124.1 of this subtitle.

(c) An individual who is under the age of 18 years may not use a wireless communication device while operating a motor vehicle.

21–1124.1.

(b) Subject to subsection (c) of this section, an individual may not use a text messaging device to write, send, or read a text message or an electronic message while operating a motor vehicle in the travel portion of the roadway.

(c) This section does not apply to the use of:

1 (1) A global positioning system; or

2 (2) A text messaging device to contact a 9–1–1 system.

3 21–1124.2.

4 (b) This section does not apply to:

5 (1) Emergency use of a handheld telephone, including calls to:

6 (i) A 9–1–1 system;

7 (ii) A hospital;

8 (iii) An ambulance service provider;

9 (iv) A fire department;

10 (v) A law enforcement agency; or

11 (vi) A first aid squad;

12 (2) Use of a handheld telephone by the following individuals when acting
13 within the scope of official duty:

14 (i) Law enforcement personnel; and

15 (ii) Emergency personnel;

16 (3) Use of a handheld telephone as a text messaging device as defined in §
17 21–1124.1 of this subtitle; and

18 (4) Use of a handheld telephone as a communication device utilizing
19 push-to-talk technology by an individual operating a commercial motor vehicle, as defined
20 in 49 C.F.R. Part 390.5 of the Federal Motor Carrier Safety Regulations.

21 (c) The following individuals may not use a handheld telephone while operating
22 a motor vehicle:

23 (1) A driver of a Class H (school) vehicle that is carrying passengers and in
24 motion; and

25 (2) A holder of a learner's instructional permit or a provisional driver's
26 license who is 18 years of age or older.

27 (d) (1) This subsection does not apply to an individual specified in subsection
28 (c) of this section.

(2) A driver of a motor vehicle that is in motion may not use the driver's hands to use a handheld telephone other than to initiate or terminate a wireless telephone call or to turn on or turn off the handheld telephone.

(e) (1) A person convicted of a violation of this section is subject to the following penalties:

(i) For a first offense, a fine of not more than \$75;

(ii) For a second offense, a fine of not more than \$125; and

(iii) For a third or subsequent offense, a fine of not more than \$175.

(2) Points may not be assessed against the individual under § 16-402 of this article unless the offense contributes to an accident.

21-1124.4.

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

(2) "AGENCY" MEANS A COUNTY LAW ENFORCEMENT AGENCY THAT IS AUTHORIZED TO ISSUE A CITATION FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR REGULATIONS.

(3) "DISTRACTED DRIVING MONITORING SYSTEM" MEANS A DEVICE WITH ONE OR MORE MOTOR VEHICLE SENSORS THAT AUTOMATICALLY PRODUCES TWO OR MORE PHOTOGRAPHS, TWO OR MORE MICROPHOTOGRAPHS, A VIDEOTAPE, OR OTHER RECORDED IMAGES OF A MOTOR VEHICLE AT THE TIME THE MOTOR VEHICLE IS OPERATED DURING THE COMMISSION OF A VIOLATION.

(4) "DISTRACTED DRIVING MONITORING SYSTEM OPERATOR" MEANS A REPRESENTATIVE OF AN AGENCY OR A CONTRACTOR THAT OPERATES A DISTRACTED DRIVING MONITORING SYSTEM.

(5) (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.

(6) "RECORDED IMAGE" MEANS A BLACK AND WHITE IMAGE RECORDED BY A DISTRACTED DRIVING MONITORING SYSTEM:

(I) ON:

- 1. A PHOTOGRAPH;**
- 2. A MICROPHOTOGRAPH;**
- 3. AN ELECTRONIC IMAGE;**
- 4. VIDEOTAPE; OR**
- 5. ANY OTHER MEDIUM; AND**

(II) SHOWING:

- 1. THE DRIVER OF THE MOTOR VEHICLE, WITH THE DRIVER'S FACE BLURRED, COMMITTING AN ALLEGED VIOLATION;**
- 2. AT LEAST TWO TIME-STAMPED IMAGES OF THE MOTOR VEHICLE THAT INCLUDE THE SAME STATIONARY OBJECT NEAR THE MOTOR VEHICLE; AND**
- 3. ON AT LEAST ONE IMAGE OR PORTION OF TAPE, A CLEAR AND LEGIBLE IDENTIFICATION OF THE ENTIRE REGISTRATION PLATE NUMBER OF THE MOTOR VEHICLE.**

(7) "VIOLATION" MEANS A VIOLATION OF § 21-1124, § 21-1124.1, OR § 21-1124.2 OF THIS SUBTITLE.

(B) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY.

(C) (1) (I) A DISTRACTED DRIVING MONITORING SYSTEM MAY BE USED IN A COUNTY IN ACCORDANCE WITH THIS SUBTITLE IF:

- 1. ITS USE IS AUTHORIZED BY THE COUNTY GOVERNING BODY BY LOCAL LAW ENACTED AFTER REASONABLE NOTICE AND A PUBLIC HEARING; AND**
- 2. THE COUNTY HAS DETERMINED THAT THERE IS A NEED FOR A DISTRACTED DRIVING MONITORING SYSTEM AT THE LOCATION BEING PROPOSED FOR THE USE OF A DISTRACTED DRIVING MONITORING SYSTEM.**

(II) BEFORE A COUNTY MAY USE A DISTRACTED DRIVING MONITORING SYSTEM ON A STATE HIGHWAY AT A LOCATION WITHIN A MUNICIPAL CORPORATION, THE COUNTY SHALL:

1. OBTAIN THE APPROVAL OF THE STATE HIGHWAY ADMINISTRATION;

2. NOTIFY THE MUNICIPAL CORPORATION OF THE STATE HIGHWAY ADMINISTRATION'S APPROVAL OF THE USE OF A DISTRACTED DRIVING MONITORING SYSTEM AT THAT LOCATION; AND

3. 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 DISTRACTED DRIVING MONITORING SYSTEM AT THAT LOCATION.

(III) BEFORE ACTIVATING A DISTRACTED DRIVING MONITORING SYSTEM, THE COUNTY SHALL:

1. PUBLISH NOTICE OF THE LOCATION OF THE DISTRACTED DRIVING MONITORING SYSTEM ON THE COUNTY'S WEBSITE; AND

2. ENSURE THAT EACH DISTRACTED DRIVING MONITORING SYSTEM IS PROXIMATE TO A SIGN THAT:

A. INDICATES THAT DISTRACTED DRIVING MONITORING SYSTEMS ARE IN USE IN THE AREA; AND

B. IS IN ACCORDANCE WITH THE MANUAL AND THE SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES ADOPTED BY THE STATE HIGHWAY ADMINISTRATION UNDER § 25-104 OF THIS ARTICLE.

(IV) 1. A COUNTY THAT AUTHORIZES A PROGRAM OF DISTRACTED DRIVING MONITORING SYSTEMS SHALL DESIGNATE AN OFFICIAL OR EMPLOYEE TO INVESTIGATE AND RESPOND TO QUESTIONS OR CONCERNS ABOUT THE COUNTY'S DISTRACTED DRIVING MONITORING SYSTEM PROGRAM.

2. A. THE LOCAL DESIGNEE SHALL REVIEW A CITATION GENERATED BY A DISTRACTED DRIVING MONITORING SYSTEM IF THE PERSON WHO RECEIVED THE CITATION REQUESTS REVIEW BEFORE THE DEADLINE FOR CONTESTING LIABILITY UNDER THIS SECTION.

1 **B. IF THE LOCAL DESIGNEE DETERMINES THAT THE**
2 **CITATION IS AN ERRONEOUS VIOLATION, THE LOCAL DESIGNEE SHALL VOID THE**
3 **CITATION.**

4 **C. IF THE LOCAL DESIGNEE DETERMINES THAT A**
5 **PERSON DID NOT RECEIVE NOTICE OF A CITATION ISSUED UNDER THIS SECTION DUE**
6 **TO AN ADMINISTRATIVE ERROR, THE LOCAL DESIGNEE MAY RESEND THE CITATION**
7 **IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION OR VOID THE CITATION.**

8 **D. A LOCAL DESIGNEE THAT TAKES ANY ACTION**
9 **DESCRIBED UNDER SUBSUBSUBPARAGRAPH C OF THIS SUBSUBPARAGRAPH SHALL**
10 **NOTIFY THE ADMINISTRATION OF THE ACTION FOR THE PURPOSE OF RESCINDING**
11 **ANY ADMINISTRATIVE PENALTIES IMPOSED UNDER SUBSECTION (H) OF THIS**
12 **SECTION.**

13 **E. A LOCAL DESIGNEE MAY NOT DETERMINE THAT A**
14 **CITATION IS AN ERRONEOUS VIOLATION BASED SOLELY ON THE DISMISSAL OF THE**
15 **CITATION BY A COURT.**

16 **3. A LOCAL DESIGNEE MAY NOT BE EMPLOYED BY A**
17 **DISTRACTED DRIVING MONITORING SYSTEM CONTRACTOR OR HAVE BEEN**
18 **INVOLVED IN ANY REVIEW OF A DISTRACTED DRIVING MONITORING SYSTEM**
19 **CITATION OTHER THAN REVIEW OF A CITATION UNDER THIS PARAGRAPH.**

20 **4. ON RECEIPT OF A WRITTEN QUESTION OR CONCERN**
21 **FROM A PERSON, THE LOCAL DESIGNEE SHALL PROVIDE A WRITTEN ANSWER OR**
22 **RESPONSE TO THE PERSON WITHIN A REASONABLE TIME.**

23 **5. A COUNTY SHALL MAKE ANY WRITTEN QUESTIONS OR**
24 **CONCERNS RECEIVED UNDER THIS PARAGRAPH AND ANY SUBSEQUENT WRITTEN**
25 **ANSWERS OR RESPONSES AVAILABLE FOR PUBLIC INSPECTION.**

26 **(v) IF A COUNTY MOVES OR PLACES A DISTRACTED DRIVING**
27 **MONITORING SYSTEM TO OR AT A LOCATION WHERE A DISTRACTED DRIVING**
28 **MONITORING SYSTEM HAD NOT PREVIOUSLY BEEN MOVED OR PLACED, THE COUNTY**
29 **MAY NOT ISSUE A CITATION FOR A VIOLATION RECORDED BY THAT DISTRACTED**
30 **DRIVING MONITORING SYSTEM:**

31 **1. UNTIL SIGNAGE IS INSTALLED IN ACCORDANCE WITH**
32 **SUBPARAGRAPH (iii)2 OF THIS PARAGRAPH; AND**

33 **2. FOR AT LEAST THE FIRST 15 CALENDAR DAYS AFTER**
34 **THE SIGNAGE IS INSTALLED.**

1 **(2) (I) A DISTRACTED DRIVING MONITORING SYSTEM OPERATOR**
2 **SHALL COMPLETE TRAINING BY THE MANUFACTURER OF THE DISTRACTED DRIVING**
3 **MONITORING SYSTEM IN THE PROCEDURES FOR SETTING UP AND OPERATING THE**
4 **DISTRACTED DRIVING MONITORING SYSTEM.**

5 **(II) THE MANUFACTURER SHALL ISSUE A SIGNED CERTIFICATE**
6 **TO THE DISTRACTED DRIVING MONITORING SYSTEM OPERATOR ON COMPLETION OF**
7 **THE TRAINING.**

8 **(III) THE CERTIFICATE OF TRAINING SHALL BE ADMITTED AS**
9 **EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION.**

10 **(3) A DISTRACTED DRIVING MONITORING SYSTEM OPERATOR SHALL**
11 **FILL OUT AND SIGN A DAILY SET-UP LOG FOR A DISTRACTED DRIVING MONITORING**
12 **SYSTEM THAT:**

13 **(I) STATES THAT THE DISTRACTED DRIVING MONITORING**
14 **SYSTEM OPERATOR SUCCESSFULLY PERFORMED OR REVIEWED AND EVALUATED**
15 **THE MANUFACTURER-SPECIFIED DAILY SELF-TEST OF THE DISTRACTED DRIVING**
16 **MONITORING SYSTEM BEFORE PRODUCING A RECORDED IMAGE;**

17 **(II) STATES THE DATE AND TIME WHEN AND THE LOCATION**
18 **WHERE THE DISTRACTED DRIVING MONITORING SYSTEM WAS SET UP EACH DAY;**

19 **(III) SHALL BE KEPT ON FILE; AND**

20 **(IV) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT**
21 **PROCEEDING FOR A VIOLATION.**

22 **(4) (I) A DISTRACTED DRIVING MONITORING SYSTEM SHALL**
23 **UNDERGO AN ANNUAL CALIBRATION CHECK PERFORMED BY AN INDEPENDENT**
24 **CALIBRATION LABORATORY THAT IS:**

25 1. **SELECTED BY THE COUNTY; AND**

26 2. **UNAFFILIATED WITH THE MANUFACTURER OF THE**
27 **DISTRACTED DRIVING MONITORING SYSTEM.**

28 **(II) THE INDEPENDENT CALIBRATION LABORATORY SHALL**
29 **ISSUE A SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL CALIBRATION**
30 **CHECK THAT SHALL BE:**

31 1. **KEPT ON FILE; AND**

1 2. **ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING**
2 **FOR A VIOLATION.**

3 (5) **A COUNTY THAT ESTABLISHES A DISTRACTED DRIVING**
4 **MONITORING SYSTEM PROGRAM SHALL BEAR THE COST OF IMPLEMENTING THE**
5 **PROGRAM.**

6 (D) (1) **UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A**
7 **CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER OF**
8 **A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS**
9 **RECORDED BY A DISTRACTED DRIVING MONITORING SYSTEM WHILE BEING**
10 **OPERATED DURING THE COMMISSION OF A VIOLATION.**

11 (2) **A PERSON LIABLE FOR A VIOLATION ENFORCED BY A DISTRACTED**
12 **DRIVING MONITORING SYSTEM IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING**
13 **\$40.**

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

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

18 (II) **A CIVIL PENALTY, WHICH SHALL BE INDICATED ON THE**
19 **CITATION, TO BE PAID BY A PERSON WHO CHOOSES TO PREPAY THE CIVIL PENALTY**
20 **WITHOUT APPEARING IN DISTRICT COURT.**

21 (E) (1) **SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, AN**
22 **AGENCY SHALL MAIL TO AN OWNER LIABLE UNDER SUBSECTION (D) OF THIS**
23 **SECTION A CITATION THAT SHALL INCLUDE:**

24 (I) **THE NAME AND ADDRESS OF THE REGISTERED OWNER OF**
25 **THE MOTOR VEHICLE;**

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

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

29 (IV) **THE LOCATION WHERE THE VIOLATION OCCURRED;**

30 (V) **THE LOCATION OF THE DISTRACTED DRIVING MONITORING**
31 **SYSTEM;**

1 (VI) THE DATE AND TIME OF THE VIOLATION;

2 (VII) A COPY OF THE RECORDED IMAGE;

3 (VIII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE
4 DATE BY WHICH THE CIVIL PENALTY SHOULD BE PAID, IF APPLICABLE;

5 (IX) A SIGNED STATEMENT BY A DULY AUTHORIZED LAW
6 ENFORCEMENT OFFICER EMPLOYED BY OR UNDER CONTRACT WITH AN AGENCY
7 THAT, BASED ON INSPECTION OF RECORDED IMAGES, THE MOTOR VEHICLE WAS
8 BEING OPERATED DURING THE COMMISSION OF A VIOLATION;

9 (X) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE OF
10 A VIOLATION;

11 (XI) INFORMATION ADVISING THE PERSON ALLEGED TO BE
12 LIABLE UNDER THIS SECTION OF THE MANNER AND TIME IN WHICH LIABILITY AS
13 ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND

14 (XII) INFORMATION ADVISING THE PERSON ALLEGED TO BE
15 LIABLE UNDER THIS SECTION THAT FAILURE TO PAY THE CIVIL PENALTY OR TO
16 CONTEST LIABILITY IN A TIMELY MANNER, IF APPLICABLE:

17 1. IS AN ADMISSION OF LIABILITY;

18 2. MAY RESULT IN THE REFUSAL BY THE
19 ADMINISTRATION TO REGISTER THE MOTOR VEHICLE; AND

20 3. MAY RESULT IN THE SUSPENSION OF THE MOTOR
21 VEHICLE REGISTRATION.

22 (2) AN AGENCY MAY NOT MAIL A CITATION TO A PERSON WHO IS NOT
23 AN OWNER.

24 (3) EXCEPT AS PROVIDED IN SUBSECTION (C)(1)(IV)2C OF THIS
25 SECTION, A CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NOT LATER
26 THAN 2 WEEKS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS REGISTERED IN
27 THE STATE, AND 30 DAYS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS
28 REGISTERED IN ANOTHER STATE.

29 (4) A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH (1) OF
30 THIS SUBSECTION MAY:

1 (I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH
2 INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE COUNTY; OR

3 (II) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR THE
4 ALLEGED VIOLATION.

5 (F) (1) A CERTIFICATE ALLEGING THAT THE VIOLATION OCCURRED AND
6 THE REQUIREMENTS UNDER SUBSECTION (C) OF THIS SECTION HAVE BEEN
7 SATISFIED, SWORN TO OR AFFIRMED BY A DULY AUTHORIZED LAW ENFORCEMENT
8 OFFICER EMPLOYED BY OR UNDER CONTRACT WITH AN AGENCY, BASED ON
9 INSPECTION OF RECORDED IMAGES PRODUCED BY A DISTRACTED DRIVING
10 MONITORING SYSTEM, SHALL BE EVIDENCE OF THE FACTS CONTAINED IN THE
11 CERTIFICATE AND SHALL BE ADMISSIBLE IN A PROCEEDING ALLEGING A VIOLATION
12 WITHOUT THE PRESENCE OR TESTIMONY OF THE DISTRACTED DRIVING
13 MONITORING SYSTEM OPERATOR WHO PERFORMED THE REQUIREMENTS UNDER
14 SUBSECTION (C) OF THIS SECTION.

15 (2) IF A PERSON WHO RECEIVED A CITATION UNDER SUBSECTION (E)
16 OF THIS SECTION DESIRES THE DISTRACTED DRIVING MONITORING SYSTEM
17 OPERATOR TO BE PRESENT AND TESTIFY AT TRIAL, THE PERSON SHALL NOTIFY THE
18 COURT AND THE AGENCY IN WRITING NOT LATER THAN 20 DAYS BEFORE TRIAL.

19 (3) ADJUDICATION OF LIABILITY SHALL BE BASED ON A
20 PREPONDERANCE OF EVIDENCE.

21 (G) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A
22 VIOLATION:

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

27 (II) THAT THE DISTRACTED DRIVING MONITORING SYSTEM WAS
28 MALFUNCTIONING AT THE TIME OF THE VIOLATION; OR

29 (III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT
30 COURT CONSIDERS PERTINENT.

31 (2) TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE
32 REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND
33 WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF
34 THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT

1 REGARDING THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN
2 A TIMELY MANNER.

3 (H) IF A PERSON LIABLE UNDER THIS SECTION DOES NOT PAY THE CIVIL
4 PENALTY OR CONTEST THE VIOLATION, THE ADMINISTRATION MAY REFUSE TO
5 REGISTER OR REREGISTER THE MOTOR VEHICLE CITED FOR THE VIOLATION.

6 (I) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS
7 SECTION:

8 (1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING
9 POINTS UNDER § 16-402 OF THIS ARTICLE;

10 (2) MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE
11 DRIVING RECORD OF THE OWNER OF THE VEHICLE;

12 (3) MAY BE TREATED AS A PARKING VIOLATION FOR THE PURPOSES
13 OF § 26-305 OF THIS ARTICLE; AND

14 (4) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE
15 INSURANCE COVERAGE.

16 (J) IN CONSULTATION WITH THE APPROPRIATE COUNTY AGENCIES, THE
17 CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE
18 ISSUANCE OF CITATIONS, THE TRIAL OF CIVIL VIOLATIONS, AND THE COLLECTION
19 OF CIVIL PENALTIES UNDER THIS SECTION.

20 (K) (1) AN AGENCY OR AN AGENT OR A CONTRACTOR DESIGNATED BY THE
21 AGENCY SHALL ADMINISTER AND PROCESS CIVIL CITATIONS ISSUED UNDER THIS
22 SECTION IN COORDINATION WITH THE DISTRICT COURT.

23 (2) IF A CONTRACTOR IN ANY MANNER OPERATES A DISTRACTED
24 DRIVING MONITORING SYSTEM OR ADMINISTERS OR PROCESSES CITATIONS
25 GENERATED BY A DISTRACTED DRIVING MONITORING SYSTEM ON BEHALF OF A
26 COUNTY, THE CONTRACTOR'S FEE MAY NOT BE CONTINGENT ON A PER-TICKET
27 BASIS ON THE NUMBER OF CITATIONS ISSUED OR PAID.

28 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
29 2027, a county that authorizes a program of distracted driving monitoring systems under
30 this Act shall report to the Governor and, in accordance with § 2-1257 of the State
31 Government Article, the General Assembly:

32 (1) on the effectiveness of distracted driving monitoring systems on
33 improving public safety at the county level and in the specific areas where the systems were
34 implemented and used; and

1 (2) using data collected through October 1, 2027.

2 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 2025. It shall remain effective for a period of 3 years and, at the end of September
4 30, 2028, this Act, with no further action required by the General Assembly, shall be
5 abrogated and of no further force and effect.