

Chapter 468

(House Bill 53)

AN ACT concerning

Vehicle Laws – Dedicated Bus Lanes – Prohibition and Monitoring Systems

FOR the purpose of prohibiting a person from driving a motor vehicle in a dedicated bus lane unless authorized by a local jurisdiction, subject to certain exceptions; requiring the City of Baltimore to issue a new request for proposals to select a certain contractor to carry out certain provisions of this Act; authorizing Baltimore City to use, in accordance with certain standards and procedures, a bus lane monitoring system to enforce the prohibition against driving a motor vehicle in a designated bus lane; providing that the driver of a motor vehicle recorded unlawfully driving in a dedicated bus lane in Baltimore City is subject to a civil penalty unless the driver received a citation from a police officer at the time of the violation; requiring the Baltimore City Police Department to issue a warning notice in place of a citation to a liable owner during a certain period of time; authorizing the Motor Vehicle Administration to refuse to register or reregister a motor vehicle if a civil penalty for a recorded violation is not paid and the violation is not contested; and generally relating to a prohibition on the operation of motor vehicles in designated bus lanes and the use of bus lane monitoring systems.

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

BY adding to
Article – State Finance and Procurement
Section 17–901 to be under the new subtitle “Subtitle 9. Baltimore City”
Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–101(a)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY adding to
Article – Transportation
Section 21–101(i–1), 21–1133, and 21–1134
Annotated Code of Maryland
(2020 Replacement Volume and 2021 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, § 21–809, § 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, § 21–809, § 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.

(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, or a speed monitoring system, including a work zone speed control system, controlled by a political subdivision [or], a school bus monitoring camera, **OR A BUS LANE 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, [or] 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) 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, [or] school bus monitoring camera, **OR BUS LANE 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) From the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems [or], school bus monitoring cameras, **OR BUS LANE MONITORING SYSTEMS**, a political subdivision:

1. May recover the costs of implementing and administering the speed monitoring systems [or], school bus monitoring cameras, **OR BUS LANE 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 safety programs.

(ii) 1. For any fiscal year, if the balance remaining from the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems, after the costs of implementing and administering the systems are recovered in accordance with subparagraph (i)1 of this paragraph, is greater than 10% of the total revenues of the political subdivision for the fiscal year, the political subdivision shall remit any funds that exceed 10% of the total revenues to the Comptroller.

2. The Comptroller shall deposit any money remitted under this subparagraph to the General Fund of the State.

(iii) The fines collected by Prince George's County as a result of violations enforced by speed monitoring systems on Maryland Route 210 shall be remitted to the Comptroller for distribution to the State Highway Administration to be used solely to assist in covering the costs of:

1. Examining the engineering, infrastructure, and other relevant factors that may contribute to safety issues on Maryland Route 210 in Prince George's County;

2. Reporting its findings and recommendations on any solutions to these safety issues; and

3. Implementing any solutions to these safety issues.

(iv) 1. From the fines collected by Baltimore City as a result of violations enforced by speed monitoring systems on Interstate 83, any balance remaining after the allocation of fines under subparagraph (i)1 of this paragraph shall be remitted to

the Comptroller for distribution to the Baltimore City Department of Transportation to be used solely to assist in covering the cost of roadway improvements on Interstate 83 in Baltimore City.

2. Fines remitted to the Baltimore City Department of Transportation under [subparagraph (iv)1 of this paragraph] **SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH** are supplemental to and are not intended to take the place of funding that would otherwise be appropriated for uses described under [subparagraph (iv)1 of this paragraph] **SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH**.

(v) From the fines collected by Anne Arundel County as a result of violations enforced by speed monitoring systems on Maryland Route 175 (Jessup Road) between the Maryland Route 175/295 interchange and the Anne Arundel County–Howard County line, any balance remaining after the allocation of fines under subparagraph (i)1 of this paragraph shall be remitted to the Comptroller for distribution to the State Highway Administration to be used solely to assist in covering the cost of speed reduction measures and roadway and pedestrian safety improvements on Maryland Route 175 (Jessup Road) between the Maryland Route 175/295 interchange and the Anne Arundel County–Howard County line.

(5) From the fines collected by Baltimore City as a result of violations enforced by vehicle height monitoring systems, Baltimore City may:

(i) Recover the costs of implementing and administering the vehicle height monitoring systems; and

(ii) Spend the remaining balance solely on roadway improvements.

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 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) 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, [or] school bus monitoring camera, **OR BUS LANE MONITORING SYSTEM** is admissible as otherwise provided by law.

Article – State Finance and Procurement

SUBTITLE 9. BALTIMORE CITY.

17–901.

(A) IN THIS SECTION, “BUS LANE SYSTEM OPERATOR” HAS THE MEANING STATED IN § 21–1133 OF THE TRANSPORTATION ARTICLE.

(B) (1) IF THE CITY OF BALTIMORE ELECTS TO DESIGNATE A CONTRACTOR TO SERVE AS THE BUS LANE SYSTEM OPERATOR FOR THE CITY OF BALTIMORE, THE CITY OF BALTIMORE SHALL ISSUE A COMPETITIVE REQUEST FOR PROPOSALS TO SELECT THE CONTRACTOR.

(2) IF THE BALTIMORE CITY POLICE DEPARTMENT ELECTS TO DESIGNATE A CONTRACTOR TO ADMINISTER AND PROCESS CIVIL CITATIONS ISSUED UNDER § 21–1134 OF THE TRANSPORTATION ARTICLE, THE CITY OF BALTIMORE SHALL ISSUE A COMPETITIVE REQUEST FOR PROPOSALS TO SELECT THE CONTRACTOR.

(C) IF THE CITY OF BALTIMORE ISSUES A REQUEST FOR PROPOSALS UNDER SUBSECTION (B) OF THIS SECTION, THE CITY OF BALTIMORE SHALL APPLY THE RELEVANT PROCUREMENT PREFERENCES FOR MINORITY AND WOMEN’S BUSINESS ENTERPRISES AND CONSIDER THE PROCUREMENT PARTICIPATION GOALS REGARDING MINORITY AND WOMEN’S BUSINESS ENTERPRISES IN SELECTING A CONTRACTOR.

Article – Transportation

21-101.

(a) In this title and Title 25 of this article the following words have the meanings indicated.

(I-1) “DEDICATED BUS LANE” MEANS A LANE DESIGNATED FOR USE BY MASS TRANSIT VEHICLES OWNED, OPERATED, OR CONTRACTED FOR BY THE MARYLAND TRANSIT ADMINISTRATION OR A LOCAL DEPARTMENT OF TRANSPORTATION.

21-1133.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON MAY NOT DRIVE A VEHICLE IN A DEDICATED BUS LANE UNLESS AUTHORIZED BY THE LOCAL JURISDICTION IN WHICH THE DEDICATED BUS LANE IS LOCATED.

(B) THE FOLLOWING VEHICLES MAY BE DRIVEN IN A DEDICATED BUS LANE:

(1) A TRANSIT VEHICLE OWNED, OPERATED, OR CONTRACTED FOR BY THE MARYLAND TRANSIT ADMINISTRATION OR A LOCAL DEPARTMENT OF TRANSPORTATION;

(2) A SCHOOL BUS;

(3) A BICYCLE;

(4) AN EMERGENCY VEHICLE; AND

(5) A VEHICLE MAKING A RIGHT TURN AT THE NEXT IMMEDIATE INTERSECTION.

21-1134.

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

(2) “BUS LANE MONITORING SYSTEM” MEANS AN ENFORCEMENT SYSTEM THAT IS DESIGNED TO CAPTURE A RECORDED IMAGE OF A DRIVER OF A MOTOR VEHICLE COMMITTING A VIOLATION.

(3) “BUS LANE MONITORING SYSTEM OPERATOR” MEANS A REPRESENTATIVE OF THE BALTIMORE CITY POLICE DEPARTMENT OR A CONTRACTOR THAT OPERATES A BUS LANE MONITORING SYSTEM.

(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:

- 1. A MOTOR VEHICLE LEASING COMPANY; OR**
- 2. A HOLDER OF A SPECIAL REGISTRATION PLATE ISSUED UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.**

(5) “RECORDED IMAGE” MEANS AN IMAGE RECORDED BY A BUS LANE MONITORING SYSTEM:

(I) ON:

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

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

(6) “VIOLATION” MEANS A VIOLATION OF § 21-1133 OF THIS SUBTITLE.

(B) THIS SECTION APPLIES ONLY IN BALTIMORE CITY.

(C) (1) BALTIMORE CITY MAY USE A BUS LANE MONITORING SYSTEM THAT MEETS THE REQUIREMENTS OF THIS SUBSECTION TO RECORD THE IMAGES OF MOTOR VEHICLES TRAVELING IN A BUS LANE.

(2) A BUS LANE MONITORING SYSTEM MAY BE USED ONLY:

(I) WHEN BEING OPERATED BY A BUS LANE MONITORING SYSTEM OPERATOR; ~~AND~~

(II) IF, IN ACCORDANCE WITH THE MARYLAND MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, A CONSPICUOUS ROAD SIGN IS PLACED AT A REASONABLE DISTANCE CONSISTENT WITH NATIONAL GUIDELINES BEFORE THE BUS LANE ALERTING DRIVERS THAT A BUS LANE MONITORING SYSTEM MAY BE IN OPERATION IN THE BUS LANE; AND

(III) IF THE SYSTEM PRODUCES VIDEO FOR EACH ALLEGED VIOLATION THAT ALLOWS FOR THE DIFFERENTIATION BETWEEN A VEHICLE THAT IS DRIVEN IN A DEDICATED BUS LANE IN VIOLATION OF § 21-1133 OF THIS SUBTITLE AND A VEHICLE THAT IS LAWFULLY STOPPED OR MOVING IN ORDER TO EXECUTE A RIGHT TURN AT AN INTERSECTION.

(3) A BUS LANE MONITORING SYSTEM MAY BE USED TO RECORD ONLY THE IMAGES OF VEHICLES THAT ARE TRAVELING IN A BUS LANE.

(D) (1) (I) A BUS LANE MONITORING SYSTEM OPERATOR SHALL COMPLETE TRAINING BY THE MANUFACTURER OF THE BUS LANE MONITORING SYSTEM IN THE PROCEDURES FOR SETTING UP, TESTING, AND OPERATING THE BUS LANE MONITORING SYSTEM.

(II) ON COMPLETION OF THE TRAINING, THE MANUFACTURER SHALL ISSUE A SIGNED CERTIFICATE TO THE BUS LANE MONITORING SYSTEM OPERATOR.

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

(2) A BUS LANE MONITORING SYSTEM OPERATOR SHALL FILL OUT AND SIGN A DAILY SET-UP LOG FOR EACH BUS LANE MONITORING SYSTEM THAT:

(I) STATES THE DATE AND TIME WHEN THE SYSTEM WAS SET UP;

(II) STATES THAT THE BUS LANE MONITORING SYSTEM OPERATOR SUCCESSFULLY PERFORMED, AND THE DEVICE PASSED, THE MANUFACTURER-SPECIFIED SELF-TESTS OF THE BUS LANE MONITORING SYSTEM BEFORE PRODUCING A RECORDED IMAGE;

(III) SHALL BE KEPT ON FILE; AND

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

(E) (1) A BUS LANE MONITORING SYSTEM SHALL UNDERGO AN ANNUAL CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION LABORATORY.

(2) THE INDEPENDENT CALIBRATION LABORATORY SHALL ISSUE A SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL CALIBRATION CHECK THAT:

(I) SHALL BE KEPT ON FILE; AND

(II) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION OF § 21-1133 OF THIS SUBTITLE.

(F) (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 (I)(5) OF THIS SECTION, THE DRIVER OF A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS RECORDED BY A BUS LANE MONITORING SYSTEM DURING THE COMMISSION OF A VIOLATION.

(2) A CIVIL PENALTY UNDER THIS SECTION MAY NOT EXCEED ~~\$100~~ \$75.

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

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

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

(G) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (5) OF THIS SUBSECTION, THE BALTIMORE CITY POLICE DEPARTMENT OR A CONTRACTOR OF THE POLICE DEPARTMENT SHALL MAIL TO THE OWNER LIABLE UNDER SUBSECTION (F) 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) TO THE EXTENT POSSIBLE, THE LOCATION OF THE VIOLATION;
 - (V) THE DATE AND TIME OF THE VIOLATION;
 - (VI) A COPY OF THE RECORDED IMAGE;
 - (VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE DATE BY WHICH THE CIVIL PENALTY MUST BE PAID;
 - (VIII) A SIGNED STATEMENT BY A POLICE OFFICER EMPLOYED BY THE BALTIMORE CITY POLICE DEPARTMENT THAT, BASED ON INSPECTION OF THE RECORDED IMAGES, THE MOTOR VEHICLE WAS BEING OPERATED DURING THE COMMISSION OF A VIOLATION;
 - (IX) A STATEMENT THAT THE RECORDED IMAGE IS EVIDENCE OF A VIOLATION; 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. 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) (I) ~~THE~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE BALTIMORE CITY POLICE DEPARTMENT MAY MAIL A WARNING NOTICE IN PLACE OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION (F) OF THIS SECTION.
- (II) THE BALTIMORE CITY POLICE DEPARTMENT SHALL MAIL A WARNING NOTICE IN PLACE OF A CITATION TO AN OWNER LIABLE UNDER SUBSECTION (F) OF THIS SECTION FOR A VIOLATION RECORDED BY A BUS LANE MONITORING SYSTEM DURING THE FIRST 45 DAYS THAT THE BUS LANE MONITORING SYSTEM IS IN OPERATION.

(3) (i) BEFORE MAILING A CITATION TO A MOTOR VEHICLE RENTAL COMPANY LIABLE UNDER SUBSECTION (F) OF THIS SECTION, THE BALTIMORE CITY POLICE DEPARTMENT SHALL MAIL A NOTICE TO THE MOTOR VEHICLE RENTAL COMPANY STATING THAT A CITATION WILL BE MAILED TO THE MOTOR VEHICLE RENTAL COMPANY UNLESS, WITHIN 45 DAYS AFTER RECEIVING THE NOTICE, THE MOTOR VEHICLE RENTAL COMPANY PROVIDES THE BALTIMORE CITY POLICE DEPARTMENT WITH:

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

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

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

3. PAYMENT FOR THE PENALTY ASSOCIATED WITH THE VIOLATION.

(ii) THE BALTIMORE CITY POLICE DEPARTMENT MAY NOT MAIL A CITATION TO A MOTOR VEHICLE RENTAL COMPANY LIABLE UNDER SUBSECTION (F) OF THIS SECTION IF THE MOTOR VEHICLE RENTAL COMPANY COMPLIES WITH SUBPARAGRAPH (i) OF THIS PARAGRAPH.

(4) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND SUBSECTION (i)(5) OF THIS SECTION, A CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NOT LATER THAN 2 WEEKS AFTER THE ALLEGED VIOLATION.

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

(i) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH INSTRUCTIONS ON THE CITATION, DIRECTLY TO BALTIMORE CITY; OR

(ii) ELECT TO STAND TRIAL FOR THE ALLEGED VIOLATION.

(h) (1) (i) A CERTIFICATE ALLEGING THAT A VIOLATION OCCURRED, SWORN TO OR AFFIRMED BY A BALTIMORE CITY POLICE OFFICER, BASED ON INSPECTION OF A RECORDED IMAGE PRODUCED BY A BUS LANE MONITORING

SYSTEM, SHALL BE EVIDENCE OF THE FACTS CONTAINED IN THE CERTIFICATE AND SHALL BE ADMISSIBLE IN ANY PROCEEDING CONCERNING THE ALLEGED VIOLATION WITHOUT THE PRESENCE OR TESTIMONY OF THE BUS LANE MONITORING SYSTEM OPERATOR WHO PERFORMED THE REQUIREMENTS UNDER SUBSECTION (D) OF THIS SECTION.

(II) IF A PERSON WHO RECEIVED A CITATION UNDER THIS SECTION DESIRES A BUS LANE MONITORING SYSTEM OPERATOR TO BE PRESENT AND TESTIFY AT TRIAL, THE PERSON SHALL NOTIFY THE COURT AND THE BALTIMORE CITY POLICE DEPARTMENT IN WRITING NOT LATER THAN 20 DAYS BEFORE TRIAL.

(III) 1. ON REQUEST OF A PERSON WHO RECEIVED A CITATION UNDER THIS SECTION, VIDEO OF THE ALLEGED VIOLATION SHALL BE MADE AVAILABLE TO THE PERSON.

2. VIDEO EVIDENCE MADE AVAILABLE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL BE ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION OF § 21-1133 OF THIS SUBTITLE.

(2) ADJUDICATION OF LIABILITY SHALL BE BASED ON A PREPONDERANCE OF EVIDENCE.

(I) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF AN ALLEGED VIOLATION:

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

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

(III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT COURT DEEMS RELEVANT.

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

ABOUT THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN A TIMELY MANNER.

(3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE DISTRICT COURT EVIDENCE TO THE SATISFACTION OF THE DISTRICT 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, A CLASS F (TRACTOR) VEHICLE, A CLASS G (TRAILER) VEHICLE OPERATED IN COMBINATION WITH A CLASS F (TRACTOR) VEHICLE, AND A CLASS P (PASSENGER BUS) VEHICLE.

(II) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(II) 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 BALTIMORE CITY POLICE DEPARTMENT A COPY OF ANY EVIDENCE SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

(II) ON THE RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE BALTIMORE CITY POLICE DEPARTMENT MAY ISSUE A NEW CITATION AS PROVIDED IN SUBSECTION (G) 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 2 WEEKS AFTER RECEIPT OF THE EVIDENCE FROM THE DISTRICT COURT.

(J) IF THE CIVIL PENALTY IS NOT PAID AND THE VIOLATION IS NOT CONTESTED, THE ADMINISTRATION MAY REFUSE TO REGISTER OR REREGISTER THE MOTOR VEHICLE.

(K) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS SECTION:

(1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING POINTS UNDER § 16-402 OF THIS ARTICLE AND MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OR DRIVER OF THE VEHICLE;

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

(3) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE INSURANCE COVERAGE.

(L) IN CONSULTATION WITH THE BALTIMORE CITY POLICE DEPARTMENT, THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE ISSUANCE OF CITATIONS, TRIALS FOR VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES IMPOSED UNDER THIS SECTION.

(M) (1) THE BALTIMORE CITY POLICE DEPARTMENT OR A CONTRACTOR DESIGNATED BY THE BALTIMORE CITY POLICE DEPARTMENT SHALL ADMINISTER AND PROCESS CIVIL CITATIONS ISSUED UNDER THIS SECTION IN COORDINATION WITH THE DISTRICT COURT.

(2) IF A CONTRACTOR PROVIDES, DEPLOYS, OR OPERATES A BUS LANE MONITORING SYSTEM FOR THE BALTIMORE CITY POLICE DEPARTMENT, THE CONTRACTOR'S FEE MAY NOT BE CONTINGENT ON THE NUMBER OF CITATIONS ISSUED OR PAID.

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

Approved by the Governor, May 16, 2022.