

HOUSE BILL 353

R5
HB 151/22 – ENT

3lr0976

By: **Delegates Healey, Allen, Holmes, and J. Long**

Introduced and read first time: January 26, 2023

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 2022 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 2022 Supplement)

21 BY adding to
22 Article – Transportation
23 Section 21–201.1
24 Annotated Code of Maryland
25 (2020 Replacement Volume and 2022 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Courts and Judicial Proceedings**

2 4–401.

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

5 (13) A proceeding for a civil infraction under **§ 21–201.1**, § 21–202.1, §
6 21–704.1, § 21–706.1, § 21–809, § 21–810, § 21–1134, or § 24–111.3 of the Transportation
7 Article or § 10–112 of the Criminal Law Article;

8 7–302.

9 (e) (1) (i) A citation issued pursuant to **§ 21–201.1**, § 21–202.1, § 21–706.1,
10 § 21–809, § 21–810, § 21–1134, or § 24–111.3 of the Transportation Article shall provide
11 that the person receiving the citation may elect to stand trial by notifying the issuing
12 agency of the person’s intention to stand trial at least 5 days prior to the date of payment
13 as set forth in the citation.

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

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

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

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

32 (3) Civil penalties resulting from citations issued using a vehicle height
33 monitoring system, traffic control signal monitoring system, speed monitoring system,
34 work zone speed control system, **TRAFFIC CONTROL DEVICE MONITORING SYSTEM**,
35 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) 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, **TRAFFIC CONTROL DEVICE MONITORING SYSTEMS**, 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, 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.

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) **A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A TRAFFIC CONTROL DEVICE MONITORING SYSTEM IN ACCORDANCE WITH § 21–201.1 OF THE TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A CIVIL**

CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION OF § 21-201 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, **TRAFFIC CONTROL DEVICE MONITORING SYSTEM**, school bus monitoring camera, or bus lane monitoring system is admissible as otherwise provided by law.

Article – Transportation

21-201.

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

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

21-201.1.

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

(2) “AGENCY” MEANS:

(I) A 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; OR

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

(3) (I) “OWNER” MEANS THE REGISTERED OWNER OF A MOTOR VEHICLE OR 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

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

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

5 **(I) ON:**

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

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

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

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

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

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

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

25 **(II) ON STATE HIGHWAYS, IF AUTHORIZED BY THE STATE**
26 **HIGHWAY ADMINISTRATION.**

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

(3) BEFORE A COUNTY MAY USE A TRAFFIC CONTROL DEVICE MONITORING SYSTEM ON STATE HIGHWAYS LOCATED 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 THE TRAFFIC CONTROL DEVICE MONITORING SYSTEM ON THE STATE HIGHWAYS WITHIN THE MUNICIPAL CORPORATION; 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 TRAFFIC CONTROL DEVICE MONITORING SYSTEM.

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

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

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

(C) A RECORDED IMAGE UNDER THIS SECTION INDICATING THAT THE DRIVER OF A MOTOR VEHICLE HAS COMMITTED A VIOLATION SHALL INCLUDE:

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

(2) TO THE EXTENT POSSIBLE, THE LOCATION OF THE VIOLATION.

(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 (E)(3) OR (G)(4) OR (5) OF THIS SECTION, THE DRIVER OF A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS RECORDED BY A TRAFFIC CONTROL DEVICE MONITORING SYSTEM DURING THE COMMISSION OF A VIOLATION.

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

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

(E) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (5) OF THIS SUBSECTION, AN AGENCY SHALL MAIL TO THE OWNER LIABLE 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) 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 TECHNICIAN EMPLOYED BY THE AGENCY THAT, BASED ON THE INSPECTION OF THE RECORDED IMAGE, 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) THE AGENCY MAY MAIL A WARNING NOTICE IN PLACE OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION (D) OF THIS SECTION.

(3) (I) BEFORE MAILING A CITATION TO A MOTOR VEHICLE RENTAL COMPANY LIABLE UNDER SUBSECTION (D) OF THIS SECTION, AN AGENCY 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 AGENCY 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 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.

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 RENTAL COMPANY COMPLIES WITH SUBPARAGRAPH (I) OF
4 THIS 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, SHALL BE EVIDENCE OF THE FACTS CONTAINED IN THE
18 CERTIFICATE AND SHALL BE ADMISSIBLE IN ANY PROCEEDING CONCERNING THE
19 ALLEGED VIOLATION.

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

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

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

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

31 (III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT
32 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**
36 **MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (E) OF THIS SECTION TO THE**

1 PERSON WHO THE EVIDENCE INDICATES WAS OPERATING THE VEHICLE AT THE TIME
2 OF THE VIOLATION.

3 (III) A CITATION ISSUED UNDER SUBPARAGRAPH (II) OF THIS
4 PARAGRAPH SHALL BE MAILED NOT LATER THAN 2 WEEKS AFTER RECEIPT OF THE
5 EVIDENCE FROM THE DISTRICT COURT.

6 (H) IF THE CIVIL PENALTY IS NOT PAID AND THE VIOLATION IS NOT
7 CONTESTED, THE ADMINISTRATION MAY REFUSE TO REGISTER OR REREGISTER OR
8 MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE.

9 (I) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS
10 SECTION:

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

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

17 (J) IN CONSULTATION WITH LAW ENFORCEMENT AGENCIES, THE CHIEF
18 JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE ISSUANCE
19 OF CITATIONS, TRIALS FOR VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES
20 IMPOSED UNDER THIS SECTION.

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

24 (2) IF A CONTRACTOR IN ANY MANNER OPERATES A TRAFFIC
25 CONTROL DEVICE MONITORING SYSTEM OR ADMINISTERS OR PROCESSES
26 CITATIONS GENERATED BY A TRAFFIC CONTROL DEVICE MONITORING SYSTEM ON
27 BEHALF OF A LOCAL JURISDICTION, THE CONTRACTOR'S FEE MAY NOT BE
28 CONTINGENT ON A PER-TICKET BASIS ON THE NUMBER OF CITATIONS ISSUED OR
29 PAID.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2023.