

SENATE BILL 837

R5

9lr2453

By: **Senators Carter, Guzzone, and Rosapepe**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Bus Lane Monitoring Cameras – Authorization**

3 FOR the purpose of prohibiting a person from driving a motor vehicle in a dedicated bus
4 lane unless authorized by a local jurisdiction, subject to certain exceptions;
5 authorizing the Maryland Transit Administration to use, under certain standards
6 and procedures, a certain bus lane monitoring camera to enforce the prohibition
7 against driving a motor vehicle in a designated bus lane; modifying the jurisdiction
8 of the District Court to include certain proceedings related to bus lane monitoring
9 cameras; providing for the payment of fines imposed and the distribution of revenues
10 collected as a result of violations enforced by a bus lane monitoring camera; providing
11 for the admissibility of recorded images produced by bus lane monitoring cameras;
12 requiring the bus lane monitoring camera operator to complete certain training and
13 follow certain procedures; requiring the manufacturer of the bus lane monitoring
14 camera to issue a certain certificate to the bus lane monitoring camera operator on
15 completion of the training; requiring that the certificate of training be admitted as
16 evidence in a certain court proceeding; requiring a bus lane monitoring camera to
17 undergo a certain calibration check; requiring an independent calibration laboratory
18 to issue a certain certificate of calibration after the calibration check that is kept on
19 file and admitted as evidence in a certain court proceeding; providing that the driver
20 of a motor vehicle recorded committing a certain violation is subject to a certain civil
21 penalty under certain circumstances; providing that a civil penalty under this Act
22 may not exceed a certain amount; requiring the District Court to prescribe a certain
23 uniform citation form and civil penalty; requiring a local police department, State
24 police department, or police department contractor to mail a certain citation to the
25 owner of a certain motor vehicle within a certain time period; specifying the contents
26 of a certain citation; authorizing the local police department or State police
27 department to mail a warning instead of a citation; requiring the local police
28 department or State police department to mail a certain notice to a motor vehicle
29 rental company liable under certain provisions of this Act before mailing a certain
30 citation to the motor vehicle rental company; specifying the contents of a certain
31 notice; prohibiting the local police department or State police department from

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 mailing a certain citation to a certain motor vehicle rental company if the motor
2 vehicle rental company complies with certain provisions of this Act; authorizing a
3 person receiving a certain citation to pay the civil penalty or elect to stand trial;
4 providing that a certain certificate is admissible as evidence in a proceeding
5 concerning a certain violation; authorizing persons receiving certain citations to have
6 the bus lane monitoring camera operator be present and able to testify at trial;
7 providing that a certain adjudication of liability is based on a preponderance of
8 evidence; establishing certain defenses, and requirements for proving the defenses,
9 for a certain violation recorded by a bus lane monitoring camera; requiring the
10 District Court to provide certain evidence to the police department that issued the
11 citation under certain circumstances; authorizing the police department that issued
12 the citation to mail a certain citation within a certain time period after receiving
13 certain evidence; authorizing the Motor Vehicle Administration to refuse to register
14 or reregister a motor vehicle or suspend the registration of a motor vehicle under
15 certain circumstances; establishing that a violation for which a civil penalty may be
16 imposed under this Act is not a moving violation for certain purposes, may be treated
17 as a parking violation for certain purposes, and may not be considered for certain
18 insurance purposes; requiring the Chief Judge of the District Court, in consultation
19 with local police departments and State police departments, to adopt certain
20 procedures; requiring the Department of State Police or a certain contractor to
21 administer and process certain civil citations in coordination with the District Court;
22 prohibiting a certain contractor's fee from being contingent on the number of
23 citations issued or paid under certain circumstances; requiring the Department of
24 State Police and the Maryland Transit Administration jointly to adopt regulations
25 establishing standards and procedures for bus lane monitoring cameras; defining
26 certain terms; making certain conforming and stylistic changes; and generally
27 relating to the use of bus lane monitoring cameras to enforce offenses relating to the
28 operation of a motor vehicle in a designated bus lane.

29 BY repealing and reenacting, with amendments,
30 Article – Courts and Judicial Proceedings
31 Section 4–401(13), 7–302(e), and 10–311
32 Annotated Code of Maryland
33 (2013 Replacement Volume and 2018 Supplement)

34 BY repealing and reenacting, without amendments,
35 Article – Transportation
36 Section 21–101(a)
37 Annotated Code of Maryland
38 (2012 Replacement Volume and 2018 Supplement)

39 BY adding to
40 Article – Transportation
41 Section 21–101(i–1), 21–1132, and 21–1133
42 Annotated Code of Maryland
43 (2012 Replacement Volume and 2018 Supplement)

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

3 **Article – Courts and Judicial Proceedings**

4 4–401.

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

7 (13) A proceeding for a civil infraction under § 21–202.1, § 21–704.1, §
8 21–706.1, § 21–809, § 21–810, **§ 21–1133**, or § 24–111.3 of the Transportation Article or §
9 10–112 of the Criminal Law Article;

10 7–302.

11 (e) (1) **(I)** A citation issued pursuant to § 21–202.1, § 21–706.1, § 21–809, §
12 21–810, **§ 21–1133**, or § 24–111.3 of the Transportation Article shall provide that the
13 person receiving the citation may elect to stand trial by notifying the issuing agency of the
14 person’s intention to stand trial at least 5 days prior to the date of payment as set forth in
15 the citation.

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

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

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

27 **(II)** A citation issued as the result of a traffic control signal
28 monitoring system or a work zone speed control system controlled by a State agency, or as
29 a result of a vehicle height monitoring system, a traffic control signal monitoring system, a
30 speed monitoring system, [or] a school bus monitoring camera, **OR A BUS LANE**
31 **MONITORING CAMERA** in a case contested in District Court, shall provide that the penalty
32 shall be paid directly to the District Court.

33 (3) Civil penalties resulting from citations issued using a vehicle height
34 monitoring system, traffic control signal monitoring system, speed monitoring system,
35 work zone speed control system, [or] school bus monitoring camera, **OR BUS LANE**

1 **MONITORING CAMERA** that are collected by the District Court shall be collected in
2 accordance with subsection (a) of this section and distributed in accordance with § 12–118
3 of the Transportation Article.

4 (4) (i) From the fines collected by a political subdivision as a result of
5 violations enforced by speed monitoring systems [or], school bus monitoring cameras, **OR**
6 **BUS LANE MONITORING CAMERAS**, a political subdivision:

7 1. May recover the costs of implementing and administering
8 the speed monitoring systems or school bus monitoring cameras; and

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

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

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

20 (iii) The fines collected by Prince George's County as a result of
21 violations enforced by a speed monitoring system at the intersection of Old Fort Road and
22 Maryland Route 210 shall be remitted to the Comptroller for deposit into the Criminal
23 Injuries Compensation Fund under § 11–819 of the Criminal Procedure Article.

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

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

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

29 10–311.

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

34 (b) A recorded image of a motor vehicle produced by a speed monitoring system
35 in accordance with § 21–809 or § 21–810 of the Transportation Article is admissible in a

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

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

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

12 (e) **A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A BUS LANE**
13 **MONITORING CAMERA IN ACCORDANCE WITH § 21–1133 OF THE TRANSPORTATION**
14 **ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A CIVIL CITATION ISSUED**
15 **UNDER THAT SECTION FOR A VIOLATION OF § 21–1132 OF THE TRANSPORTATION**
16 **ARTICLE WITHOUT AUTHENTICATION.**

17 (F) In any other judicial proceeding, a recorded image produced by a vehicle
18 height monitoring system, traffic control signal monitoring system, speed monitoring
19 system, work zone speed control system, [or] school bus monitoring camera, **OR BUS LANE**
20 **MONITORING CAMERA** is admissible as otherwise provided by law.

21 Article – Transportation

22 21–101.

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

25 (I–1) **“DEDICATED BUS LANE” MEANS A LANE DESIGNATED FOR USE BY MASS**
26 **TRANSIT VEHICLES OWNED BY THE MARYLAND TRANSIT ADMINISTRATION.**

27 **21–1132.**

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

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

32 (1) **A MARYLAND TRANSIT ADMINISTRATION BUS;**

- 1 **(2) A SCHOOL BUS;**
2 **(3) A BICYCLE; AND**
3 **(4) AN EMERGENCY VEHICLE.**

4 **21-1133.**

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

7 **(2) “BUS LANE MONITORING CAMERA” MEANS A CAMERA PLACED ON**
8 **A MASS TRANSIT VEHICLE OWNED AND OPERATED BY THE MARYLAND TRANSIT**
9 **ADMINISTRATION THAT IS DESIGNED TO CAPTURE A RECORDED IMAGE OF A DRIVER**
10 **OF A MOTOR VEHICLE COMMITTING A VIOLATION.**

11 **(3) “BUS LANE MONITORING CAMERA OPERATOR” MEANS AN**
12 **INDIVIDUAL WHO HAS BEEN TRAINED AND CERTIFIED TO OPERATE A BUS LANE**
13 **MONITORING CAMERA AND WHO IS:**

14 **(I) A POLICE OFFICER;**

15 **(II) A REPRESENTATIVE OF A LOCAL POLICE DEPARTMENT;**

16 **(III) A REPRESENTATIVE OF A STATE POLICE DEPARTMENT; OR**

17 **(IV) A MARYLAND TRANSIT ADMINISTRATION CONTRACTOR.**

18 **(4) (I) “OWNER” MEANS THE REGISTERED OWNER OF A MOTOR**
19 **VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR**
20 **MORE.**

21 **(II) “OWNER” DOES NOT INCLUDE:**

22 **1. A MOTOR VEHICLE LEASING COMPANY; OR**

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

25 **(5) “RECORDED IMAGE” MEANS AN IMAGE RECORDED BY A BUS LANE**
26 **MONITORING CAMERA:**

27 **(I) ON:**

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

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

9 **(6) “STATE POLICE DEPARTMENT” MEANS:**

10 **(I) THE DEPARTMENT OF STATE POLICE; AND**

11 **(II) THE MARYLAND TRANSPORTATION AUTHORITY POLICE.**

12 **(7) “VIOLATION” MEANS A VIOLATION OF § 21-1132 OF THIS**
13 **SUBTITLE.**

14 **(B) (1) THE MARYLAND TRANSIT ADMINISTRATION MAY USE A BUS LANE**
15 **MONITORING CAMERA THAT MEETS THE REQUIREMENTS OF THIS SUBSECTION TO**
16 **RECORD THE IMAGES OF MOTOR VEHICLES TRAVELING IN A BUS LANE.**

17 **(2) A BUS LANE MONITORING CAMERA MAY BE USED ONLY:**

18 **(I) WHEN BEING OPERATED BY A BUS LANE MONITORING**
19 **CAMERA OPERATOR; AND**

20 **(II) IF, IN ACCORDANCE WITH THE MARYLAND MANUAL ON**
21 **UNIFORM TRAFFIC CONTROL DEVICES, A CONSPICUOUS ROAD SIGN IS PLACED AT**
22 **A REASONABLE DISTANCE CONSISTENT WITH NATIONAL GUIDELINES BEFORE THE**
23 **BUS LANE ALERTING DRIVERS THAT A BUS LANE MONITORING CAMERA MAY BE IN**
24 **OPERATION IN THE BUS LANE.**

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

27 **(C) (1) (I) A BUS LANE MONITORING CAMERA OPERATOR SHALL**

1 COMPLETE TRAINING BY THE MANUFACTURER OF THE BUS LANE MONITORING
2 CAMERA IN THE PROCEDURES FOR SETTING UP, TESTING, AND OPERATING THE BUS
3 LANE MONITORING CAMERA.

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

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

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

11 (I) STATES THE DATE AND TIME WHEN THE CAMERA WAS SET
12 UP;

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

17 (III) SHALL BE KEPT ON FILE; AND

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

20 (D) (1) A BUS LANE MONITORING CAMERA SHALL UNDERGO AN ANNUAL
21 CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION
22 LABORATORY.

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

26 (I) SHALL BE KEPT ON FILE; AND

27 (II) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT
28 PROCEEDING FOR A VIOLATION OF THIS SECTION OR § 21-1132 OF THIS SUBTITLE.

29 (E) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A
30 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER
31 OR, IN ACCORDANCE WITH SUBSECTION (H)(5) OF THIS SECTION, THE DRIVER OF A

1 MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS
2 RECORDED BY A BUS LANE MONITORING CAMERA DURING THE COMMISSION OF A
3 VIOLATION.

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

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

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

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

12 (F) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (5)
13 OF THIS SUBSECTION, A LOCAL POLICE DEPARTMENT, STATE POLICE DEPARTMENT,
14 OR POLICE DEPARTMENT CONTRACTOR SHALL MAIL TO THE OWNER LIABLE UNDER
15 SUBSECTION (E) OF THIS SECTION A CITATION THAT SHALL INCLUDE:

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

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

20 (III) THE VIOLATION CHARGED;

21 (IV) TO THE EXTENT POSSIBLE, THE LOCATION OF THE
22 VIOLATION;

23 (V) THE DATE AND TIME OF THE VIOLATION;

24 (VI) A COPY OF THE RECORDED IMAGE;

25 (VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE
26 DATE BY WHICH THE CIVIL PENALTY MUST BE PAID;

27 (VIII) A SIGNED STATEMENT BY A POLICE OFFICER EMPLOYED BY
28 THE LOCAL POLICE DEPARTMENT OR STATE POLICE DEPARTMENT THAT, BASED ON
29 INSPECTION OF THE RECORDED IMAGES, THE MOTOR VEHICLE WAS BEING
30 OPERATED DURING THE COMMISSION OF A VIOLATION;

1 **(IX) A STATEMENT THAT THE RECORDED IMAGE IS EVIDENCE OF**
2 **A VIOLATION; AND**

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

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

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

10 **(2) THE LOCAL POLICE DEPARTMENT OR STATE POLICE**
11 **DEPARTMENT MAY MAIL A WARNING NOTICE IN PLACE OF A CITATION TO THE**
12 **OWNER LIABLE UNDER SUBSECTION (E) OF THIS SECTION.**

13 **(3) (I) BEFORE MAILING A CITATION TO A MOTOR VEHICLE**
14 **RENTAL COMPANY LIABLE UNDER SUBSECTION (E) OF THIS SECTION, A LAW**
15 **ENFORCEMENT AGENCY SHALL MAIL A NOTICE TO THE MOTOR VEHICLE RENTAL**
16 **COMPANY STATING THAT A CITATION WILL BE MAILED TO THE MOTOR VEHICLE**
17 **RENTAL COMPANY UNLESS, WITHIN 45 DAYS AFTER RECEIVING THE NOTICE, THE**
18 **MOTOR VEHICLE RENTAL COMPANY PROVIDES THE LOCAL POLICE DEPARTMENT OR**
19 **STATE POLICE DEPARTMENT WITH:**

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

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

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

30 **3. PAYMENT FOR THE PENALTY ASSOCIATED WITH THE**
31 **VIOLATION.**

32 **(II) THE LOCAL POLICE DEPARTMENT OR STATE POLICE**

1 DEPARTMENT MAY NOT MAIL A CITATION TO A MOTOR VEHICLE RENTAL COMPANY
2 LIABLE UNDER SUBSECTION (E) OF THIS SECTION IF THE MOTOR VEHICLE RENTAL
3 COMPANY COMPLIES WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH.

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

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

9 (I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH
10 INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE LOCAL JURISDICTION; OR

11 (II) ELECT TO STAND TRIAL FOR THE ALLEGED VIOLATION.

12 (G) (1) (I) A CERTIFICATE ALLEGING THAT A VIOLATION OCCURRED,
13 SWORN TO OR AFFIRMED BY A POLICE OFFICER EMPLOYED BY THE LOCAL POLICE
14 DEPARTMENT OR STATE POLICE DEPARTMENT, BASED ON INSPECTION OF A
15 RECORDED IMAGE PRODUCED BY A BUS LANE MONITORING CAMERA, SHALL BE
16 EVIDENCE OF THE FACTS CONTAINED IN THE CERTIFICATE AND SHALL BE
17 ADMISSIBLE IN ANY PROCEEDING CONCERNING THE ALLEGED VIOLATION WITHOUT
18 THE PRESENCE OR TESTIMONY OF THE BUS LANE MONITORING CAMERA OPERATOR
19 WHO PERFORMED THE REQUIREMENTS UNDER SUBSECTION (C) OF THIS SECTION.

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

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

27 (H) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A
28 VIOLATION:

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

33 (II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,

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

3 (III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT
4 COURT DEEMS PERTINENT.

5 (2) TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE
6 REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND
7 WERE NOT UNDER THE CONTROL OR IN THE POSSESSION OF THE OWNER AT THE
8 TIME OF THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT
9 ABOUT THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN A
10 TIMELY MANNER.

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

16 (4) (I) THIS PARAGRAPH APPLIES ONLY TO A CITATION THAT
17 INVOLVES A CLASS E (TRUCK) VEHICLE WITH A REGISTERED GROSS WEIGHT OF
18 26,001 POUNDS OR MORE, A CLASS F (TRACTOR) VEHICLE, A CLASS G (TRAILER)
19 VEHICLE OPERATED IN COMBINATION WITH A CLASS F (TRACTOR) VEHICLE, AND A
20 CLASS P (PASSENGER BUS) VEHICLE.

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

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

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

31 (5) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED
32 IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE
33 VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (4)(II)2 OF THIS
34 SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF THE
35 VIOLATION, THE CLERK OF THE COURT SHALL PROVIDE TO THE POLICE

1 DEPARTMENT THAT ISSUED THE CITATION A COPY OF ANY EVIDENCE
2 SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE
3 VIOLATION.

4 (II) ON THE RECEIPT OF SUBSTANTIATING EVIDENCE FROM
5 THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE POLICE
6 DEPARTMENT THAT ISSUED THE ORIGINAL CITATION MAY ISSUE A NEW CITATION AS
7 PROVIDED IN SUBSECTION (E) OF THIS SECTION TO THE PERSON THAT THE
8 EVIDENCE INDICATES WAS OPERATING THE VEHICLE AT THE TIME OF THE
9 VIOLATION.

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

13 (I) IF THE CIVIL PENALTY IS NOT PAID AND THE VIOLATION IS NOT
14 CONTESTED, THE ADMINISTRATION MAY REFUSE TO REGISTER OR REREGISTER OR
15 MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE.

16 (J) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS
17 SECTION:

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

22 (2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF §
23 26-305 OF THIS ARTICLE; AND

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

26 (K) IN CONSULTATION WITH LOCAL POLICE DEPARTMENTS AND STATE
27 POLICE DEPARTMENTS, THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT
28 PROCEDURES FOR THE ISSUANCE OF CITATIONS, TRIALS FOR VIOLATIONS, AND THE
29 COLLECTION OF CIVIL PENALTIES IMPOSED UNDER THIS SECTION.

30 (L) (1) THE DEPARTMENT OF STATE POLICE OR A CONTRACTOR
31 DESIGNATED BY THE DEPARTMENT OF STATE POLICE SHALL ADMINISTER AND
32 PROCESS CIVIL CITATIONS ISSUED UNDER THIS SECTION IN COORDINATION WITH
33 THE DISTRICT COURT.

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

4 **(M) THE DEPARTMENT OF STATE POLICE AND THE MARYLAND TRANSIT**
5 **ADMINISTRATION JOINTLY SHALL ADOPT REGULATIONS ESTABLISHING**
6 **STANDARDS AND PROCEDURES FOR BUS LANE MONITORING CAMERAS AUTHORIZED**
7 **UNDER THIS SECTION.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2019.