

# SENATE BILL 819

R5

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By: **Senator Klausmeier**

Introduced and read first time: February 3, 2020

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Distracted Driving Monitoring Systems – Authorization**

3 FOR the purpose of authorizing certain agencies to use distracted driver monitoring  
4 systems on certain highways under certain circumstances; requiring that a recorded  
5 image made by a distracted driver monitoring system include certain images and  
6 information; providing that the owner or driver of a motor vehicle recorded  
7 committing a certain violation is subject to a certain civil penalty; providing that a  
8 civil penalty under this Act may not exceed a certain amount; requiring the District  
9 Court to prescribe a certain uniform citation form and civil penalty; requiring a  
10 certain agency to mail a certain citation to the owner of a certain motor vehicle within  
11 a certain period of time; providing for the contents of a certain citation; authorizing  
12 a certain agency to mail a warning instead of a citation; requiring a certain agency  
13 to mail a certain notice to a motor vehicle rental company liable under certain  
14 provisions of this Act before mailing a certain citation to the motor vehicle rental  
15 company; specifying the contents of a certain notice; prohibiting a certain agency  
16 from mailing a certain citation to a certain motor vehicle rental company if the motor  
17 vehicle rental company complies with certain provisions of this Act; authorizing a  
18 person receiving a certain citation to pay the civil penalty or elect to stand trial;  
19 providing that a certain certificate is admissible as evidence in a proceeding  
20 concerning a certain violation; providing that a certain adjudication of liability is  
21 based on a preponderance of evidence; establishing certain defenses and  
22 requirements for proving the defenses; requiring the District Court to provide certain  
23 evidence to a certain agency under certain circumstances; authorizing a certain  
24 agency to mail a certain notice within a certain time period after receiving certain  
25 evidence; authorizing the Motor Vehicle Administration to refuse to register or  
26 reregister a motor vehicle or suspend the registration of a motor vehicle under  
27 certain circumstances; establishing that a violation for which a civil penalty may be  
28 imposed under this Act is not a moving violation for certain purposes and may not  
29 be considered for certain insurance purposes; requiring the Chief Judge of the  
30 District Court, in consultation with certain local law enforcement agencies, to adopt  
31 certain procedures; providing for the distribution of revenues collected as a result of

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 violations recorded by a distracted driver monitoring system; providing that a  
 2 proceeding for a certain violation recorded by a distracted driver monitoring system  
 3 is under the exclusive original jurisdiction of the District Court; providing that a  
 4 recorded image of a motor vehicle produced by a distracted driver monitoring system  
 5 is admissible in a certain proceeding under certain circumstances; defining certain  
 6 terms; making conforming and stylistic changes; and generally relating to the use of  
 7 distracted driver monitoring systems to enforce offenses relating to distracted  
 8 driving.

9 BY repealing and reenacting, with amendments,  
 10 Article – Courts and Judicial Proceedings  
 11 Section 4–401(13), 7–302(e), and 10–311  
 12 Annotated Code of Maryland  
 13 (2013 Replacement Volume and 2019 Supplement)

14 BY repealing and reenacting, without amendments,  
 15 Article – Transportation  
 16 Section 21–1124(c), 21–1124.1(b), and 21–1124.2(c) and (d)  
 17 Annotated Code of Maryland  
 18 (2012 Replacement Volume and 2019 Supplement)

19 BY adding to  
 20 Article – Transportation  
 21 Section 21–1124.4  
 22 Annotated Code of Maryland  
 23 (2012 Replacement Volume and 2019 Supplement)

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

26 **Article – Courts and Judicial Proceedings**

27 4–401.

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

30 (13) A proceeding for a civil infraction under § 21–202.1, § 21–704.1, §  
 31 21–706.1, § 21–809, § 21–810, **§ 21–1124.4**, or § 24–111.3 of the Transportation Article or  
 32 § 10–112 of the Criminal Law Article;

33 7–302.

34 (e) (1) **(I)** A citation issued pursuant to § 21–202.1, § 21–706.1, § 21–809, §  
 35 21–810, **§ 21–1124.4**, or § 24–111.3 of the Transportation Article shall provide that the  
 36 person receiving the citation may elect to stand trial by notifying the issuing agency of the  
 37 person’s intention to stand trial at least 5 days prior to the date of payment as set forth in

1 the citation.

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

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

8 (2) (I) A citation issued as the result of a vehicle height monitoring  
9 system, a traffic control signal monitoring system, [or] a speed monitoring system,  
10 including a work zone speed control system, **OR A DISTRACTED DRIVER MONITORING**  
11 **SYSTEM** controlled by a political subdivision or a school bus monitoring camera shall  
12 provide that, in an uncontested case, the penalty shall be paid directly to that political  
13 subdivision.

14 (II) A citation issued as the result of a traffic control signal  
15 monitoring system or a work zone speed control system controlled by a State agency, or as  
16 a result of a vehicle height monitoring system, a traffic control signal monitoring system, a  
17 speed monitoring system, **A DISTRACTED DRIVER MONITORING SYSTEM**, or a school bus  
18 monitoring camera in a case contested in District Court, shall provide that the penalty shall  
19 be paid directly to the District Court.

20 (3) Civil penalties resulting from citations issued using a vehicle height  
21 monitoring system, traffic control signal monitoring system, speed monitoring system,  
22 work zone speed control system, **DISTRACTED DRIVER MONITORING SYSTEM**, or school  
23 bus monitoring camera that are collected by the District Court shall be collected in  
24 accordance with subsection (a) of this section and distributed in accordance with § 12–118  
25 of the Transportation Article.

26 (4) (i) From the fines collected by a political subdivision as a result of  
27 violations enforced by speed monitoring systems, **DISTRACTED DRIVER MONITORING**  
28 **SYSTEMS**, or school bus monitoring cameras, a political subdivision:

29 1. May recover the costs of implementing and administering  
30 the speed monitoring systems, **DISTRACTED DRIVER MONITORING SYSTEMS**, or school  
31 bus monitoring cameras; and

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

35 (ii) 1. For any fiscal year, if the balance remaining from the fines  
36 collected by a political subdivision as a result of violations enforced by speed monitoring  
37 systems, after the costs of implementing and administering the systems are recovered in

1 accordance with subparagraph (i)1 of this paragraph, is greater than 10% of the total  
2 revenues of the political subdivision for the fiscal year, the political subdivision shall remit  
3 any funds that exceed 10% of the total revenues to the Comptroller.

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

6                                   (iii)   The fines collected by Prince George's County as a result of  
7 violations enforced by speed monitoring systems on Maryland Route 210 shall be remitted  
8 to the Comptroller for deposit into the Criminal Injuries Compensation Fund under §  
9 11-819 of the Criminal Procedure Article.

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

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

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

15 10-311.

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

20                               (b)     A recorded image of a motor vehicle produced by a speed monitoring system  
21 in accordance with § 21-809 or § 21-810 of the Transportation Article is admissible in a  
22 proceeding concerning a civil citation issued under that section for a violation of Title 21,  
23 Subtitle 8 of the Transportation Article without authentication.

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

28                               (d)     **A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A**  
29 **DISTRACTED DRIVER MONITORING SYSTEM IN ACCORDANCE WITH § 21-1124.4 OF**  
30 **THE TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A**  
31 **CIVIL CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION OF § 21-1124, §**  
32 **21-1124.1, OR § 21-1124.2 OF THE TRANSPORTATION ARTICLE WITHOUT**  
33 **AUTHENTICATION.**

34                               (E)     A recorded image of a motor vehicle produced by a vehicle height monitoring  
35 system in accordance with § 24-111.3 of the Transportation Article is admissible in a

1 proceeding concerning a civil citation issued under that section for a violation of a State or  
2 local law restricting the presence of certain vehicles during certain times without  
3 authentication.

4 [(e)] (F) In any other judicial proceeding, a recorded image produced by a vehicle  
5 height monitoring system, traffic control signal monitoring system, speed monitoring  
6 system, work zone speed control system, or school bus monitoring camera is admissible as  
7 otherwise provided by law.

## 8 Article – Transportation

9 21–1124.

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

12 21–1124.1.

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

16 21–1124.2.

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

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

21 (2) A holder of a learner’s instructional permit or a provisional driver’s  
22 license who is 18 years of age or older.

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

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

28 21–1124.4.

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

31 (2) “AGENCY” MEANS:

1           **(I) A LAW ENFORCEMENT AGENCY THAT IS AUTHORIZED TO**  
2 **ISSUE A CITATION FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL**  
3 **TRAFFIC LAWS OR REGULATIONS; OR**

4           **(II) FOR A MUNICIPAL CORPORATION THAT DOES NOT**  
5 **MAINTAIN A POLICE FORCE, AN AGENCY ESTABLISHED OR DESIGNATED BY THE**  
6 **MUNICIPAL CORPORATION TO IMPLEMENT THIS SUBTITLE USING DISTRACTED**  
7 **DRIVER MONITORING SYSTEMS IN ACCORDANCE WITH THIS SECTION.**

8           **(3) “DISTRACTED DRIVER MONITORING SYSTEM” MEANS A DEVICE**  
9 **DESIGNED TO CAPTURE A RECORDED IMAGE OF A DRIVER OF A MOTOR VEHICLE**  
10 **COMMITTING A VIOLATION.**

11           **(4) (I) “OWNER” MEANS THE REGISTERED OWNER OF A MOTOR**  
12 **VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR**  
13 **MORE.**

14           **(II) “OWNER” DOES NOT INCLUDE:**

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

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

18           **(5) “RECORDED IMAGE” MEANS IMAGES RECORDED BY A**  
19 **DISTRACTED DRIVER MONITORING SYSTEM:**

20           **(I) ON:**

21                   1.   **TWO OR MORE PHOTOGRAPHS;**

22                   2.   **TWO OR MORE MICROPHOTOGRAPHS;**

23                   3.   **TWO OR MORE ELECTRONIC IMAGES;**

24                   4.   **VIDEOTAPE; OR**

25                   5.   **ANY OTHER MEDIUM; AND**

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

1           **(6) “VIOLATION” MEANS A VIOLATION OF § 21–1124, § 21–1124.1, OR**  
2 **§ 21–1124.2 OF THIS SUBTITLE.**

3           **(B) (1) SUBJECT TO PARAGRAPHS (2) THROUGH (5) OF THIS**  
4 **SUBSECTION, AN AGENCY MAY USE DISTRACTED DRIVER MONITORING SYSTEMS:**

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

7                   **(II) ON STATE HIGHWAYS, IF AUTHORIZED BY THE STATE**  
8 **HIGHWAY ADMINISTRATION.**

9           **(2) A DISTRACTED DRIVER MONITORING SYSTEM MAY NOT BE USED**  
10 **IN A LOCAL JURISDICTION UNDER THIS SECTION UNLESS ITS USE IS AUTHORIZED BY**  
11 **THE GOVERNING BODY OF THE LOCAL JURISDICTION BY LOCAL LAW ENACTED**  
12 **AFTER REASONABLE NOTICE AND A PUBLIC HEARING.**

13           **(3) BEFORE A COUNTY MAY USE A DISTRACTED DRIVER MONITORING**  
14 **SYSTEM ON STATE HIGHWAYS LOCATED WITHIN A MUNICIPAL CORPORATION, THE**  
15 **COUNTY SHALL:**

16                   **(I) OBTAIN APPROVAL OF THE STATE HIGHWAY**  
17 **ADMINISTRATION;**

18                   **(II) NOTIFY THE MUNICIPAL CORPORATION OF THE STATE**  
19 **HIGHWAY ADMINISTRATION’S APPROVAL OF THE USE OF A DISTRACTED DRIVER**  
20 **MONITORING SYSTEM ON THE STATE HIGHWAYS WITHIN THE MUNICIPAL**  
21 **CORPORATION; AND**

22                   **(III) GRANT THE MUNICIPAL CORPORATION 60 DAYS FROM THE**  
23 **DATE OF THE COUNTY’S NOTICE TO THE MUNICIPAL CORPORATION TO ENACT AN**  
24 **ORDINANCE AUTHORIZING THE MUNICIPAL CORPORATION INSTEAD OF THE COUNTY**  
25 **TO USE A DISTRACTED DRIVER MONITORING SYSTEM.**

26           **(4) BEFORE BEGINNING USE OF DISTRACTED DRIVER MONITORING**  
27 **SYSTEMS, AN AGENCY SHALL PUBLISH NOTICE THAT THE AGENCY HAS ADOPTED THE**  
28 **USE OF DISTRACTED DRIVER MONITORING SYSTEMS ON ITS WEBSITE AND IN A**  
29 **NEWSPAPER OF GENERAL CIRCULATION IN THE JURISDICTION IN WHICH THE**  
30 **DISTRACTED DRIVING MONITORING SYSTEM WILL BE USED.**

31           **(5) (I) A LOCAL JURISDICTION THAT USES A DISTRACTED DRIVER**  
32 **MONITORING SYSTEM SHALL PROMINENTLY PLACE SIGNS ON ROADS WITHIN THE**

1 LOCAL JURISDICTION PROVIDING NOTICE THAT DISTRACTED DRIVER MONITORING  
2 SYSTEMS ARE USED IN THE JURISDICTION.

3 (II) THE STATE HIGHWAY ADMINISTRATION SHALL PLACE  
4 SIGNS PROMINENTLY PROVIDING NOTICE THAT DISTRACTED DRIVER MONITORING  
5 SYSTEMS ARE IN USE ON STATE HIGHWAYS.

6 (D) A RECORDED IMAGE BY A DISTRACTED DRIVER MONITORING SYSTEM  
7 UNDER THIS SECTION INDICATING THAT THE DRIVER OF A MOTOR VEHICLE HAS  
8 COMMITTED A VIOLATION SHALL INCLUDE:

9 (1) AN IMAGE OF THE MOTOR VEHICLE;

10 (2) AN IMAGE OF AT LEAST ONE OF THE MOTOR VEHICLE'S  
11 REGISTRATION PLATES;

12 (3) THE TIME AND DATE OF THE VIOLATION; AND

13 (4) TO THE EXTENT POSSIBLE, THE LOCATION OF THE VIOLATION.

14 (E) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A  
15 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER  
16 OR, IN ACCORDANCE WITH SUBSECTION (H)(5) OF THIS SECTION, THE DRIVER OF A  
17 MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS  
18 RECORDED BY A DISTRACTED DRIVER MONITORING SYSTEM DURING THE  
19 COMMISSION OF A VIOLATION.

20 (2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED  
21 \$500.

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

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

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

29 (F) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (5)  
30 OF THIS SUBSECTION, AN AGENCY SHALL MAIL TO THE OWNER LIABLE UNDER  
31 SUBSECTION (E) OF THIS SECTION A CITATION THAT SHALL INCLUDE:



1                   (I)    THE NAME AND ADDRESS OF THE REGISTERED OWNER OF  
2 THE VEHICLE;

3                   (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE  
4 INVOLVED IN THE VIOLATION;

5                   (III) THE VIOLATION CHARGED;

6                   (IV) TO THE EXTENT POSSIBLE, THE LOCATION OF THE  
7 VIOLATION;

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

9                   (VI) A COPY OF THE RECORDED IMAGE;

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

12                  (VIII) A SIGNED STATEMENT BY A TECHNICIAN EMPLOYED BY THE  
13 AGENCY THAT, BASED ON THE INSPECTION OF THE RECORDED IMAGE, THE MOTOR  
14 VEHICLE WAS BEING OPERATED DURING THE COMMISSION OF A VIOLATION;

15                  (IX) A STATEMENT THAT THE RECORDED IMAGE IS EVIDENCE OF  
16 A VIOLATION; AND

17                  (X)   INFORMATION ADVISING THE PERSON ALLEGED TO BE  
18 LIABLE UNDER THIS SECTION:

19                   1.    OF THE MANNER AND TIME IN WHICH LIABILITY AS  
20 ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND

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

24                  (2)   THE AGENCY MAY MAIL A WARNING NOTICE IN PLACE OF A  
25 CITATION TO THE OWNER LIABLE UNDER SUBSECTION (E) OF THIS SECTION.

26                  (3)   (I)   BEFORE MAILING A CITATION TO A MOTOR VEHICLE  
27 RENTAL COMPANY LIABLE UNDER SUBSECTION (E) OF THIS SECTION, AN AGENCY  
28 SHALL MAIL A NOTICE TO THE MOTOR VEHICLE RENTAL COMPANY STATING THAT A  
29 CITATION WILL BE MAILED TO THE MOTOR VEHICLE RENTAL COMPANY UNLESS,

1 WITHIN 45 DAYS AFTER RECEIVING THE NOTICE, THE MOTOR VEHICLE RENTAL  
2 COMPANY PROVIDES THE AGENCY WITH:

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

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

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

13 3. PAYMENT FOR THE PENALTY ASSOCIATED WITH THE  
14 VIOLATION.

15 (II) AN AGENCY MAY NOT MAIL A CITATION TO A MOTOR  
16 VEHICLE RENTAL COMPANY LIABLE UNDER SUBSECTION (E) OF THIS SECTION IF  
17 THE MOTOR VEHICLE RENTAL COMPANY COMPLIES WITH SUBPARAGRAPH (I) OF  
18 THIS PARAGRAPH.

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

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

24 (I) PAY THE CIVIL PENALTY IN ACCORDANCE WITH  
25 INSTRUCTIONS ON THE CITATION; OR

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

27 (G) (1) A CERTIFICATE ALLEGING THAT A VIOLATION OCCURRED, SWORN  
28 TO OR AFFIRMED BY A DULY AUTHORIZED AGENT OF AN AGENCY, BASED ON THE  
29 INSPECTION OF A RECORDED IMAGE PRODUCED BY A DISTRACTED DRIVER  
30 MONITORING SYSTEM SHALL BE EVIDENCE OF THE FACTS CONTAINED IN THE  
31 CERTIFICATE AND SHALL BE ADMISSIBLE IN ANY PROCEEDING CONCERNING THE  
32 ALLEGED VIOLATION.

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

3           **(H) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A**  
4 **VIOLATION:**

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

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

12                   **(III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT**  
13 **COURT CONSIDERS PERTINENT.**

14           **(2) TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE**  
15 **REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND**  
16 **WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF**  
17 **THE VIOLATION, THE OWNER MUST SUBMIT PROOF THAT A POLICE REPORT ABOUT**  
18 **THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN A TIMELY**  
19 **MANNER.**

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

25                   **(4) (I) THE PROVISIONS OF THIS PARAGRAPH APPLY ONLY TO A**  
26 **CITATION THAT INVOLVES A CLASS E (TRUCK) VEHICLE WITH A REGISTERED GROSS**  
27 **WEIGHT OF 26,001 POUNDS OR MORE, CLASS F (TRACTOR) VEHICLE, CLASS G**  
28 **(TRAILER) VEHICLE OPERATED IN COMBINATION WITH A CLASS F (TRACTOR)**  
29 **VEHICLE, OR CLASS P (PASSENGER BUS) VEHICLE.**

30                   **(II) TO SATISFY THE EVIDENTIARY BURDEN UNDER**  
31 **PARAGRAPH (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN A CITATION**  
32 **DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY PROVIDE TO THE**  
33 **DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE PERSON AND MAILED**  
34 **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT:**

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

3                   **2. PROVIDES THE NAME, ADDRESS, AND DRIVER'S**  
4 **LICENSE IDENTIFICATION NUMBER OF THE PERSON WHO WAS OPERATING THE**  
5 **VEHICLE AT THE TIME OF THE VIOLATION.**

6                   **(5) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED**  
7 **IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE**  
8 **VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (4)(II)2 OF THIS**  
9 **SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF THE**  
10 **VIOLATION, THE CLERK OF THE COURT SHALL PROVIDE TO THE AGENCY ISSUING**  
11 **THE CITATION A COPY OF ANY EVIDENCE SUBSTANTIATING WHO WAS OPERATING**  
12 **THE VEHICLE AT THE TIME OF THE VIOLATION.**

13                   **(II) ON THE RECEIPT OF SUBSTANTIATING EVIDENCE FROM**  
14 **THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE**  
15 **AGENCY MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (F) OF THIS SECTION**  
16 **TO THE PERSON WHO THE EVIDENCE INDICATES WAS OPERATING THE VEHICLE AT**  
17 **THE TIME OF THE VIOLATION.**

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

21                   **(I) IF THE CIVIL PENALTY IS NOT PAID AND THE VIOLATION IS NOT**  
22 **CONTESTED, THE ADMINISTRATION MAY REFUSE TO REGISTER OR REREGISTER OR**  
23 **MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE.**

24                   **(J) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS**  
25 **SECTION:**

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

30                   **(2) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE**  
31 **INSURANCE COVERAGE.**

32                   **(K) IN CONSULTATION WITH LAW ENFORCEMENT AGENCIES, THE CHIEF**  
33 **JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE ISSUANCE**  
34 **OF CITATIONS, TRIALS FOR VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES**

1 **IMPOSED UNDER THIS SECTION.**

2           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
3 October 1, 2020.