

HOUSE BILL 749

R5

8lr1670
CF SB 551

By: **Delegates R. Lewis, Angel, and Lierman**

Introduced and read first time: February 1, 2018

Assigned to: Environment and Transportation

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 prohibiting the use of a bus lane monitoring camera in a local jurisdiction unless
6 authorized by the governing body by local law enacted after reasonable notice and a
7 public hearing; modifying the jurisdiction of the District Court to include certain
8 proceedings related to bus lane monitoring cameras; providing for the payment of
9 fines imposed and the distribution of revenues collected as a result of violations
10 enforced by a bus lane monitoring camera; providing for the admissibility of recorded
11 images produced by bus lane monitoring cameras; requiring a local jurisdiction,
12 before using a bus lane monitoring camera, to publish notice of the use of the bus
13 lane monitoring camera in a certain manner and install a certain sign identifying
14 the use of a bus lane monitoring camera; prohibiting the issuance of a citation for a
15 violation recorded by a bus lane monitoring camera for a certain period of time after
16 the sign is installed; requiring a local jurisdiction that uses a bus lane monitoring
17 camera in accordance with this Act to designate a certain official or employee as a
18 bus lane monitoring camera operator; requiring the bus lane monitoring camera
19 operator to investigate and respond to certain questions and review certain citations;
20 requiring the bus lane monitoring camera operator to complete certain training and
21 follow certain procedures; requiring the manufacturer of the bus lane monitoring
22 camera to issue a certain certificate to the bus lane monitoring camera operator on
23 completion of the training; requiring that the certificate of training be admitted as
24 evidence in a certain court proceeding; requiring a bus lane monitoring camera to
25 undergo a certain calibration check; requiring an independent calibration laboratory
26 to issue a certain certificate of calibration after the calibration check that is kept on
27 file and admitted as evidence in a certain court proceeding; providing that the driver
28 of a motor vehicle recorded committing a certain violation is subject to a certain civil
29 penalty under certain circumstances; providing that a civil penalty under this Act
30 may not exceed a certain amount; requiring the District Court to prescribe a certain
31 uniform citation form and civil penalty; requiring a law enforcement agency to mail

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 a certain citation to the owner of a certain motor vehicle within a certain time period;
2 specifying the contents of a certain citation; authorizing a law enforcement agency
3 to mail a warning instead of a citation; requiring a law enforcement agency to mail
4 a certain notice to a motor vehicle rental company liable under certain provisions of
5 this Act before mailing a certain citation to the motor vehicle rental company;
6 specifying the contents of a certain notice; prohibiting a law enforcement agency from
7 mailing a certain citation to a certain motor vehicle rental company if the motor
8 vehicle rental company complies with certain provisions of this Act; authorizing a
9 person receiving a certain citation to pay the civil penalty or elect to stand trial;
10 providing that a certain certificate is admissible as evidence in a proceeding
11 concerning a certain violation; providing that a certain adjudication of liability is
12 based on a preponderance of evidence; establishing certain defenses, and
13 requirements for proving the defenses, for a certain violation recorded by a bus lane
14 monitoring camera; requiring the District Court to provide certain evidence to a law
15 enforcement agency under certain circumstances; authorizing a law enforcement
16 agency to mail a certain citation within a certain time period after receiving certain
17 evidence; authorizing the Motor Vehicle Administration to refuse to register or
18 reregister a motor vehicle or suspend the registration of a motor vehicle under
19 certain circumstances; establishing that a violation for which a civil penalty may be
20 imposed under this Act is not a moving violation for certain purposes, may be treated
21 as a parking violation for certain purposes, and may not be considered for certain
22 insurance purposes; requiring the Chief Judge of the District Court, in consultation
23 with law enforcement agencies, to adopt certain procedures; requiring a certain local
24 jurisdiction to submit a certain annual report on or before a certain date and make
25 the report available to the public; specifying the contents of the report; 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 2017 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 2017 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 2017 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 A 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 subparagraph (ii) of this paragraph, may spend
10 any remaining balance solely for public safety purposes, including pedestrian safety
11 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 (5) From the fines collected by Baltimore City as a result of violations
21 enforced by vehicle height monitoring systems, Baltimore City may:

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

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

25 10–311.

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

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

34 (c) A recorded image of a motor vehicle produced by a school bus monitoring
35 camera in accordance with § 21–706.1 of the Transportation Article is admissible in a

1 proceeding concerning a civil citation issued under that section for a violation of § 21–706
2 of the Transportation Article without authentication.

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

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

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

17 **Article – Transportation**

18 21–101.

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

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

23 **21–1132.**

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

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

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

29 (2) **A SCHOOL BUS;**

30 (3) **A BICYCLE; AND**

31 (4) **AN EMERGENCY VEHICLE.**

1 **21-1133.**

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

4 (2) "BUS LANE MONITORING CAMERA" MEANS A CAMERA PLACED ON
5 A MASS TRANSIT VEHICLE OWNED AND OPERATED BY THE MARYLAND TRANSIT
6 ADMINISTRATION THAT IS DESIGNED TO CAPTURE A RECORDED IMAGE OF A DRIVER
7 OF A MOTOR VEHICLE COMMITTING A VIOLATION.

8 (3) "LAW ENFORCEMENT AGENCY" MEANS A LAW ENFORCEMENT
9 AGENCY OF A LOCAL POLITICAL SUBDIVISION THAT IS AUTHORIZED TO ISSUE A
10 CITATION FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL
11 TRAFFIC LAWS OR REGULATIONS.

12 (4) (I) "OWNER" MEANS THE REGISTERED OWNER OF A MOTOR
13 VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR
14 MORE.

15 (II) "OWNER" DOES NOT INCLUDE:

16 1. A MOTOR VEHICLE LEASING COMPANY; OR

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

19 (5) "RECORDED IMAGE" MEANS AN IMAGE RECORDED BY A BUS LANE
20 MONITORING CAMERA:

21 (I) ON:

22 1. A PHOTOGRAPH;

23 2. A MICROPHOTOGRAPH;

24 3. AN ELECTRONIC IMAGE;

25 4. VIDEOTAPE; OR

26 5. ANY OTHER MEDIUM; AND

27 (II) SHOWING A MOTOR VEHICLE AND, ON AT LEAST ONE IMAGE

1 OR PORTION OF TAPE, CLEARLY IDENTIFYING THE REGISTRATION PLATE NUMBER
2 OF THE MOTOR VEHICLE.

3 (6) "VIOLATION" MEANS A VIOLATION OF § 21-1132 OF THIS
4 SUBTITLE.

5 (B) (1) A BUS LANE MONITORING CAMERA MAY NOT BE USED IN A LOCAL
6 JURISDICTION UNLESS ITS USE IS AUTHORIZED BY THE GOVERNING BODY OF THE
7 LOCAL JURISDICTION BY LOCAL LAW ENACTED AFTER REASONABLE NOTICE AND A
8 PUBLIC HEARING.

9 (2) BEFORE USING A BUS LANE MONITORING CAMERA, A LOCAL
10 JURISDICTION SHALL:

11 (I) PUBLISH NOTICE OF THE USE OF BUS LANE MONITORING
12 CAMERAS:

- 13 1. ON ITS WEBSITE; AND
14 2. IN A NEWSPAPER OF GENERAL CIRCULATION IN THE
15 JURISDICTION; AND

16 (II) INSTALL A SIGN THAT:

- 17 1. IS MOUNTED NEAR A SIGN IDENTIFYING A
18 DESIGNATED BUS LANE;
19 2. STATES THAT BUS LANE MONITORING CAMERAS ARE
20 IN USE; AND
21 3. IS DESIGNED AND INSTALLED IN ACCORDANCE WITH
22 THE MARYLAND MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.

23 (3) A CITATION FOR A VIOLATION RECORDED BY A BUS LANE
24 MONITORING CAMERA MAY NOT BE ISSUED:

25 (I) UNTIL A SIGN IDENTIFYING THE USE OF A BUS LANE
26 MONITORING CAMERA IS INSTALLED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS
27 SUBSECTION; AND

28 (II) FOR AT LEAST 15 DAYS AFTER THE SIGN IS INSTALLED.

29 (C) (1) (I) A LOCAL JURISDICTION THAT ENACTS A LOCAL LAW

1 AUTHORIZING THE USE OF A BUS LANE MONITORING CAMERA SHALL DESIGNATE AN
2 OFFICIAL OR EMPLOYEE OF THE LOCAL JURISDICTION AS A BUS LANE MONITORING
3 CAMERA OPERATOR.

4 (II) THE BUS LANE MONITORING CAMERA OPERATOR SHALL:

5 1. INVESTIGATE AND RESPOND TO QUESTIONS OR
6 CONCERNS ABOUT THE LOCAL JURISDICTION'S BUS LANE MONITORING CAMERAS;
7 AND

8 2. REVIEW A CITATION GENERATED BY A BUS LANE
9 MONITORING CAMERA ON THE TIMELY REQUEST OF THE PERSON THAT RECEIVED
10 THE CITATION.

11 (2) (I) THE BUS LANE MONITORING CAMERA OPERATOR SHALL
12 COMPLETE TRAINING BY THE MANUFACTURER OF THE BUS LANE MONITORING
13 CAMERA IN THE PROCEDURES FOR SETTING UP, TESTING, AND OPERATING THE BUS
14 LANE MONITORING CAMERA.

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

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

20 (3) THE BUS LANE MONITORING CAMERA OPERATOR SHALL FILL OUT
21 AND SIGN A DAILY SET-UP LOG FOR EACH BUS LANE MONITORING CAMERA THAT:

22 (I) STATES THE DATE AND TIME WHEN THE CAMERA WAS SET
23 UP;

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

28 (III) SHALL BE KEPT ON FILE; AND

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

31 (D) (1) A BUS LANE MONITORING CAMERA SHALL UNDERGO AN ANNUAL

1 CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION
2 LABORATORY.

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

6 (I) SHALL BE KEPT ON FILE; AND

7 (II) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT
8 PROCEEDING FOR A VIOLATION.

9 (E) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A
10 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER
11 OR, IN ACCORDANCE WITH SUBSECTION (H)(5) OF THIS SECTION, THE DRIVER OF A
12 MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS
13 RECORDED BY A BUS LANE MONITORING CAMERA DURING THE COMMISSION OF A
14 VIOLATION.

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

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

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

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

23 (F) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (5)
24 OF THIS SUBSECTION, A LAW ENFORCEMENT AGENCY SHALL MAIL TO THE OWNER
25 LIABLE UNDER SUBSECTION (E) OF THIS SECTION A CITATION THAT SHALL INCLUDE:

26 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF
27 THE VEHICLE;

28 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE
29 INVOLVED IN THE VIOLATION;

30 (III) THE VIOLATION CHARGED;

1 (IV) TO THE EXTENT POSSIBLE, THE LOCATION OF THE
2 VIOLATION;

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

4 (VI) A COPY OF THE RECORDED IMAGE;

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

7 (VIII) A SIGNED STATEMENT BY A TECHNICIAN EMPLOYED BY THE
8 LAW ENFORCEMENT AGENCY THAT, BASED ON INSPECTION OF THE RECORDED
9 IMAGE, THE MOTOR VEHICLE WAS BEING OPERATED DURING THE COMMISSION OF A
10 VIOLATION;

11 (IX) A STATEMENT THAT THE RECORDED IMAGE IS EVIDENCE OF
12 A VIOLATION; AND

13 (X) INFORMATION ADVISING THE PERSON ALLEGED TO BE
14 LIABLE UNDER THIS SECTION:

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

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

20 (2) A LAW ENFORCEMENT AGENCY MAY MAIL A WARNING NOTICE IN
21 PLACE OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION (E) OF THIS
22 SECTION.

23 (3) (I) BEFORE MAILING A CITATION TO A MOTOR VEHICLE
24 RENTAL COMPANY LIABLE UNDER SUBSECTION (E) OF THIS SECTION, A LAW
25 ENFORCEMENT AGENCY SHALL MAIL A NOTICE TO THE MOTOR VEHICLE RENTAL
26 COMPANY STATING THAT A CITATION WILL BE MAILED TO THE MOTOR VEHICLE
27 RENTAL COMPANY UNLESS, WITHIN 45 DAYS AFTER RECEIVING THE NOTICE, THE
28 MOTOR VEHICLE RENTAL COMPANY PROVIDES THE LAW ENFORCEMENT AGENCY
29 WITH:

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

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

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

8 3. PAYMENT FOR THE PENALTY ASSOCIATED WITH THE
9 VIOLATION.

10 (ii) A LAW ENFORCEMENT AGENCY MAY NOT MAIL A CITATION
11 TO A MOTOR VEHICLE RENTAL COMPANY LIABLE UNDER SUBSECTION (E) OF THIS
12 SECTION IF THE MOTOR VEHICLE RENTAL COMPANY COMPLIES WITH
13 SUBPARAGRAPH (I) OF THIS PARAGRAPH.

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

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

19 (i) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH
20 INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE LOCAL JURISDICTION; OR

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

22 (g) (1) A CERTIFICATE ALLEGING THAT A VIOLATION OCCURRED, SWORN
23 TO OR AFFIRMED BY A DULY AUTHORIZED AGENT OF A LAW ENFORCEMENT AGENCY,
24 BASED ON INSPECTION OF A RECORDED IMAGE PRODUCED BY A BUS LANE
25 MONITORING CAMERA SHALL BE EVIDENCE OF THE FACTS CONTAINED IN THE
26 CERTIFICATE AND SHALL BE ADMISSIBLE IN ANY PROCEEDING CONCERNING THE
27 ALLEGED VIOLATION.

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

30 (h) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A
31 VIOLATION:

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

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

8 **(III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT**
9 **COURT DEEMS PERTINENT.**

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

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

21 **(4) (I) THIS PARAGRAPH APPLIES ONLY TO A CITATION THAT**
22 **INVOLVES A CLASS E (TRUCK) VEHICLE WITH A REGISTERED GROSS WEIGHT OF**
23 **26,001 POUNDS OR MORE, A CLASS F (TRACTOR) VEHICLE, A CLASS G (TRAILER)**
24 **VEHICLE OPERATED IN COMBINATION WITH A CLASS F (TRACTOR) VEHICLE, AND A**
25 **CLASS P (PASSENGER BUS) VEHICLE.**

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

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

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

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

8 **(II) ON THE RECEIPT OF SUBSTANTIATING EVIDENCE FROM**
9 **THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE LAW**
10 **ENFORCEMENT AGENCY MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (E) OF**
11 **THIS SECTION TO THE PERSON THAT THE EVIDENCE INDICATES WAS OPERATING**
12 **THE VEHICLE AT THE TIME OF THE VIOLATION.**

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

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

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

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

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

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

29 **(K) IN CONSULTATION WITH LAW ENFORCEMENT AGENCIES, THE CHIEF**
30 **JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE ISSUANCE**
31 **OF CITATIONS, TRIALS FOR VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES**
32 **IMPOSED UNDER THIS SECTION.**

33 **(L) (1) ON OR BEFORE DECEMBER 31 EACH YEAR, THE LOCAL**

1 **JURISDICTION SHALL:**

2 (I) **COMPILE AND MAKE PUBLICLY AVAILABLE A REPORT FOR**
3 **THE PREVIOUS FISCAL YEAR ON EACH BUS LANE MONITORING PROGRAM OPERATED**
4 **BY A LOCAL JURISDICTION UNDER THIS SECTION; AND**

5 (II) **SUBMIT THE REPORT TO THE GOVERNOR AND, IN**
6 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL**
7 **ASSEMBLY.**

8 (2) **THE REPORT SHALL INCLUDE:**

9 (I) **THE TOTAL NUMBER OF CITATIONS ISSUED;**

10 (II) **THE NUMBER OF CITATIONS ISSUED BY EACH CAMERA;**

11 (III) **THE GROSS REVENUE GENERATED BY THE PROGRAM;**

12 (IV) **THE EXPENDITURES INCURRED BY THE PROGRAM;**

13 (V) **THE NET REVENUE GENERATED BY THE PROGRAM;**

14 (VI) **THE TOTAL AMOUNT OF ANY PAYMENTS MADE TO A**
15 **CONTRACTOR UNDER THE PROGRAM;**

16 (VII) **A DESCRIPTION OF HOW THE NET REVENUE GENERATED BY**
17 **THE PROGRAM WAS USED;**

18 (VIII) **THE NUMBER OF EMPLOYEES OF THE LOCAL JURISDICTION**
19 **INVOLVED IN THE PROGRAM;**

20 (IX) **THE TYPE OF CAMERAS USED BY THE LOCAL JURISDICTION;**

21 **AND**

22 (X) **THE ACTIVATION START AND STOP DATES OF EACH**
23 **CAMERA.**

24 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
25 **October 1, 2018.**