

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 670
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "citation;" insert "requiring the citation to be mailed within a certain time period;"; in line 11, after "considered;" insert "authorizing certain owners to submit a certain letter to the District Court in order to establish a certain defense; authorizing the agency issuing the citation to designate a representative to present evidence in court; providing that the designated representative need not be a law enforcement officer or an attorney; providing for the reissuance of a citation, under certain circumstances, to another person upon a finding by the District Court that the person originally cited for the violation was not operating the vehicle at the time of the violation;"; in line 18, after "terms;" insert "prohibiting the custodian of recorded images produced by a traffic control signal monitoring system from allowing inspection of the recorded images, subject to certain exceptions;"; and after line 30, insert:

"BY adding to

Article - State Government

Section 10-616(n)

Annotated Code of Maryland

(1995 Replacement Volume and 1996 Supplement)".

AMENDMENT NO. 2

On page 3, after line 42, insert:

"Article - State Government

10-616.

(N) (1) IN THIS SUBSECTION, "RECORDED IMAGES" HAS THE MEANING STATED

(Over)

IN § 21-202.1 OF THE TRANSPORTATION ARTICLE.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A CUSTODIAN OF RECORDED IMAGES PRODUCED BY A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM OPERATED UNDER § 21-202.1 OF THE TRANSPORTATION ARTICLE SHALL DENY INSPECTION OF THE RECORDED IMAGES.

(3) A CUSTODIAN SHALL ALLOW INSPECTION OF RECORDED IMAGES:

(I) AS REQUIRED IN § 21-202.1 OF THE TRANSPORTATION ARTICLE;

(II) BY ANY PERSON ISSUED A CITATION UNDER § 21-202.1 OF THE TRANSPORTATION ARTICLE, OR AN ATTORNEY OF RECORD FOR THE PERSON; OR

(III) BY AN EMPLOYEE OR AGENT OF A LAW ENFORCEMENT AGENCY IN AN INVESTIGATION OR PROCEEDING RELATING TO THE IMPOSITION OF CIVIL LIABILITY UNDER § 21-202.1 OF THE TRANSPORTATION ARTICLE.”.

AMENDMENT NO. 3

On page 7, after line 3, insert:

“(2) A CITATION ISSUED UNDER THIS SUBSECTION SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER THE ALLEGED VIOLATION.”;

and in lines 4 and 6, strike “(2)” and “(3)”, respectively, and substitute “(3)” and “(4)”, respectively.

AMENDMENT NO. 4

On page 7, after line 19, insert:

“(3) (I) IN A CONTESTED CASE UNDER THIS SECTION, THE AGENCY ISSUING THE CITATION MAY DESIGNATE A REPRESENTATIVE TO PRESENT EVIDENCE IN COURT.

(II) A REPRESENTATIVE DESIGNATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS NOT REQUIRED TO BE AN ATTORNEY OR A LAW ENFORCEMENT OFFICER.”.

AMENDMENT NO. 5

On page 8, after line 13, insert:

“(4) (I) THE PROVISIONS OF THIS PARAGRAPH APPLY ONLY TO A CITATION THAT INVOLVES A VEHICLE THAT, AT THE TIME OF THE VIOLATION:

1. IS REGISTERED AS A CLASS B (FOR HIRE) VEHICLE, CLASS E (TRUCK) VEHICLE, CLASS F (TRACTOR) VEHICLE, CLASS G (TRAILER) VEHICLE, OR CLASS P (PASSENGER BUS) VEHICLE; OR

2. DISPLAYED CLASS 1A (DEALER) REGISTRATION PLATES.

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

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

2. PROVIDES THE NAME, ADDRESS, AND DRIVER’S LICENSE IDENTIFICATION NUMBER OF THE PERSON WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.”.

AMENDMENT NO. 6

On page 8, before line 14, insert:

“(5) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION, THE CLERK OF THE COURT SHALL PROVIDE TO THE AGENCY ISSUING THE CITATION A COPY OF ANY EVIDENCE SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

(II) UPON RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE

(Over)

DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN AGENCY MAY
ISSUE A CITATION AS PROVIDED IN SUBSECTION (D) OF THIS SECTION TO THE
PERSON THAT THE EVIDENCE INDICATES WAS OPERATING THE VEHICLE AT THE
TIME OF THE VIOLATION.”.