

HB0364/878972/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 364
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after the semicolon insert “altering the speed of a motor vehicle at which a speed monitoring system will produce a recorded image of the vehicle;”; strike beginning with “requiring” in line 10 down through “locations;” in line 13; and in line 22, after “burden;” insert “adding to the list of defenses that the District Court may consider in defense of a certain violation;”.

On page 2, in line 2, after the semicolon insert “requiring a political subdivision and the Comptroller to distribute certain funds in a certain manner;”; strike beginning with “requiring” in line 5 down through “system” in line 8 and substitute “providing that the revenues from civil fines collected under this Act shall be paid in a certain manner;”; strike beginning with “requiring” in line 12 down through “exception;” in line 14; and in line 15, strike “reasonable” and substitute “certain”.

On pages 2 and 3, strike beginning with “requiring” in line 47 on page 2 down through “Court;” in line 1 on page 3.

On page 3, in line 6, strike “restricting the use of certain revenues generated by this Act;”.

AMENDMENT NO. 2

On page 4, in line 35, before “controlled” insert “**OR A SPEED MONITORING SYSTEM**”.

On page 5, in lines 30 and 31, strike “A LOCAL” and substitute “**THE STATE OR A**”.

(Over)

On page 6, in line 5, strike "IMPLEMENT" and substitute "ENFORCE".

On page 7, strike in their entirety lines 8 through 20, inclusive.

On page 7 in lines 21 and 28, and on page 8 in line 5, strike "(III)", "(IV)", and "(V)", respectively, and substitute "(II)", "(III)", and "(IV)", respectively.

On page 10, in lines 4 and 5, strike "LAW ENFORCEMENT OFFICER EMPLOYED BY OR UNDER CONTRACT WITH" and substitute "EMPLOYEE OR AGENT OF".

On page 13, in line 2, after "APPROPRIATE" insert "STATE AND"; in line 3, after "AGENCIES" insert "OR UNITS"; strike beginning with "(1)" in line 6 down through "(2)" in line 9; in line 10, after "JURISDICTION" insert "OR AN AGENCY"; and in lines 33 and 34, strike ", INCLUDING A WORK ZONE SPEED CONTROL SYSTEM,".

On pages 13 and 14, strike beginning with "OR" in line 36 on page 13 down through "SYSTEM" in line 1 on page 14.

On page 17, in line 8, after the semicolon insert "AND"; and strike beginning with "; AND" in line 10 down through "POLICE" in line 11.

On pages 17 and 18, strike in their entirety the lines beginning with line 25 on page 17 through line 1 on page 18, inclusive, and substitute:

"(8) "WORK ZONE SPEED CONTROL SYSTEM OPERATOR" MEANS A POLICE OFFICER WHO HAS BEEN TRAINED AND CERTIFIED TO OPERATE A WORK ZONE SPEED CONTROL SYSTEM."

On page 18, in lines 8 and 9, strike ", ESTABLISHED USING GENERALLY ACCEPTED TRAFFIC ENGINEERING PRACTICES,"; and in lines 18 and 19, strike "AT

A REASONABLE DISTANCE CONSISTENT WITH NATIONAL GUIDELINES” and substitute “WITHIN ONE-QUARTER OF A MILE”.

On page 19, strike in their entirety lines 24 through 29, inclusive.

On page 20, strike in their entirety lines 13 through 17, inclusive, and substitute:

“(D) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION, THE LOCAL POLICE DEPARTMENT OR STATE POLICE DEPARTMENT SHALL MAIL TO THE OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION A CITATION THAT SHALL INCLUDE:”.

On page 24, strike beginning with “THE” in line 13 down through “(K)” in line 17.

On page 25, strike in their entirety lines 17 through 24, inclusive; in line 26, strike “30-day” and substitute “12-month”; and in line 31, strike “, deploys, or operates” and substitute “or deploys”.

On page 25 in lines 25, 30, and 34, and on page 26 in lines 3, 6, 11, and 15, strike “4.”, “5.”, “6.”, “7.”, “8.”, “9.”, and “10.”, respectively, and substitute “3.”, “4.”, “5.”, “6.”, “7.”, “8.”, and “9.”, respectively.

AMENDMENT NO. 3

On page 11, in line 24, strike “and”; and in line 25, after “(iii)” insert “SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THAT THE PERSON NAMED IN THE CITATION WAS A VOLUNTEER FOR AN AMBULANCE, FIRE, OR RESCUE COMPANY OR A LAW ENFORCEMENT AGENCY WHO WAS RESPONDING TO AN EMERGENCY SITUATION AT THE TIME OF THE VIOLATION; AND

(IV)".

On page 12, after line 17, insert:

"(5) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE HEAD OF THE AMBULANCE, FIRE, OR RESCUE COMPANY OR LAW ENFORCEMENT AGENCY FOR WHICH THE PERSON WAS A VOLUNTEER, AND MAILED BY CERTIFIED MAIL RETURN RECEIPT REQUESTED, THAT STATES THAT THE PERSON NAMED IN THE CITATION WAS A VOLUNTEER AND WAS RESPONDING TO AN EMERGENCY AT THE TIME OF THE VIOLATION."

On page 22, in line 27, strike "AND"; and in line 28, after "(III)" insert **"SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THAT THE PERSON NAMED IN THE CITATION WAS A VOLUNTEER FOR AN AMBULANCE, FIRE, OR RESCUE COMPANY OR A LAW ENFORCEMENT AGENCY WHO WAS RESPONDING TO AN EMERGENCY SITUATION AT THE TIME OF THE VIOLATION; AND**

(IV)".

On page 23, after line 26, insert:

"(5) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE HEAD OF THE AMBULANCE, FIRE, OR RESCUE COMPANY OR LAW ENFORCEMENT AGENCY FOR WHICH THE PERSON WAS A VOLUNTEER, AND MAILED BY CERTIFIED MAIL RETURN RECEIPT REQUESTED, THAT STATES THAT THE

PERSON NAMED IN THE CITATION WAS A VOLUNTEER AND WAS RESPONDING TO AN EMERGENCY AT THE TIME OF THE VIOLATION.”.

AMENDMENT NO. 4

On page 6, in line 30, strike “10” and substitute “12”.

On page 18, in line 23, strike “10” and substitute “12”.

AMENDMENT NO. 5

On page 7, in line 23, strike “30 DAYS” and substitute “5 MONTHS”.

AMENDMENT NO. 6

On page 5, after line 4, insert:

“(4) (I) FROM THE FINES COLLECTED BY A POLITICAL SUBDIVISION AS A RESULT OF VIOLATIONS ENFORCED BY SPEED MONITORING SYSTEMS, THE POLITICAL SUBDIVISION:

1. MAY RECOVER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE SPEED MONITORING SYSTEMS; AND

2. SHALL REMIT THE BALANCE COLLECTED TO THE COMPTROLLER ON AN ANNUAL BASIS.

(II) THE COMPTROLLER SHALL DEPOSIT THE MONEY REMITTED UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH IN THE GENERAL FUND OF THE STATE.”.

On page 15, strike in their entirety lines 28 through 33, inclusive, and substitute:

“(2) OF THE CIVIL FINES COLLECTED THROUGH USE OF A WORK ZONE SPEED CONTROL SYSTEM UNDER § 21-810 OF THIS ARTICLE, THE REVENUES SHALL BE PAID TO:

(I) THE STATE HIGHWAY ADMINISTRATION TO COVER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE WORK ZONE SPEED CONTROL SYSTEM; AND

(II) IN THE CASE OF REVENUES BEYOND THOSE NEEDED TO COVER COSTS, TO THE GENERAL FUND OF THE STATE.”.