

PRODUCED BY A SURVEILLANCE SYSTEM, SHALL BE EVIDENCE OF THE FACTS CONTAINED IN THE CERTIFICATE AND SHALL BE ADMISSABLE IN A PROCEEDING ALLEGING A VIOLATION UNDER THIS SECTION.

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

(G) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A VIOLATION:

(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THAT:

1. THE MOTOR VEHICLE WAS STOLEN BEFORE THE VIOLATION OCCURRED AND WAS NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION; OR

2. THE REGISTRATION PLATES OF THE MOTOR VEHICLE WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION;

(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EVIDENCE THAT THE PERSON NAMED IN THE CITATION WAS NOT THE PERSON IN THE SURVEILLANCE IMAGE COMMITTING THE VIOLATION OF THE STATE LITTER CONTROL LAW OR A LOCAL LAW OR ORDINANCE RELATING TO THE UNLAWFUL DISPOSAL OF LITTER; AND

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

(2) IN ORDER TO ASSERT A DEFENSE UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT REGARDING THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN A TIMELY MANNER.

(3) IN ORDER TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE DISTRICT COURT EVIDENCE TO THE SATISFACTION OF THE COURT OF THE IDENTITY OF THE PERSON IN THE SURVEILLANCE IMAGE WHO WAS ACTUALLY COMMITTING THE VIOLATION, INCLUDING, AT A MINIMUM, THE PERSON'S NAME AND CURRENT ADDRESS.

(4) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED IN THE CITATION DID NOT COMMIT THE VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (3) OF THIS SUBSECTION IDENTIFYING THE PERSON WHO COMMITTED THE VIOLATION, THE CLERK OF THE COURT SHALL PROVIDE THE DEPARTMENT WITH A COPY OF ANY EVIDENCE SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

(II) ON RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (E) OF THIS SECTION TO THE PERSON THAT THE EVIDENCE INDICATES COMMITTED THE VIOLATION.