

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

(I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE POLITICAL SUBDIVISION OR TO THE DISTRICT COURT; OR

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

(6) A POLITICAL SUBDIVISION:

(I) MAY RETAIN A PORTION OF THE CIVIL PENALTIES COLLECTED UNDER THIS SECTION TO COVER THE DOCUMENTED COSTS OF IMPLEMENTING AND MAINTAINING SPEED MONITORING SYSTEMS;

(II) MAY RETAIN 33% OF THE CIVIL PENALTIES COLLECTED UNDER THIS SECTION TO BE USED ONLY FOR HOMELAND SECURITY PURPOSES; AND

(III) SHALL REMIT THE REMAINDER TO THE HOMELAND SECURITY FUND ESTABLISHED UNDER ARTICLE 41, § 4-501 OF THE CODE.

(E) (1) A CERTIFICATE ALLEGING THAT THE VIOLATION OF THIS SUBTITLE OCCURRED AND THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION HAVE BEEN SATISFIED, SWORN TO OR AFFIRMED BY A DULY AUTHORIZED AGENT OF POLICE OFFICER EMPLOYED BY THE AGENCY OR A DESIGNATED MUNICIPAL OFFICIAL, BASED ON INSPECTION OF RECORDED IMAGES PRODUCED BY A SPEED MONITORING SYSTEM, SHALL BE EVIDENCE OF THE FACTS CONTAINED THEREIN AND SHALL BE ADMISSIBLE IN ANY PROCEEDING ALLEGING A VIOLATION UNDER THIS SECTION WITHOUT THE PRESENCE OR TESTIMONY OF A SPEED MONITORING SYSTEM OPERATOR WHO PERFORMED THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION.

(2) (I) A CITATION ISSUED TO AN INDIVIDUAL UNDER THIS SECTION SHALL CONTAIN NOTICE OF THE RIGHT TO HAVE A SPEED MONITORING SYSTEM OPERATOR PRESENT TO TESTIFY AT TRIAL.

(II) IF AN INDIVIDUAL REQUESTS A SPEED MONITORING SYSTEM OPERATOR TO BE PRESENT TO TESTIFY AT TRIAL, THE INDIVIDUAL SHALL NOTIFY THE COURT AND THE LOCAL JURISDICTION IN WRITING NO LATER THAN 20 DAYS BEFORE THE TRIAL.

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

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

(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THAT THE MOTOR VEHICLE OR 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;