

SENATE BILL 193

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R5

2003 Regular Session
(31r0849)

ENROLLED BILL

-- *Judicial Proceedings/Environmental Matters* --

Introduced by Senators Della and Harris, Harris, Forehand, Green, Haines, Jacobs, Jimeno, and Mooney

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER 218

1 AN ACT concerning

2 **Vehicle Laws - Traffic Control Signal Monitoring Systems - Yellow Signals**
3 **and Minimum Speed Thresholds**

4 FOR the purpose of requiring certain agencies primarily responsible for traffic control
5 at certain intersections with traffic control signal monitoring systems to ensure
6 that the length of the yellow light change interval, which warns that the traffic
7 control signal light will turn red, is set ~~for certain minimum times for certain~~
8 ~~posted approach speeds in accordance with regulations adopted by the State~~
9 Highway Administration consistent with certain standards or guidelines
10 established by the Federal Highway Administration; establishing a certain
11 minimum speed threshold below which recorded images of motor vehicles
12 entering an intersection against a red signal indication will not be produced;
13 requiring the State Highway Administration to adopt certain regulations by a
14 certain date; and generally relating to the establishment of minimum certain
15 time intervals for the display of yellow signals ~~and minimum speed thresholds~~
16 ~~for the production of recorded images of motor vehicles entering intersections~~

1 ~~against a red signal~~ at an intersection monitored by a traffic control monitoring
2 system.

3 BY repealing and reenacting, with amendments,
4 Article - Transportation
5 Section 21-202.1
6 Annotated Code of Maryland
7 (2002 Replacement Volume)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article - Transportation**

11 21-202.1.

12 (a) (1) In this section the following words have the meanings indicated.

13 (2) "Agency" means:

14 (i) For a traffic control signal operated and maintained at an
15 intersection under the control of the State, the law enforcement agency primarily
16 responsible for traffic control at that intersection; or

17 (ii) For a traffic control signal operated and maintained at an
18 intersection under the control of a political subdivision, a law enforcement agency of
19 the political subdivision that is authorized to issue citations for a violation of the
20 Maryland Vehicle Law or of local traffic laws or regulations.

21 (3) (i) "Owner" means the registered owner of a motor vehicle or a
22 lessee of a motor vehicle under a lease of 6 months or more.

23 (ii) "Owner" does not include a motor vehicle rental or leasing
24 company or a holder of a special registration plate issued under Part III of Title 13,
25 Subtitle 9 of this article.

26 (4) "Recorded images" means images recorded by a traffic control signal
27 monitoring system:

28 (i) On:

- 29 1. Two or more photographs;
- 30 2. Two or more microphotographs;
- 31 3. Two or more electronic images;
- 32 4. Videotape; or
- 33 5. Any other medium; and

1 (ii) Showing the rear of a motor vehicle and, on at least one image
2 or portion of tape, clearly identifying the registration plate number of the motor
3 vehicle.

4 (5) "Traffic control signal monitoring system" means a device with one or
5 more motor vehicle sensors working in conjunction with a traffic control signal to
6 produce recorded images of motor vehicles entering an intersection against a red
7 signal indication.

8 (B) THE AGENCY PRIMARILY RESPONSIBLE FOR TRAFFIC CONTROL AT AN
9 INTERSECTION MONITORED BY A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM
10 SHALL ENSURE THAT THE LENGTH OF TIME THAT A TRAFFIC CONTROL SIGNAL
11 DISPLAYS A YELLOW LIGHT BEFORE CHANGING TO A RED SIGNAL INDICATION IS SET
12 ~~FOR THE FOLLOWING MINIMUM TIME PERIODS: IN ACCORDANCE WITH~~
13 REGULATIONS ADOPTED BY THE STATE HIGHWAY ADMINISTRATION CONSISTENT
14 WITH STANDARDS OR GUIDELINES ESTABLISHED BY THE FEDERAL HIGHWAY
15 ADMINISTRATION.

16 ~~(1) WHERE THE POSTED APPROACH SPEED IS 25 MILES PER HOUR OR~~
17 ~~LESS, NOT LESS THAN 3.0 SECONDS;~~

18 ~~(2) WHERE THE POSTED APPROACH SPEED IS 30 MILES PER HOUR, NOT~~
19 ~~LESS THAN 3.2 SECONDS;~~

20 ~~(3) WHERE THE POSTED APPROACH SPEED IS 35 MILES PER HOUR, NOT~~
21 ~~LESS THAN 3.6 SECONDS;~~

22 ~~(4) WHERE THE POSTED APPROACH SPEED IS 40 MILES PER HOUR, NOT~~
23 ~~LESS THAN 3.9 SECONDS;~~

24 ~~(5) WHERE THE POSTED APPROACH SPEED IS 45 MILES PER HOUR, NOT~~
25 ~~LESS THAN 4.3 SECONDS;~~

26 ~~(6) WHERE THE POSTED APPROACH SPEED IS 50 MILES PER HOUR, NOT~~
27 ~~LESS THAN 4.7 SECONDS;~~

28 ~~(7) WHERE THE POSTED APPROACH SPEED IS 55 MILES PER HOUR, NOT~~
29 ~~LESS THAN 5.0 SECONDS;~~

30 ~~(8) WHERE THE POSTED APPROACH SPEED IS 60 MILES PER HOUR, NOT~~
31 ~~LESS THAN 5.4 SECONDS; AND~~

32 ~~(9) WHERE THE POSTED APPROACH SPEED IS 65 MILES PER HOUR, NOT~~
33 ~~LESS THAN 5.8 SECONDS.~~

34 ~~(C) THE AGENCY PRIMARILY RESPONSIBLE FOR TRAFFIC CONTROL AT AN~~
35 ~~INTERSECTION MONITORED BY A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM~~
36 ~~SHALL ENSURE THAT THE MINIMUM SPEED THRESHOLD, BELOW WHICH A~~
37 ~~RECORDED IMAGE OF A MOTOR VEHICLE ENTERING AN INTERSECTION AGAINST A~~

1 ~~RED SIGNAL INDICATION IS NOT PRODUCED, IS SET FOR NO MORE THAN 12 MILES~~
 2 ~~PER HOUR.~~

3 [(b)] ~~(D)~~ (C) This section applies to a violation of § 21-202(h) of this subtitle
 4 at an intersection monitored by a traffic control signal monitoring system.

5 [(c)] ~~(E)~~ (D) (1) Unless the driver of the motor vehicle received a citation
 6 from a police officer at the time of the violation, the owner or, in accordance with
 7 subsection [(f)(5)] ~~(H)(5)~~ (G)(5) of this section, the driver of a motor vehicle is subject to
 8 a civil penalty if the motor vehicle is recorded by a traffic control signal monitoring
 9 system while being operated in violation of § 21-202(h) of this subtitle.

10 (2) A civil penalty under this subsection may not exceed \$100.

11 (3) For purposes of this section, the District Court shall prescribe:

12 (i) A uniform citation form consistent with subsection [(d)(1)] ~~(F)(1)~~
 13 (E)(1) of this section and § 7-302 of the Courts and Judicial Proceedings Article; and

14 (ii) A civil penalty, which shall be indicated on the citation, to be
 15 paid by persons who choose to prepay the civil penalty without appearing in District
 16 Court.

17 [(d)] ~~(F)~~ (E) (1) Subject to the provisions of paragraphs (2) through (4) of
 18 this subsection, an agency shall mail to the owner liable under subsection [(c)] ~~(E)~~ (D)
 19 of this section a citation which shall include:

20 (i) The name and address of the registered owner of the vehicle;

21 (ii) The registration number of the motor vehicle involved in the
 22 violation;

23 (iii) The violation charged;

24 (iv) The location of the intersection;

25 (v) The date and time of the violation;

26 (vi) A copy of the recorded image;

27 (vii) The amount of the civil penalty imposed and the date by which
 28 the civil penalty should be paid;

29 (viii) A signed statement by a technician employed by the agency
 30 that, based on inspection of recorded images, the motor vehicle was being operated in
 31 violation of § 21-202(h) of this subtitle;

32 (ix) A statement that recorded images are evidence of a violation of
 33 § 21-202(h) of this subtitle; and

1 (x) Information advising the person alleged to be liable under this
2 section:

3 1. Of the manner and time in which liability as alleged in the
4 citation may be contested in the District Court; and

5 2. Warning that failure to pay the civil penalty or to contest
6 liability in a timely manner is an admission of liability and may result in refusal or
7 suspension of the motor vehicle registration.

8 (2) The agency may mail a warning notice in lieu of a citation to the
9 owner liable under subsection [(c)] ~~(E)~~ (D) of this section.

10 (3) Except as provided in subsection [(f)(5)] ~~(H)(5)~~ (G)(5) of this section, a
11 citation issued under this section shall be mailed no later than 2 weeks after the
12 alleged violation.

13 (4) An agency may not mail a citation to a person who is not an owner
14 under subsection (a)(3)(ii) of this section.

15 (5) A person who receives a citation under paragraph (1) of this
16 subsection may:

17 (i) Pay the civil penalty, in accordance with instructions on the
18 citation, directly to the political subdivision or to the District Court; or

19 (ii) Elect to stand trial for the alleged violation.

20 [(e)] ~~(G)~~ (F) (1) A certificate alleging that the violation of § 21-202(h) of
21 this article occurred, sworn to or affirmed by a duly authorized agent of the agency,
22 based on inspection of recorded images produced by a traffic control signal monitoring
23 system shall be evidence of the facts contained therein and shall be admissible in any
24 proceeding alleging a violation under this section.

25 (2) Adjudication of liability shall be based on a preponderance of
26 evidence.

27 [(f)] ~~(H)~~ (G) (1) The District Court may consider in defense of a violation:

28 (i) That the driver of the vehicle passed through the intersection in
29 violation of § 21-202(h) of this subtitle:

30 1. In order to yield the right-of-way to an emergency vehicle;
31 or

32 2. As part of a funeral procession in accordance with §
33 21-207 of this subtitle;

34 (ii) Subject to paragraph (2) of this subsection, that the motor
35 vehicle or registration plates of the motor vehicle were stolen before the violation

1 occurred and were not under the control or possession of the owner at the time of the
2 violation;

3 (iii) That under § 21-201 of this subtitle, this section is
4 unenforceable against the owner because at the time and place of the alleged
5 violation, the traffic control signal was not in proper position and legible enough to be
6 seen by an ordinarily observant individual;

7 (iv) Subject to paragraph (3) of this subsection, evidence that the
8 person named in the citation was not operating the vehicle at the time of the
9 violation; and

10 (v) Any other issues and evidence that the District Court deems
11 pertinent.

12 (2) In order to demonstrate that the motor vehicle or the registration
13 plates were stolen before the violation occurred and were not under the control or
14 possession of the owner at the time of the violation, the owner must submit proof that
15 a police report about the stolen motor vehicle or registration plates was filed in a
16 timely manner.

17 (3) To satisfy the evidentiary burden under paragraph (1)(iv) of this
18 subsection, the person named in the citation shall provide to the District Court
19 evidence to the satisfaction of the court of who was operating the vehicle at the time
20 of the violation, including, at a minimum, the operator's name and current address.

21 (4) (i) The provisions of this paragraph apply only to a citation that
22 involves a Class E (truck) vehicle with a registered gross weight of 26,001 pounds or
23 more, Class F (tractor) vehicle, Class G (trailer) vehicle operated in combination with
24 a Class F (tractor) vehicle, and Class P (passenger bus) vehicle.

25 (ii) To satisfy the evidentiary burden under paragraph (1)(iv) of this
26 subsection, the person named in a citation described under subparagraph (i) of this
27 paragraph may provide to the District Court a letter, sworn to or affirmed by the
28 person and mailed by certified mail, return receipt requested, that:

29 1. States that the person named in the citation was not
30 operating the vehicle at the time of the violation; and

31 2. Provides the name, address, and driver's license
32 identification number of the person who was operating the vehicle at the time of the
33 violation.

34 (5) (i) If the District Court finds that the person named in the citation
35 was not operating the vehicle at the time of the violation or receives evidence under
36 paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at the
37 time of the violation, the clerk of the court shall provide to the agency issuing the
38 citation a copy of any evidence substantiating who was operating the vehicle at the
39 time of the violation.

1 (ii) Upon the receipt of substantiating evidence from the District
2 Court under subparagraph (i) of this paragraph, an agency may issue a citation as
3 provided in subsection [(d)] ~~(E)~~ (E) of this section to the person that the evidence
4 indicates was operating the vehicle at the time of the violation.

5 (iii) A citation issued under subparagraph (ii) of this paragraph
6 shall be mailed no later than 2 weeks after receipt of the evidence from the District
7 Court.

8 [(g)] ~~(H)~~ (H) If the civil penalty is not paid and the violation is not contested,
9 the Administration may refuse to register or reregister or may suspend the
10 registration of the motor vehicle.

11 [(h)] ~~(I)~~ (I) A violation for which a civil penalty is imposed under this
12 section:

13 (1) Is not a moving violation for the purpose of assessing points under §
14 16-402 of this article and may not be recorded by the Administration on the driving
15 record of the owner or driver of the vehicle;

16 (2) May be treated as a parking violation for purposes of § 26-305 of this
17 article; and

18 (3) May not be considered in the provision of motor vehicle insurance
19 coverage.

20 [(i)] ~~(K)~~ (J) In consultation with local governments, the chief judge of the
21 District Court shall adopt procedures for the issuance of citations, the trial of civil
22 violations, and the collection of civil penalties under this section.

23 SECTION 2. AND BE IT FURTHER ENACTED, That the State Highway
24 Administration shall adopt regulations carrying out the provisions of § 21-202.1(b) of
25 the Transportation Article of the Annotated Code of Maryland as provided in Section
26 1 of this Act by October 1, 2003.

27 SECTION 2-3. AND BE IT FURTHER ENACTED, That this Act shall take
28 effect October 1, 2003.