

SENATE BILL 277

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By: **The President (By Request - Administration) and Senators Robey, Forehand, Klausmeier, and Peters**

Introduced and read first time: January 23, 2009

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Speed Monitoring Systems - Statewide Authorization and Use**
3 **in Highway Work Zones**

4 FOR the purpose of expanding to all counties and municipalities in the State the
5 authority to use certain speed monitoring systems to enforce certain highway
6 speed laws under certain standards and procedures; altering the speed of a
7 motor vehicle at which a speed monitoring system will produce a recorded
8 image of the vehicle; prohibiting the use of a speed monitoring system in a local
9 jurisdiction unless authorized by the governing body by ordinance or resolution
10 adopted after reasonable notice and a public hearing; requiring a county, before
11 using a speed monitoring system at certain locations, to obtain certain approval,
12 provide certain notice, and provide a municipal corporation instead of the
13 county the opportunity to use a speed monitoring system at the locations;
14 requiring certain local ordinances or resolutions to provide for the issuance of
15 warnings during a certain period for certain violations; increasing the
16 maximum speed limit for the purpose of establishing residential highways on
17 which speed laws may be enforced using speed monitoring systems; requiring a
18 local jurisdiction to publish a certain notice before activating a certain speed
19 monitoring system; requiring a certain speed monitoring system placed in a
20 certain location to be calibrated only to record images of motor vehicles
21 traveling at or above a certain speed; repealing a certain requirement that an
22 individual provide certain information to satisfy a certain evidentiary burden;
23 requiring the Chief Judge of the District Court to consult with certain agencies
24 in adopting certain procedures; clarifying that certain fines for certain motor
25 vehicle violations shall be paid to the District Court; expanding the pool of
26 entities authorized to administer a speed monitoring program; authorizing the
27 placement of certain work zone speed control systems on certain highways
28 under certain circumstances; requiring the Comptroller to distribute to the
29 State Highway Administration the revenues from civil fines collected under this
30 Act in an amount to cover the costs of implementing and administering the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 work zone speed control system; limiting the issuance of citations to owners or
2 drivers of vehicles that exceed certain speeds; requiring a work zone speed
3 control system operator to complete certain training and follow certain
4 procedures; requiring a work zone speed control system to undergo certain
5 calibration; requiring the procurement of a work zone speed control system by a
6 unit of State government to be conducted in a certain manner; requiring the
7 State Highway Administration to place a certain road sign within a reasonable
8 distance of a highway work zone containing a speed monitoring system;
9 providing that certain owners or drivers of motor vehicles, recorded by a work
10 zone speed control system while being operated in violation of certain speed
11 limit laws, are subject to certain penalties; authorizing certain police
12 departments to mail a certain citation to the owner of a motor vehicle;
13 establishing certain civil penalties for a violation of certain provisions of this
14 Act; requiring certain citations to include certain information; authorizing a
15 police department to send a warning instead of a citation under certain
16 circumstances; authorizing the police department to reissue a citation to the
17 driver of a vehicle under certain circumstances; requiring certain citations to be
18 mailed within certain time periods; requiring the District Court to prescribe a
19 certain citation form and to indicate the amount of a certain civil penalty on the
20 citation; establishing the standard of proof in a trial for certain violations of this
21 Act; authorizing persons receiving certain citations to have the work zone speed
22 control system operator be present and able to testify at trial; providing that
23 certain persons are responsible for paying the civil penalty indicated on the
24 citation under certain circumstances; providing that persons receiving certain
25 citations may elect to stand trial in the District Court; establishing defenses
26 that the District Court may consider; authorizing vehicle owners to submit a
27 certain letter to the District Court to establish a certain defense; authorizing
28 the Motor Vehicle Administration to impose certain penalties if the person cited
29 for violating certain provisions of this Act fails to pay the civil penalty or contest
30 liability; prohibiting certain violations under this Act from being considered for
31 certain purposes; providing for the admissibility and use of certain evidence;
32 modifying the jurisdiction of the District Court to include certain proceedings;
33 providing for the handling of certain court costs and penalties; clarifying certain
34 language; prohibiting an insurer from considering a certain civil penalty for
35 purposes of reclassifying an insured; prohibiting the custodian of recorded
36 images produced by a work zone speed control system from allowing inspection
37 of the recorded images, subject to certain exceptions; requiring the Department
38 of State Police and the State Highway Administration jointly to adopt
39 regulations establishing the standards and procedures for work zone speed
40 control systems; requiring certain State and local entities to administer and
41 process civil citations issued under this Act in consultation with the District
42 Court; providing that the fees of certain contractors may not be contingent on
43 the number of citations issued or paid under this Act; requiring the issuance of
44 warnings for a certain time period for certain violations; defining certain terms;
45 repealing a certain definition; altering a certain definition; making certain
46 stylistic changes; making a technical correction; restricting the use of certain
47 revenues generated by this Act; requiring a local jurisdiction to remit revenue
48 generated from the use of speed monitoring systems to the Comptroller for

1 deposit to the General Fund of the State if the revenue is not spent within a
2 certain period of time; requiring a political subdivision to submit a certain
3 report under certain circumstances; providing for the application of this Act;
4 providing that existing obligations or contract rights may not be impaired by
5 this Act; providing that certain provisions of this Act do not apply to certain
6 speed monitoring systems in Montgomery County; requiring certain local
7 jurisdictions to issue a certain report by a certain date; and generally relating to
8 the use of speed monitoring systems to enforce certain laws regarding the
9 operation of motor vehicles in excess of certain speed limits.

10 BY repealing and reenacting, with amendments,
11 Article – Courts and Judicial Proceedings
12 Section 4–401(13), 7–301(a), 7–302(e), and 10–311
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2008 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Insurance
17 Section 11–215(e) and 11–318(e)
18 Annotated Code of Maryland
19 (2003 Replacement Volume and 2008 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – State Government
22 Section 10–616(o)
23 Annotated Code of Maryland
24 (2004 Replacement Volume and 2008 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article – Transportation
27 Section 12–118(c), 21–809, 26–305(a), and 26–401
28 Annotated Code of Maryland
29 (2006 Replacement Volume and 2008 Supplement)

30 BY adding to
31 Article – Transportation
32 Section 21–810
33 Annotated Code of Maryland
34 (2006 Replacement Volume and 2008 Supplement)

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

37 **Article – Courts and Judicial Proceedings**

38 7–302.

(e) (1) A citation issued pursuant to § 21-202.1 or § 21-809 of the Transportation Article shall provide that the person receiving the citation may elect to stand trial by notifying the issuing agency of the person's intention to stand trial at least 5 days prior to the date of payment as set forth in the citation. On receipt of the notice to stand trial, the agency shall forward to the District Court having venue a copy of the citation and a copy of the notice from the person who received the citation indicating the person's intention to stand trial. On receipt thereof, the District Court shall schedule the case for trial and notify the defendant of the trial date under procedures adopted by the Chief Judge of the District Court.

(2) A citation issued as the result of a traffic control signal monitoring system or speed monitoring system controlled by a political subdivision shall provide that, in an uncontested case, the penalty shall be paid directly to that political subdivision. A citation issued as the result of a traffic control signal monitoring system controlled by a State [agency or a speed monitoring system,] **AGENCY, OR AS A RESULT OF A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM OR A SPEED MONITORING SYSTEM** in a case contested in District Court, shall provide that the penalty shall be paid directly to the District Court.

(3) Civil penalties resulting from citations issued using traffic control signal monitoring systems or speed monitoring systems that are collected by the District Court shall be collected in accordance with subsection (a) of this section and distributed in accordance with § 12-118 of the Transportation Article.

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

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

2. SUBJECT TO SUBPARAGRAPHS (II), (III), AND (IV) OF THIS PARAGRAPH, MAY SPEND ANY REMAINING BALANCE SOLELY FOR RELATED PUBLIC SAFETY PURPOSES, INCLUDING PEDESTRIAN SAFETY PROGRAMS.

(II) 1. IF A POLITICAL SUBDIVISION DOES NOT SPEND FUNDS ELIGIBLE TO BE SPENT IN ACCORDANCE WITH SUBPARAGRAPH (I)2 OF THIS PARAGRAPH WITHIN 2 YEARS AFTER THE END OF THE FISCAL YEAR IN WHICH THE FUNDS WERE COLLECTED, THE POLITICAL SUBDIVISION SHALL REMIT THE UNSPENT FUNDS TO THE COMPTROLLER ON AN ANNUAL BASIS.

2. THE COMPTROLLER SHALL DEPOSIT ANY MONEY REMITTED UNDER THIS SUBPARAGRAPH TO THE GENERAL FUND OF THE STATE.

1 (III) FUNDS SPENT IN ACCORDANCE WITH SUBPARAGRAPH
2 (I)2 OF THIS PARAGRAPH SHALL BE USED TO SUPPLEMENT AND MAY NOT
3 SUPPLANT EXISTING LOCAL EXPENDITURES FOR THE SAME PURPOSE.

4 (IV) IN ANY YEAR THAT A POLITICAL SUBDIVISION SPENDS
5 FUNDS ELIGIBLE TO BE SPENT IN ACCORDANCE WITH SUBPARAGRAPH (I)2 OF
6 THIS PARAGRAPH, THE POLITICAL SUBDIVISION SHALL FILE A REPORT BY
7 DECEMBER 1 OF THAT YEAR WITH THE GOVERNOR AND, IN ACCORDANCE WITH
8 § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY,
9 DETAILING THE AMOUNT AND PURPOSES OF THE EXPENDITURE.

10 Article – State Government

11 10-616.

12 (o) (1) In this subsection, “recorded images” has the meaning stated in §
13 21-202.1 or § 21-809 of the Transportation Article.

14 (2) Except as provided in paragraph (3) of this subsection, a custodian
15 of recorded images produced by a traffic control signal monitoring system operated
16 under § 21-202.1 of the Transportation Article or a speed monitoring system operated
17 under § 21-809 of the Transportation Article shall deny inspection of the recorded
18 images.

19 (3) A custodian shall allow inspection of recorded images:

20 (i) as required in § 21-202.1 or § 21-809 of the Transportation
21 Article;

22 (ii) by any person issued a citation under § 21-202.1 or § 21-809
23 of the Transportation Article, or an attorney of record for the person; or

24 (iii) by an employee or agent of [a law enforcement] AN agency
25 in an investigation or proceeding relating to the imposition of or indemnification from
26 civil liability pursuant to § 21-202.1 or § 21-809 of the Transportation Article.

27 Article – Transportation

28 21-809.

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

30 [(2) “Local police department” means:

31 (i) The Montgomery County Department of Police; and

1 (ii) The police department of any municipal corporation in
2 Montgomery County.]

3 (2) “AGENCY” MEANS:

4 (I) A LAW ENFORCEMENT AGENCY OF A LOCAL POLITICAL
5 SUBDIVISION THAT IS AUTHORIZED TO ISSUE A CITATION FOR A VIOLATION OF
6 THE MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR REGULATIONS;
7 OR

8 (II) FOR A MUNICIPAL CORPORATION THAT DOES NOT
9 MAINTAIN A POLICE FORCE, AN AGENCY ESTABLISHED OR DESIGNATED BY THE
10 MUNICIPAL CORPORATION TO IMPLEMENT THIS SUBTITLE USING SPEED
11 MONITORING SYSTEMS IN ACCORDANCE WITH THIS SECTION.

12 (3) (i) “Owner” means the registered owner of a motor vehicle or a
13 lessee of a motor vehicle under a lease of 6 months or more.

14 (ii) “Owner” does not include:

- 15 1. A motor vehicle rental or leasing company; or
16 2. A holder of a special registration plate issued under
17 Title 13, Subtitle 9, Part III of this article.

18 (4) “Recorded image” means an image recorded by a speed monitoring
19 system:

20 (i) On:

- 21 1. A photograph;
22 2. A microphotograph;
23 3. An electronic image;
24 4. Videotape; or
25 5. Any other medium; and

26 (ii) Showing:

- 27 1. The rear of a motor vehicle;
28 2. At least two time-stamped images of the motor
29 vehicle that include the same stationary object near the motor vehicle; and

1 3. On at least one image or portion of tape, a clear **AND**
2 **LEGIBLE** identification of the **ENTIRE** registration plate number of the motor vehicle.

3 (5) “Speed monitoring system” means a device with one or more motor
4 vehicle sensors producing recorded images of motor vehicles traveling at speeds at
5 least [10] **12** miles per hour above the posted speed limit.

6 (6) “Speed monitoring system operator” means [an individual who] **A**
7 **REPRESENTATIVE OF AN AGENCY OR CONTRACTOR THAT** operates a speed
8 monitoring system.

9 (b) **(1) (I) A SPEED MONITORING SYSTEM MAY NOT BE USED IN A**
10 **LOCAL JURISDICTION UNDER THIS SECTION UNLESS ITS USE IS AUTHORIZED BY**
11 **THE GOVERNING BODY OF THE LOCAL JURISDICTION BY LOCAL LAW ENACTED**
12 **AFTER REASONABLE NOTICE AND A PUBLIC HEARING.**

13 **(II) BEFORE A COUNTY MAY USE A SPEED MONITORING**
14 **SYSTEM ON A STATE HIGHWAY AT A LOCATION WITHIN A MUNICIPAL**
15 **CORPORATION, THE COUNTY SHALL:**

16 **1. OBTAIN THE APPROVAL OF THE STATE HIGHWAY**
17 **ADMINISTRATION;**

18 **2. NOTIFY THE MUNICIPAL CORPORATION OF THE**
19 **STATE HIGHWAY ADMINISTRATION’S APPROVAL OF THE USE OF A SPEED**
20 **MONITORING SYSTEM AT THAT LOCATION; AND**

21 **3. GRANT THE MUNICIPAL CORPORATION 60 DAYS**
22 **FROM THE DATE OF THE COUNTY’S NOTICE TO THE MUNICIPAL CORPORATION**
23 **TO ENACT AN ORDINANCE AUTHORIZING THE MUNICIPAL CORPORATION**
24 **INSTEAD OF THE COUNTY TO USE A SPEED MONITORING SYSTEM AT THAT**
25 **LOCATION.**

26 **(III) AN ORDINANCE OR RESOLUTION ADOPTED BY THE**
27 **GOVERNING BODY OF A LOCAL JURISDICTION UNDER THIS PARAGRAPH SHALL**
28 **PROVIDE THAT FOR A PERIOD OF AT LEAST 30 DAYS AFTER THE FIRST SPEED**
29 **MONITORING SYSTEM IS PLACED IN THE LOCAL JURISDICTION, A VIOLATION**
30 **RECORDED BY ANY SPEED MONITORING SYSTEM IN THE LOCAL JURISDICTION**
31 **MAY BE ENFORCED ONLY BY THE ISSUANCE OF A WARNING.**

32 **[(1)] (IV) This section applies to a violation of this subtitle [that**
33 **occurs in Montgomery County] recorded by a speed monitoring system that meets the**
34 **requirements of this subsection and has been placed:**

1 [(i)] 1. On a highway in a residential [district] **DISTRICT**, as
2 defined in § 21–101 of this [title:

3 1. With] **TITLE, WITH** a maximum posted speed limit of
4 [35] **45** miles per [hour; and

5 2. That has a speed limit that] **HOUR, WHICH SPEED**
6 **LIMIT** was established using generally accepted traffic engineering practices; or

7 [(ii)] 2. In a school zone established under § 21–803.1 of this
8 subtitle.

9 (v) **BEFORE ACTIVATING AN UNMANNED STATIONARY**
10 **SPEED MONITORING SYSTEM, THE LOCAL JURISDICTION SHALL:**

11 1. **PUBLISH NOTICE OF THE LOCATION OF THE**
12 **SPEED MONITORING SYSTEM ON ITS WEBSITE AND IN A NEWSPAPER OF**
13 **GENERAL CIRCULATION IN THE JURISDICTION; AND**

14 2. **ENSURE THAT EACH SIGN THAT DESIGNATES A**
15 **SCHOOL ZONE INDICATES THAT SPEED MONITORING SYSTEMS ARE IN USE IN**
16 **SCHOOL ZONES.**

17 (2) (i) A speed monitoring system operator shall complete training
18 by a manufacturer of speed monitoring systems in the procedures for setting up and
19 operating the speed monitoring system.

20 (ii) The manufacturer shall issue a signed certificate to the
21 speed monitoring system operator [upon] **ON** completion of the training.

22 (iii) The certificate of training shall be admitted as evidence in
23 any court proceeding for a violation of this section.

24 (3) A speed monitoring system operator shall fill out and sign a daily
25 set-up log for a speed monitoring system that:

26 (i) States that the speed monitoring system operator
27 successfully performed the manufacturer-specified self-test of the speed monitoring
28 system prior to producing a recorded image;

29 (ii) Shall be kept on file; and

30 (iii) Shall be admitted as evidence in any court proceeding for a
31 violation of this section.

1 (4) (i) A speed monitoring system shall undergo an annual
2 calibration check performed by an independent calibration laboratory.

3 (ii) The independent calibration laboratory shall issue a signed
4 certificate of calibration after the annual calibration check[, which] **THAT**:

5 1. Shall be kept on file; and

6 2. Shall be admitted as evidence in any court proceeding
7 for a violation of this section.

8 **(5) (I) THIS PARAGRAPH DOES NOT APPLY TO A SPEED**
9 **MONITORING SYSTEM PLACED IN A SCHOOL ZONE.**

10 **(II) IF A SPEED MONITORING SYSTEM IS PLACED WITHIN**
11 **250 FEET AFTER THE LOCATION OF A SIGN DECREASING THE MAXIMUM SPEED**
12 **LIMIT ON THE HIGHWAY, THE SPEED MONITORING SYSTEM SHALL BE**
13 **CALIBRATED ONLY TO RECORD IMAGES OF MOTOR VEHICLES TRAVELING AT**
14 **SPEEDS AT LEAST 12 MILES PER HOUR ABOVE THE POSTED SPEED LIMIT IN**
15 **EFFECT BEFORE THE LOCATION OF THE SIGN.**

16 (c) (1) Unless the driver of the motor vehicle received a citation from a
17 police officer at the time of the violation, the owner or, in accordance with subsection
18 (f)(4) of this section, the driver of a motor vehicle is subject to a civil penalty if the
19 motor vehicle is recorded by a speed monitoring system while being operated in
20 violation of this subtitle.

21 (2) A civil penalty under this subsection may not exceed \$40.

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

23 (i) A uniform citation form consistent with subsection (d)(1) of
24 this section and § 7-302 of the Courts Article; and

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

28 (d) (1) Subject to the provisions of paragraphs (2) through (4) of this
29 subsection, [the local police department] **AN AGENCY** shall mail to [the owner,] **AN**
30 **OWNER** liable under subsection (c) of this section[,] a citation that shall include:

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

32 (ii) The registration number of the motor vehicle involved in the
33 violation;

- 1 (iii) The violation charged;
- 2 (iv) The location where the violation occurred;
- 3 (v) The date and time of the violation;
- 4 (vi) A copy of the recorded image;
- 5 (vii) The amount of the civil penalty imposed and the date by
6 which the civil penalty should be paid;
- 7 (viii) A signed statement by a duly authorized [agent of the local
8 police department] **LAW ENFORCEMENT OFFICER EMPLOYED BY OR UNDER**
9 **CONTRACT WITH AN AGENCY** that, based on inspection of recorded images, the motor
10 vehicle was being operated in violation of this subtitle;
- 11 (ix) A statement that recorded images are evidence of a violation
12 of this subtitle;
- 13 (x) Information advising the person alleged to be liable under
14 this section of the manner and time in which liability as alleged in the citation may be
15 contested in the District Court; and
- 16 (xi) Information advising the person alleged to be liable under
17 this section that failure to pay the civil penalty or to contest liability in a timely
18 manner:
- 19 1. Is an admission of liability;
- 20 2. May result in the refusal by the Administration to
21 register the motor vehicle; and
- 22 3. May result in the suspension of the motor vehicle
23 registration.
- 24 (2) [The local police department] **AN AGENCY** may mail a warning
25 notice instead of a citation to the owner liable under subsection (c) of this section.
- 26 (3) Except as provided in subsection (f)(4) of this section, [the local
27 police department] **AN AGENCY** may not mail a citation to a person who is not an
28 owner.
- 29 (4) Except as provided in subsection (f)(4) of this section, a citation
30 issued under this section shall be mailed no later than 2 weeks after the alleged
31 violation if the vehicle is registered in this State, and 30 days after the alleged
32 violation if the vehicle is registered in another state.

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

3 (i) Pay the civil penalty, in accordance with instructions on the
4 citation, directly to the [Montgomery County Department of Finance] **POLITICAL**
5 **SUBDIVISION**; or

6 (ii) Elect to stand trial in the District Court for the alleged
7 violation.

8 (e) (1) A certificate alleging that the violation of this subtitle occurred and
9 the requirements under subsection (b) of this section have been satisfied, sworn to, or
10 affirmed by [a duly authorized agent of the local police department] **AN AGENT OR**
11 **EMPLOYEE OF AN AGENCY**, based on inspection of recorded images produced by a
12 speed monitoring system, shall be evidence of the facts contained in the certificate and
13 shall be admissible in a proceeding alleging a violation under this section without the
14 presence or testimony of the speed monitoring system operator who performed the
15 requirements under subsection (b) of this section.

16 (2) If a person who received a citation under subsection (d) of this
17 section desires the speed monitoring system operator to be present and testify at trial,
18 the person shall notify the court and the State in writing no later than 20 days before
19 trial.

20 (3) Adjudication of liability shall be based on a preponderance of
21 evidence.

22 (f) (1) The District Court may consider in defense of a violation:

23 (i) Subject to paragraph (2) of this subsection, that the motor
24 vehicle or the registration plates of the motor vehicle were stolen before the violation
25 occurred and were not under the control or possession of the owner at the time of the
26 violation;

27 (ii) Subject to paragraph (3) of this subsection, evidence that the
28 person named in the citation was not operating the vehicle at the time of the violation;
29 and

30 (iii) Any other issues and evidence that the District Court deems
31 pertinent.

32 (2) [In order to] **TO** demonstrate that the motor vehicle or the
33 registration plates were stolen before the violation occurred and were not under the
34 control or possession of the owner at the time of the violation, the owner shall submit
35 proof that a police report regarding the stolen motor vehicle or registration plates was
36 filed in a timely manner.

1 (3) To satisfy the evidentiary burden under paragraph (1)(ii) of this
2 subsection, the person named in the citation shall provide to the District Court a
3 letter, sworn to or affirmed by the person and mailed by certified mail, return receipt
4 requested, that:

5 (i) States that the person named in the citation was not
6 operating the vehicle at the time of the violation; **AND**

7 (ii) [Provides the name, address, and, if possible, the driver's
8 license identification number of the person who was operating the vehicle at the time
9 of the violation; and

10 (iii)] Includes any other corroborating evidence.

11 (4) (i) If the District Court finds that the person named in the
12 citation was not operating the vehicle at the time of the violation or receives evidence
13 under paragraph (3) of this subsection identifying the person driving the vehicle at the
14 time of the violation, the clerk of the court shall provide to the [local police
15 department] **AGENCY ISSUING THE CITATION** a copy of any evidence substantiating
16 who was operating the vehicle at the time of the violation.

17 (ii) On receipt of substantiating evidence from the District
18 Court under subparagraph (i) of this paragraph, [the local police department] **AN**
19 **AGENCY** may issue a citation as provided in subsection (d) of this section to the person
20 who the evidence indicates was operating the vehicle at the time of the violation.

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

24 (g) If a person liable under this section does not pay the civil penalty or
25 contest the violation, the Administration:

26 (1) May refuse to register or reregister the motor vehicle cited for the
27 violation; or

28 (2) May suspend the registration of the motor vehicle cited for the
29 violation.

30 (h) A violation for which a civil penalty is imposed under this section:

31 (1) Is not a moving violation for the purpose of assessing points under
32 § 16-402 of this article;

33 (2) May not be recorded by the Administration on the driving record of
34 the owner or driver of the vehicle;

1 (3) May be treated as a parking violation for purposes of § 26–305 of
2 this article; and

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

5 (i) In consultation with the [Montgomery County Department of Finance
6 and the local police departments] **APPROPRIATE LOCAL GOVERNMENT AGENCIES**,
7 the Chief Judge of the District Court shall adopt procedures for the issuance of
8 citations, the trial of civil violations, and the collection of civil penalties under this
9 section.

10 (j) **(1) AN AGENCY OR AN AGENT OR CONTRACTOR DESIGNATED BY**
11 **THE AGENCY SHALL ADMINISTER AND PROCESS CIVIL CITATIONS ISSUED UNDER**
12 **THIS SECTION IN COORDINATION WITH THE DISTRICT COURT.**

13 **(2)** If a contractor operates a speed monitoring system on behalf of
14 [Montgomery County] **A LOCAL JURISDICTION**, the contractor's fee may not be
15 contingent on the number of citations issued or paid.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
17 read as follows:

18 **Article – Courts and Judicial Proceedings**

19 4–401.

20 Except as provided in § 4–402 of this subtitle, and subject to the venue
21 provisions of Title 6 of this article, the District Court has exclusive original civil
22 jurisdiction in:

23 (13) A proceeding for a civil infraction under § 21–202.1, §
24 21–704.1, [or] § 21–809, **OR § 21–810** of the Transportation Article or § 10–112 of the
25 Criminal Law Article;

26 7–301.

27 (a) The court costs in a traffic case, including parking and impounding cases,
28 cases under § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation Article in
29 which costs are imposed, and cases under § 10–112 of the Criminal Law Article in
30 which costs are imposed are \$22.50. Such costs shall also be applicable to those cases
31 in which the defendant elects to waive his right to trial and pay the fine or penalty
32 deposit established by the Chief Judge of the District Court by administrative
33 regulation. In an uncontested case under § 21–202.1 [or], § 21–809, **OR § 21–810** of
34 the Transportation Article, an uncontested case under § 10–112 of the Criminal Law
35 Article, or an uncontested parking or impounding case in which the fines are paid
36 directly to a political subdivision or municipality, costs are \$2.00, which costs shall be

1 paid to and retained by the political subdivision or municipality. In an uncontested
2 case in which the fine is paid directly to an agency of State government authorized by
3 law to regulate parking of motor vehicles, the costs are \$2.00. The fine and the costs
4 shall be paid to the agency, which shall receive and account for these funds as in all
5 other cases involving sums due the State through a State agency.

6 7-302.

7 (e) (1) A citation issued pursuant to § 21-202.1 [or], § 21-809, **OR §**
8 **21-810** of the Transportation Article shall provide that the person receiving the
9 citation may elect to stand trial by notifying the issuing agency of the person's
10 intention to stand trial at least 5 days prior to the date of payment as set forth in the
11 citation. On receipt of the notice to stand trial, the agency shall forward to the District
12 Court having venue a copy of the citation and a copy of the notice from the person who
13 received the citation indicating the person's intention to stand trial. On receipt
14 thereof, the District Court shall schedule the case for trial and notify the defendant of
15 the trial date under procedures adopted by the Chief Judge of the District Court.

16 (2) A citation issued as the result of a traffic control signal monitoring
17 system or speed monitoring system, **INCLUDING A WORK ZONE SPEED CONTROL**
18 **SYSTEM**, controlled by a political subdivision shall provide that, in an uncontested
19 case, the penalty shall be paid directly to that political subdivision. A citation issued
20 as the result of a traffic control signal monitoring system **OR A WORK ZONE SPEED**
21 **CONTROL SYSTEM** controlled by a State agency or a speed monitoring system, in a
22 case contested in District Court, shall provide that the penalty shall be paid directly to
23 the District Court.

24 (3) Civil penalties resulting from citations issued using traffic control
25 signal monitoring systems or speed monitoring systems, **OR A WORK ZONE SPEED**
26 **CONTROL SYSTEM**, that are collected by the District Court shall be collected in
27 accordance with subsection (a) of this section and distributed in accordance with §
28 12-118 of the Transportation Article.

29 10-311.

30 (a) A recorded image of a motor vehicle produced by a traffic control signal
31 monitoring system in accordance with § 21-202.1 of the Transportation Article is
32 admissible in a proceeding concerning a civil citation issued under that section for a
33 violation of § 21-202(h) of the Transportation Article without authentication.

34 (b) A recorded image of a motor vehicle produced by a speed monitoring
35 system in accordance with § 21-809 **OR § 21-810** of the Transportation Article is
36 admissible in a proceeding concerning a civil citation issued under that section for a
37 violation of Title 21, Subtitle 8 of the Transportation Article without authentication.

1 (c) In any other judicial proceeding, a recorded image produced by a traffic
2 control signal monitoring system [or], speed monitoring system, **OR WORK ZONE**
3 **SPEED CONTROL SYSTEM** is admissible as otherwise provided by law.

4 **Article – Insurance**

5 11–215.

6 (e) For purposes of reclassifying an insured in a classification that entails a
7 higher premium, an insurer under an automobile insurance policy may not consider a
8 probation before judgment disposition of a motor vehicle law offense, a civil penalty
9 imposed pursuant to § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation
10 Article, or a first offense of driving with an alcohol concentration of 0.08 or more under
11 § 16–205.1 of the Transportation Article on record with the Motor Vehicle
12 Administration, as provided in § 16–117(b) of the Transportation Article.

13 11–318.

14 (e) For purposes of reclassifying an insured in a classification that entails a
15 higher premium, an insurer under an automobile insurance policy may not consider a
16 probation before judgment disposition of a motor vehicle law offense, a civil penalty
17 imposed pursuant to § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation
18 Article, or a first offense of driving with an alcohol concentration of 0.08 or more under
19 § 16–205.1 of the Transportation Article on record with the Motor Vehicle
20 Administration, as provided in § 16–117(b) of the Transportation Article.

21 **Article – State Government**

22 10–616.

23 (o) (1) In this subsection, “recorded images” has the meaning stated in §
24 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation Article.

25 (2) Except as provided in paragraph (3) of this subsection, a custodian
26 of recorded images produced by a traffic control signal monitoring system operated
27 under § 21–202.1 of the Transportation Article [or], a speed monitoring system
28 operated under § 21–809 of the Transportation Article, **OR A WORK ZONE SPEED**
29 **CONTROL SYSTEM OPERATED UNDER § 21–810 OF THE TRANSPORTATION**
30 **ARTICLE** shall deny inspection of the recorded images.

31 (3) A custodian shall allow inspection of recorded images:

32 (i) as required in § 21–202.1 [or], § 21–809, **OR § 21–810** of the
33 Transportation Article;

1 (ii) by any person issued a citation under § 21–202.1 [or], §
2 21–809, **OR § 21–810** of the Transportation Article, or an attorney of record for the
3 person; or

4 (iii) by an employee or agent of a law enforcement agency in an
5 investigation or proceeding relating to the imposition of or indemnification from civil
6 liability pursuant to § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation
7 Article.

8 **Article – Transportation**

9 12–118.

10 (c) (1) [Notwithstanding] **EXCEPT AS PROVIDED IN PARAGRAPH (2)**
11 **OF THIS SUBSECTION, NOTWITHSTANDING** any other law and in addition to any
12 other exceptions provided by law, all costs, fines, penalties, and forfeitures received by
13 or paid to the District Court under the Maryland Vehicle Law shall be collected and
14 remitted as provided in the Courts Article.

15 (2) **THE COMPTROLLER SHALL DISTRIBUTE TO THE STATE**
16 **HIGHWAY ADMINISTRATION REVENUE FROM THE CIVIL FINES COLLECTED**
17 **THROUGH USE OF A WORK ZONE SPEED CONTROL SYSTEM UNDER § 21–810 OF**
18 **THIS ARTICLE IN AN AMOUNT TO COVER THE COSTS OF IMPLEMENTING AND**
19 **ADMINISTERING THE WORK ZONE SPEED CONTROL SYSTEM.**

20 **21–810.**

21 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
22 **MEANINGS INDICATED.**

23 (2) **“LOCAL POLICE DEPARTMENT” MEANS:**

24 (I) **THE POLICE DEPARTMENT OF ANY MUNICIPAL**
25 **CORPORATION;**

26 (II) **THE POLICE DEPARTMENT OF ANY COUNTY; AND**

27 (III) **THE SHERIFF’S DEPARTMENT OF ANY COUNTY THAT**
28 **HAS HIGHWAY TRAFFIC PATROL RESPONSIBILITIES.**

29 (3) (I) **“OWNER” MEANS THE REGISTERED OWNER OF A MOTOR**
30 **VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR**
31 **LONGER.**

32 (II) **“OWNER” DOES NOT INCLUDE:**

1 1. A MOTOR VEHICLE RENTAL OR LEASING
2 COMPANY; OR

3 2. A HOLDER OF A SPECIAL REGISTRATION PLATE
4 ISSUED UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.

5 (4) “RECORDED IMAGE” MEANS AN IMAGE RECORDED BY A WORK
6 ZONE SPEED CONTROL SYSTEM:

7 (I) ON:

8 1. A PHOTOGRAPH;

9 2. A MICROPHOTOGRAPH;

10 3. AN ELECTRONIC IMAGE;

11 4. VIDEOTAPE; OR

12 5. ANY OTHER MEDIUM; AND

13 (II) SHOWING:

14 1. THE REAR OF A MOTOR VEHICLE;

15 2. AT LEAST TWO TIME-STAMPED IMAGES OF THE
16 MOTOR VEHICLE THAT INCLUDE THE SAME STATIONARY OBJECT NEAR THE
17 MOTOR VEHICLE; AND

18 3. ON AT LEAST ONE IMAGE OR PORTION OF TAPE, A
19 CLEAR AND LEGIBLE IDENTIFICATION OF THE ENTIRE REGISTRATION PLATE
20 NUMBER OF THE MOTOR VEHICLE.

21 (5) “STATE POLICE DEPARTMENT” MEANS:

22 (I) THE DEPARTMENT OF STATE POLICE; AND

23 (II) THE MARYLAND TRANSPORTATION AUTHORITY
24 POLICE.

25 (6) “WORK ZONE” MEANS A SEGMENT OF A HIGHWAY:

26 (I) THAT IS IDENTIFIED AS A TEMPORARY TRAFFIC
27 CONTROL ZONE BY TRAFFIC CONTROL DEVICES THAT ARE PLACED OR
28 INSTALLED IN GENERAL CONFORMANCE WITH THE STATE MANUAL AND

1 SPECIFICATIONS ADOPTED FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL
2 DEVICES; AND

3 (II) WHERE HIGHWAY CONSTRUCTION, REPAIR,
4 MAINTENANCE, UTILITY WORK, OR A RELATED ACTIVITY, INCLUDING THE
5 PLACEMENT, INSTALLATION, MAINTENANCE, OR REMOVAL OF A WORK ZONE
6 TRAFFIC CONTROL DEVICE, IS BEING PERFORMED REGARDLESS OF WHETHER
7 WORKERS ARE PRESENT.

8 (7) "WORK ZONE SPEED CONTROL SYSTEM" MEANS A DEVICE
9 HAVING ONE OR MORE MOTOR VEHICLE SENSORS CONNECTED TO A CAMERA
10 SYSTEM CAPABLE OF PRODUCING RECORDED IMAGES OF MOTOR VEHICLES
11 TRAVELING AT OR ABOVE A PREDETERMINED SPEED IN OR APPROACHING A
12 WORK ZONE.

13 (8) "WORK ZONE SPEED CONTROL SYSTEM OPERATOR" MEANS
14 AN INDIVIDUAL WHO HAS BEEN TRAINED AND CERTIFIED TO OPERATE A WORK
15 ZONE SPEED CONTROL SYSTEM AND WHO IS:

16 (I) A POLICE OFFICER;

17 (II) A REPRESENTATIVE OF A LOCAL POLICE DEPARTMENT;

18 (III) A REPRESENTATIVE OF A STATE POLICE DEPARTMENT;

19 OR

20 (IV) A STATE HIGHWAY ADMINISTRATION CONTRACTOR.

21 (B) (1) A WORK ZONE SPEED CONTROL SYSTEM THAT MEETS THE
22 REQUIREMENTS OF THIS SUBSECTION MAY BE USED TO RECORD THE IMAGES OF
23 MOTOR VEHICLES TRAVELING ON A HIGHWAY:

24 (I) WITHIN A WORK ZONE;

25 (II) THAT IS AN EXPRESSWAY OR A CONTROLLED ACCESS
26 HIGHWAY AS DEFINED IN § 21-101 OF THIS TITLE; AND

27 (III) ON WHICH THE SPEED LIMIT, ESTABLISHED USING
28 GENERALLY ACCEPTED TRAFFIC ENGINEERING PRACTICES, IS 45 MILES PER
29 HOUR OR GREATER.

30 (2) A WORK ZONE SPEED CONTROL SYSTEM MAY BE USED ONLY:

31 (I) ON A HIGHWAY AS SPECIFIED IN PARAGRAPH (1) OF
32 THIS SUBSECTION;

1 (II) WHEN BEING OPERATED BY A WORK ZONE SPEED
2 CONTROL SYSTEM OPERATOR; AND

3 (III) IF, IN ACCORDANCE WITH THE MARYLAND MANUAL ON
4 UNIFORM TRAFFIC CONTROL DEVICES, A CONSPICUOUS ROAD SIGN IS PLACED
5 AT A REASONABLE DISTANCE CONSISTENT WITH NATIONAL GUIDELINES
6 BEFORE THE WORK ZONE ALERTING DRIVERS THAT A SPEED MONITORING
7 SYSTEM MAY BE IN OPERATION IN THE WORK ZONE.

8 (3) A WORK ZONE SPEED CONTROL SYSTEM MAY BE USED ONLY
9 TO RECORD THE IMAGES OF VEHICLES THAT ARE TRAVELING AT SPEEDS AT
10 LEAST 12 MILES PER HOUR ABOVE THE POSTED WORK ZONE SPEED LIMIT.

11 (4) (I) A WORK ZONE SPEED CONTROL SYSTEM OPERATOR
12 SHALL COMPLETE TRAINING BY THE MANUFACTURER OF THE WORK ZONE
13 SPEED CONTROL SYSTEM IN THE PROCEDURES FOR SETTING UP, TESTING, AND
14 OPERATING THE WORK ZONE SPEED CONTROL SYSTEM.

15 (II) ON COMPLETION OF THE TRAINING, THE
16 MANUFACTURER SHALL ISSUE A SIGNED CERTIFICATE TO THE WORK ZONE
17 SPEED CONTROL SYSTEM OPERATOR.

18 (III) THE CERTIFICATE OF TRAINING SHALL BE ADMITTED AS
19 EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION OF THIS SECTION.

20 (5) A WORK ZONE SPEED CONTROL SYSTEM OPERATOR SHALL
21 FILL OUT AND SIGN A DAILY SET-UP LOG FOR A WORK ZONE SPEED CONTROL
22 SYSTEM THAT:

23 (I) STATES THE DATE AND TIME WHEN AND THE LOCATION
24 WHERE THE SYSTEM WAS SET UP;

25 (II) STATES THAT THE WORK ZONE SPEED CONTROL
26 SYSTEM OPERATOR SUCCESSFULLY PERFORMED, AND THE DEVICE PASSED, THE
27 MANUFACTURER-SPECIFIED SELF-TESTS OF THE WORK ZONE SPEED CONTROL
28 SYSTEM BEFORE PRODUCING A RECORDED IMAGE;

29 (III) SHALL BE KEPT ON FILE; AND

30 (IV) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT
31 PROCEEDING FOR A VIOLATION OF THIS SECTION.

1 **(6) (I) A WORK ZONE SPEED CONTROL SYSTEM SHALL**
2 **UNDERGO AN ANNUAL CALIBRATION CHECK PERFORMED BY AN INDEPENDENT**
3 **CALIBRATION LABORATORY.**

4 **(II) THE INDEPENDENT CALIBRATION LABORATORY SHALL**
5 **ISSUE A SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL**
6 **CALIBRATION CHECK THAT:**

7 **1. SHALL BE KEPT ON FILE; AND**

8 **2. SHALL BE ADMITTED AS EVIDENCE IN ANY COURT**
9 **PROCEEDING FOR A VIOLATION OF THIS SECTION.**

10 **(7) THE PROCUREMENT OF A WORK ZONE SPEED CONTROL**
11 **SYSTEM BY A UNIT OF STATE GOVERNMENT SHALL BE CONDUCTED IN**
12 **ACCORDANCE WITH TITLE 13, SUBTITLE 1 OF THE STATE FINANCE AND**
13 **PROCUREMENT ARTICLE.**

14 **(C) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A**
15 **CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE**
16 **OWNER OR, IN ACCORDANCE WITH SUBSECTION (F)(4) OF THIS SECTION, THE**
17 **DRIVER OF A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF AN IMAGE OF**
18 **THE MOTOR VEHICLE IS RECORDED BY A WORK ZONE SPEED CONTROL SYSTEM**
19 **IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION WHILE BEING**
20 **OPERATED IN VIOLATION OF THIS SUBTITLE.**

21 **(2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED**
22 **\$40.**

23 **(3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT**
24 **SHALL:**

25 **(I) PRESCRIBE A UNIFORM CITATION FORM CONSISTENT**
26 **WITH SUBSECTION (D)(1) OF THIS SECTION AND § 7-302 OF THE COURTS**
27 **ARTICLE; AND**

28 **(II) INDICATE ON THE CITATION THE AMOUNT OF THE CIVIL**
29 **PENALTY TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL PENALTY**
30 **WITHOUT APPEARING IN DISTRICT COURT.**

31 **(D) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH**
32 **(4) OF THIS SUBSECTION, A LOCAL POLICE DEPARTMENT, STATE POLICE**
33 **DEPARTMENT, OR POLICE DEPARTMENT CONTRACTOR SHALL MAIL TO THE**
34 **OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION A CITATION THAT**
35 **SHALL INCLUDE:**

1 (I) **THE NAME AND ADDRESS OF THE REGISTERED OWNER**
2 **OF THE VEHICLE;**

3 (II) **THE REGISTRATION NUMBER OF THE MOTOR VEHICLE**
4 **INVOLVED IN THE VIOLATION;**

5 (III) **THE VIOLATION CHARGED;**

6 (IV) **THE LOCATION WHERE THE VIOLATION OCCURRED;**

7 (V) **THE DATE AND TIME OF THE VIOLATION;**

8 (VI) **AT LEAST ONE RECORDED IMAGE OF THE VEHICLE WITH**
9 **A DATA BAR IMPRINTED ON EACH IMAGE THAT INCLUDES THE SPEED OF THE**
10 **VEHICLE AND THE DATE AND TIME THE IMAGE WAS RECORDED;**

11 (VII) **THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE**
12 **DATE BY WHICH THE CIVIL PENALTY SHOULD BE PAID;**

13 (VIII) **A SIGNED STATEMENT BY A POLICE OFFICER**
14 **EMPLOYED BY THE LOCAL POLICE DEPARTMENT OR STATE POLICE**
15 **DEPARTMENT THAT, BASED ON INSPECTION OF RECORDED IMAGES, THE MOTOR**
16 **VEHICLE WAS BEING OPERATED IN VIOLATION OF THIS SUBTITLE;**

17 (IX) **A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE**
18 **OF A VIOLATION OF THIS SUBTITLE;**

19 (X) **INFORMATION ADVISING THE PERSON ALLEGED TO BE**
20 **LIABLE UNDER THIS SECTION OF THE MANNER AND TIME IN WHICH LIABILITY**
21 **AS ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT;**
22 **AND**

23 (XI) **INFORMATION ADVISING THE PERSON ALLEGED TO BE**
24 **LIABLE UNDER THIS SECTION THAT FAILURE TO PAY THE CIVIL PENALTY OR TO**
25 **CONTEST LIABILITY IN A TIMELY MANNER:**

26 1. **IS AN ADMISSION OF LIABILITY;**

27 2. **MAY RESULT IN THE REFUSAL TO REGISTER THE**
28 **MOTOR VEHICLE; AND**

29 3. **MAY RESULT IN THE SUSPENSION OF THE MOTOR**
30 **VEHICLE REGISTRATION.**

1 (2) THE LOCAL POLICE DEPARTMENT OR STATE POLICE
2 DEPARTMENT MAY MAIL A WARNING NOTICE INSTEAD OF A CITATION TO THE
3 OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION.

4 (3) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS
5 SECTION, THE LOCAL POLICE DEPARTMENT OR STATE POLICE DEPARTMENT
6 MAY NOT MAIL A CITATION TO A PERSON WHO IS NOT AN OWNER.

7 (4) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS
8 SECTION, A CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NO
9 LATER THAN 2 WEEKS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS
10 REGISTERED IN THIS STATE, AND NO LATER THAN 30 DAYS AFTER THE ALLEGED
11 VIOLATION IF THE VEHICLE IS REGISTERED IN ANOTHER STATE.

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

14 (I) PAY THE CIVIL PENALTY IN ACCORDANCE WITH
15 INSTRUCTIONS ON THE CITATION; OR

16 (II) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR
17 THE ALLEGED VIOLATION.

18 (E) (1) A CERTIFICATE ALLEGING THAT THE VIOLATION OF THIS
19 SUBTITLE OCCURRED AND THE REQUIREMENTS UNDER SUBSECTION (B) OF
20 THIS SECTION HAVE BEEN SATISFIED, SWORN TO, OR AFFIRMED BY A POLICE
21 OFFICER EMPLOYED BY THE LOCAL POLICE DEPARTMENT OR STATE POLICE
22 DEPARTMENT, BASED ON INSPECTION OF RECORDED IMAGES PRODUCED BY A
23 WORK ZONE SPEED CONTROL SYSTEM, SHALL BE EVIDENCE OF THE FACTS
24 CONTAINED IN THE CERTIFICATE AND SHALL BE ADMISSIBLE IN A PROCEEDING
25 ALLEGING A VIOLATION UNDER THIS SECTION WITHOUT THE PRESENCE OR
26 TESTIMONY OF THE WORK ZONE SPEED CONTROL SYSTEM OPERATOR WHO
27 PERFORMED THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION.

28 (2) IF A PERSON WHO RECEIVED A CITATION UNDER SUBSECTION
29 (D) OF THIS SECTION DESIRES A WORK ZONE SPEED CONTROL SYSTEM
30 OPERATOR TO BE PRESENT AND TESTIFY AT TRIAL, THE PERSON SHALL NOTIFY
31 THE COURT AND THE POLICE DEPARTMENT THAT ISSUED THE CITATION IN
32 WRITING NO LATER THAN 20 DAYS BEFORE TRIAL.

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

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

1 **(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**
2 **THAT THE MOTOR VEHICLE OR THE REGISTRATION PLATES OF THE MOTOR**
3 **VEHICLE WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT**
4 **UNDER THE CONTROL OR POSSESSION OF THE VEHICLE OWNER AT THE TIME OF**
5 **THE VIOLATION;**

6 **(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**
7 **EVIDENCE THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING**
8 **THE VEHICLE AT THE TIME OF THE VIOLATION; AND**

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

11 **(2) TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE**
12 **REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND**
13 **WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME**
14 **OF THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT**
15 **REGARDING THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS**
16 **FILED IN A TIMELY MANNER.**

17 **(3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH**
18 **(1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL**
19 **PROVIDE TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE**
20 **PERSON AND MAILED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT:**

21 **(I) STATES THAT THE PERSON NAMED IN THE CITATION**
22 **WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND**

23 **(II) INCLUDES ANY OTHER CORROBORATING EVIDENCE.**

24 **(4) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON**
25 **NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF**
26 **THE VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (3) OF THIS**
27 **SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF**
28 **THE VIOLATION, THE CLERK OF THE COURT MAY PROVIDE TO THE POLICE**
29 **DEPARTMENT THAT ISSUED THE CITATION A COPY OF ANY EVIDENCE**
30 **SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE**
31 **VIOLATION.**

32 **(II) ON RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE**
33 **DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE POLICE**
34 **DEPARTMENT THAT ISSUED THE CITATION MAY ISSUE A CITATION AS PROVIDED**
35 **IN SUBSECTION (D) OF THIS SECTION TO THE PERSON WHO THE EVIDENCE**
36 **INDICATES WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.**

1 **(III) ANY CITATION ISSUED UNDER SUBPARAGRAPH (II) OF**
2 **THIS PARAGRAPH SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER RECEIPT**
3 **OF THE EVIDENCE FROM THE DISTRICT COURT.**

4 **(G) IF A PERSON LIABLE UNDER THIS SECTION DOES NOT PAY THE CIVIL**
5 **PENALTY OR CONTEST THE VIOLATION, THE ADMINISTRATION MAY:**

6 **(1) REFUSE TO REGISTER OR REREGISTER THE REGISTRATION**
7 **OF THE MOTOR VEHICLE CITED FOR THE VIOLATION; OR**

8 **(2) SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE CITED**
9 **FOR THE VIOLATION.**

10 **(H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS**
11 **SECTION:**

12 **(1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF**
13 **ASSESSING POINTS UNDER § 16-402 OF THIS ARTICLE;**

14 **(2) MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE**
15 **DRIVING RECORD OF THE OWNER OR DRIVER OF THE VEHICLE;**

16 **(3) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES**
17 **OF § 26-305 OF THIS ARTICLE; AND**

18 **(4) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR**
19 **VEHICLE INSURANCE COVERAGE.**

20 **(I) IN CONSULTATION WITH LOCAL POLICE DEPARTMENTS AND STATE**
21 **POLICE DEPARTMENTS, THE CHIEF JUDGE OF THE DISTRICT COURT SHALL**
22 **ADOPT PROCEDURES FOR THE ISSUANCE OF CITATIONS, THE TRIAL OF CIVIL**
23 **VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES UNDER THIS SECTION.**

24 **(J) (1) THE DEPARTMENT OF STATE POLICE OR A CONTRACTOR**
25 **DESIGNATED BY THE DEPARTMENT OF STATE POLICE SHALL ADMINISTER AND**
26 **PROCESS CIVIL CITATIONS ISSUED UNDER THIS SECTION IN COORDINATION**
27 **WITH THE DISTRICT COURT.**

28 **(2) IF A CONTRACTOR PROVIDES, DEPLOYS, OR OPERATES A**
29 **WORK ZONE SPEED CONTROL SYSTEM FOR A POLICE DEPARTMENT, THE**
30 **CONTRACTOR'S FEE MAY NOT BE CONTINGENT ON THE NUMBER OF CITATIONS**
31 **ISSUED OR PAID.**

1 **(K) THE DEPARTMENT OF STATE POLICE AND THE STATE HIGHWAY**
2 **ADMINISTRATION JOINTLY SHALL ADOPT REGULATIONS ESTABLISHING**
3 **STANDARDS AND PROCEDURES FOR WORK ZONE SPEED CONTROL SYSTEMS**
4 **AUTHORIZED UNDER THIS SECTION.**

5 26–305.

6 (a) The Administration may not register or transfer the registration of any
7 vehicle involved in a parking violation under this subtitle, a violation under any
8 federal parking regulation that applies to property in this State under the jurisdiction
9 of the U.S. government, a violation of § 21–202(h) of this article as determined under §
10 21–202.1 of this article or Title 21, Subtitle 8 of this article as determined under
11 § 21–809 **OR § 21–810** of this article, or a violation of the State litter control law or a
12 local law or ordinance adopted by Baltimore City relating to the unlawful disposal of
13 litter as determined under § 10–112 of the Criminal Law Article, if:

14 (1) It is notified by a political subdivision or authorized State agency
15 that the person cited for the violation under this subtitle, § 21–202.1 [or], § 21–809,
16 **OR § 21–810** of this article, or § 10–112 of the Criminal Law Article has failed to
17 either:

18 (i) Pay the fine for the violation by the date specified in the
19 citation; or

20 (ii) File a notice of his intention to stand trial for the violation;

21 (2) It is notified by the District Court that a person who has elected to
22 stand trial for the violation under this subtitle, under § 21–202.1 [or], § 21–809, **OR §**
23 **21–810** of this article, or under § 10–112 of the Criminal Law Article has failed to
24 appear for trial; or

25 (3) It is notified by a U.S. District Court that a person cited for a
26 violation under a federal parking regulation:

27 (i) Has failed to pay the fine for the violation by the date
28 specified in the federal citation; or

29 (ii) Either has failed to file a notice of [his] **THE PERSON’S**
30 intention to stand trial for the violation, or, if electing to stand trial, has failed to
31 appear for trial.

32 26–401.

33 If a person is taken before a District Court commissioner or is given a traffic
34 citation or a civil citation under § 21–202.1 [or], § 21–809, **OR § 21–810** of this article
35 containing a notice to appear in court, the commissioner or court shall be one that sits
36 within the county in which the offense allegedly was committed.

1 SECTION 3. AND BE IT FURTHER ENACTED, That, during the 30-day
2 period after the first work zone speed control system is in place, a law enforcement
3 agency may issue warnings, but may not issue citations, for violations enforced in
4 accordance with § 21–810 of the Transportation Article, as enacted by this Act.

5 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall be
6 construed to apply only prospectively and may not be applied or interpreted to have
7 any effect on or application to any contract awarded before the effective date of this
8 Act.

9 SECTION 5. AND BE IT FURTHER ENACTED, That an obligation or contract
10 right existing on the effective date of this Act may not be impaired in any way by this
11 Act.

12 SECTION 6. AND BE IT FURTHER ENACTED, That each local jurisdiction
13 that enforces speed limit laws as authorized under this Act shall report to the
14 Governor and the General Assembly on or before December 31, 2013, in accordance
15 with § 2–1246 of the State Government Article, on the effectiveness of speed
16 monitoring systems in the jurisdiction.

17 SECTION 7. AND BE IT FURTHER ENACTED, That § 21–809(b)(1)(i), (iii),
18 and (v) of the Transportation Article, as enacted by Section 1 of this Act, does not
19 apply to speed monitoring systems installed and operated in Montgomery County
20 before October 1, 2009.

21 SECTION 8. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2009.