

HOUSE BILL 166

R5

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By: **Delegates Cluster, Afzali, Beitzel, Boteler, Bromwell, Hershey, Kach, Krebs, McComas, McDermott, W. Miller, Smigiel, and Szeliga**

Introduced and read first time: January 18, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Speed Monitoring and Work Zone Speed Control Systems – Daily Calibration**
3 **and Video Recordings**

4 FOR the purpose of requiring a speed monitoring system and a work zone speed
5 control system to undergo a daily rather than an annual calibration check that
6 is kept on file and may be admitted as evidence in certain court proceedings;
7 requiring a speed monitoring system and a work zone speed control system to
8 produce a video recording of every violation for which a certain citation is
9 issued; requiring a certain citation to contain certain information relating to the
10 availability of a certain video recording; and generally relating to daily
11 calibration of and video recordings taken by speed monitoring systems and work
12 zone speed control systems.

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 21–809(b)(4) and (d)(1) and 21–810(b)(6) and (d)(1)
16 Annotated Code of Maryland
17 (2012 Replacement Volume)

18 BY adding to
19 Article – Transportation
20 Section 21–809(b)(5) and 21–810(b)(8)
21 Annotated Code of Maryland
22 (2012 Replacement Volume)

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

25 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 21-809.

2 (b) (4) (i) A speed monitoring system shall undergo [an annual] A
3 **DAILY** calibration check performed by an independent calibration laboratory.

4 (ii) The independent calibration laboratory shall issue a signed
5 certificate of calibration after the [annual] **DAILY** calibration check that:

6 1. Shall be kept on file; and

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

9 **(5) A SPEED MONITORING SYSTEM SHALL PRODUCE A VIDEO**
10 **RECORDING OF EVERY VIOLATION FOR WHICH A CITATION IS ISSUED.**

11 (d) (1) Subject to the provisions of paragraphs (2) through (4) of this
12 subsection, an agency shall mail to an owner liable under subsection (c) of this section
13 a citation that shall include:

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

15 (ii) The registration number of the motor vehicle involved in the
16 violation;

17 (iii) The violation charged;

18 (iv) The location where the violation occurred;

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

20 (vi) A copy of the recorded image;

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

23 (viii) A signed statement by a duly authorized law enforcement
24 officer employed by or under contract with an agency that, based on inspection of
25 recorded images, the motor vehicle was being operated in violation of this subtitle;

26 (ix) A statement that recorded images are evidence of a violation
27 of this subtitle;

28 (x) Information advising the person alleged to be liable under
29 this section of the manner and time in which liability as alleged in the citation may be
30 contested in the District Court; [and]

1 (xi) Information advising the person alleged to be liable under
2 this section that failure to pay the civil penalty or to contest liability in a timely
3 manner:

4 1. Is an admission of liability;

5 2. May result in the refusal by the Administration to
6 register the motor vehicle; and

7 3. May result in the suspension of the motor vehicle
8 registration;

9 (XII) A PROMINENT STATEMENT THAT THE PERSON ALLEGED
10 TO BE LIABLE UNDER THIS SECTION MAY REQUEST AND SHALL BE PROVIDED
11 WITH A VIDEO RECORDING OF THE VIOLATION FREE OF CHARGE PRIOR TO ANY
12 TRIAL FOR THE ALLEGED VIOLATION; AND

13 (XIII) INFORMATION ADVISING THE PERSON ALLEGED TO BE
14 LIABLE UNDER THIS SECTION AS TO HOW TO REQUEST AND ACQUIRE A VIDEO
15 RECORDING OF THE VIOLATION.

16 21–810.

17 (b) (6) (i) A work zone speed control system shall undergo [an annual]
18 A DAILY calibration check performed by an independent calibration laboratory.

19 (ii) The independent calibration laboratory shall issue a signed
20 certificate of calibration after the [annual] DAILY calibration check that:

21 1. Shall be kept on file; and

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

24 (8) A WORK ZONE SPEED CONTROL SYSTEM SHALL PRODUCE A
25 VIDEO RECORDING OF EVERY VIOLATION FOR WHICH A CITATION IS ISSUED.

26 (d) (1) Subject to the provisions of paragraphs (2) through (4) of this
27 subsection, a local police department, State police department, or police department
28 contractor shall mail to the owner liable under subsection (c) of this section a citation
29 that shall include:

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

- 1 (ii) The registration number of the motor vehicle involved in the
2 violation;
- 3 (iii) The violation charged;
- 4 (iv) The location where the violation occurred;
- 5 (v) The date and time of the violation;
- 6 (vi) At least one recorded image of the vehicle with a data bar
7 imprinted on each image that includes the speed of the vehicle and the date and time
8 the image was recorded;
- 9 (vii) The amount of the civil penalty imposed and the date by
10 which the civil penalty should be paid;
- 11 (viii) A signed statement by a police officer employed by the local
12 police department or State police department that, based on inspection of recorded
13 images, the motor vehicle was being operated in violation of this subtitle;
- 14 (ix) A statement that recorded images are evidence of a violation
15 of this subtitle;
- 16 (x) Information advising the person alleged to be liable under
17 this section of the manner and time in which liability as alleged in the citation may be
18 contested in the District Court; [and]
- 19 (xi) Information advising the person alleged to be liable under
20 this section that failure to pay the civil penalty or to contest liability in a timely
21 manner:
- 22 1. Is an admission of liability;
- 23 2. May result in the refusal to register the motor vehicle;
24 and
- 25 3. May result in the suspension of the motor vehicle
26 registration;
- 27 **(XII) A PROMINENT STATEMENT THAT THE PERSON ALLEGED**
28 **TO BE LIABLE UNDER THIS SECTION MAY REQUEST AND SHALL BE PROVIDED**
29 **WITH A VIDEO RECORDING OF THE VIOLATION FREE OF CHARGE PRIOR TO ANY**
30 **TRIAL FOR THE ALLEGED VIOLATION; AND**

1 **(XIII) INFORMATION ADVISING THE PERSON ALLEGED TO BE**
2 **LIABLE UNDER THIS SECTION AS TO HOW TO REQUEST AND ACQUIRE A VIDEO**
3 **RECORDING OF THE VIOLATION.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2013.