

HOUSE BILL 1103

R5

3lr2054

By: **Delegate McComas**

Introduced and read first time: February 8, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Speed Monitoring and Work Zone Speed Control Systems – Expansion and**
3 **Modifications**

4 FOR the purpose of authorizing local jurisdictions to use certain speed monitoring
5 systems to enforce certain speed laws on all highways in their jurisdictions
6 under certain standards and procedures; requiring a county, before using a
7 speed monitoring system at a certain location, to provide a certain municipal
8 corporation instead of the county a certain opportunity to use a speed
9 monitoring system at the location; requiring a municipal corporation, before
10 using a speed monitoring system at a certain location, to provide a certain
11 county instead of the municipal corporation a certain opportunity to use a speed
12 monitoring system at the location; prohibiting a speed monitoring system from
13 being placed within a certain distance of another speed monitoring system
14 under certain circumstances; requiring the placement of certain signs indicating
15 that speed monitoring systems are in use; repealing a certain requirement that
16 a work zone speed control system be place only on certain highways with a
17 certain minimum speed limit; providing that a work zone speed control system
18 may be used only when a worker is present on the roadway, median divider, or
19 shoulder within or adjacent to the work zone; requiring local jurisdictions to
20 maintain or participate in certain Web sites for certain purposes; requiring the
21 Department of State Police and the State Highway Administration jointly to
22 maintain a certain Web site; requiring a Web site maintained or participated in
23 under this Act to include certain features and information relating to paying
24 penalties online and requesting administrative review of a citation online or by
25 mail; altering the identity of the person who must sign a certain statement
26 alleging a violation in support of a certain citation; requiring certain
27 information and instructions to be included in certain citations; repealing
28 certain provisions authorizing a person receiving a certain citation to have a
29 certain operator present to testify at a certain trial; establishing procedures
30 that a person contesting a certain citation online or by mail must follow;
31 requiring an administrative agency considering certain requests for review to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 mail or electronically transmit a decision within a certain period of time;
2 authorizing the District Court and certain administrative agencies to consider
3 certain evidence in defense of a violation; increasing the maximum penalties for
4 violations recorded in school zones during certain times and by work zone speed
5 control systems; providing for certain penalties and the accrual of a certain
6 amount of interest for failure to pay certain penalties on time; requiring certain
7 recorded images to be retained for a certain period of time; requiring certain
8 recorded images to be destroyed promptly; altering the definition of “recorded
9 image” for purposes of speed monitoring systems and work zone speed control
10 systems to provide that one recorded image may constitute a recorded image if
11 it includes a certain data bar and certain information; and generally relating to
12 speed monitoring and work zone speed control systems.

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

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

20 **Article – Transportation**

21 21–809.

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

23 (2) “Agency” means:

24 (i) A law enforcement agency of a local political subdivision
25 that is authorized to issue a citation for a violation of the Maryland Vehicle Law or of
26 local traffic laws or regulations; or

27 (ii) For a municipal corporation that does not maintain a police
28 force, an agency established or designated by the municipal corporation to implement
29 this subtitle using speed monitoring systems in accordance with this section.

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

32 (ii) “Owner” does not include:

33 1. A motor vehicle rental or leasing company; or

34 2. A holder of a special registration plate issued under
35 Title 13, Subtitle 9, Part III of this article.

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

3 (i) On:

- 4 1. A photograph;
- 5 2. A microphotograph;
- 6 3. An electronic image;
- 7 4. Videotape; or
- 8 5. Any other medium; and

9 (ii) Showing:

- 10 1. The rear of a motor vehicle;
- 11 2. **A.** At least two time-stamped images of the motor
12 vehicle that include the same stationary object near the motor vehicle; **OR**

13 **B. AT LEAST ONE RECORDED IMAGE OF THE**
14 **MOTOR VEHICLE WITH A DATA BAR IMPRINTED ON THE IMAGE AND THE DATE**
15 **AND TIME THE IMAGE WAS RECORDED; and**

- 16 3. On at least one image or portion of tape, a clear and
17 legible identification of the entire registration plate number of the motor vehicle.

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

21 (6) “Speed monitoring system operator” means a representative of an
22 agency or contractor that operates a speed monitoring system.

23 (b) (1) (i) A speed monitoring system may not be used in a local
24 jurisdiction under this section unless its use is authorized by the governing body of the
25 local jurisdiction by local law enacted after reasonable notice and a public hearing.

26 (ii) 1. Before a county may use a speed monitoring system
27 on a State highway at a location within a municipal corporation, the county shall:

28 [1.] **A.** Obtain the approval of the State Highway
29 Administration;

1 [2.] B. Notify the municipal corporation of the State
2 Highway Administration's approval of the use of a speed monitoring system at that
3 location; and

4 [3.] C. Grant the municipal corporation 60 days from
5 the date of the county's notice to the municipal corporation to enact an ordinance
6 authorizing the municipal corporation instead of the county to use a speed monitoring
7 system at that location.

8 **2. BEFORE A COUNTY MAY USE A SPEED**
9 **MONITORING SYSTEM AT A LOCATION ON A MUNICIPAL HIGHWAY IN THE**
10 **COUNTY, THE COUNTY SHALL GRANT THE MUNICIPAL CORPORATION 60 DAYS**
11 **FROM THE DATE OF THE COUNTY'S NOTICE TO THE MUNICIPAL CORPORATION**
12 **TO ENACT AN ORDINANCE AUTHORIZING THE MUNICIPAL CORPORATION**
13 **INSTEAD OF THE COUNTY TO USE A SPEED MONITORING SYSTEM AT THAT**
14 **LOCATION.**

15 **3. BEFORE A MUNICIPAL CORPORATION MAY USE A**
16 **SPEED MONITORING SYSTEM AT A LOCATION ON A COUNTY HIGHWAY IN THE**
17 **MUNICIPAL CORPORATION, THE MUNICIPAL CORPORATION SHALL GRANT THE**
18 **COUNTY 60 DAYS FROM THE DATE OF THE MUNICIPAL CORPORATION'S NOTICE**
19 **TO THE COUNTY TO ENACT AN ORDINANCE AUTHORIZING THE COUNTY INSTEAD**
20 **OF THE MUNICIPAL CORPORATION TO USE A SPEED MONITORING SYSTEM AT**
21 **THAT LOCATION.**

22 (iii) 1. This subparagraph applies only in Prince George's
23 County.

24 2. In the county, a municipal corporation may
25 implement and use a speed monitoring system consistent with the requirements of
26 this subsection on a county highway at a location within its corporate limits if the
27 municipal corporation:

28 A. Submits to the county a plan describing the boundary
29 of the applicable school zone and the proposed location of the speed monitoring system;
30 and

31 B. Requests and receives permission from the county to
32 use the speed monitoring system at the proposed location.

33 3. If the county fails to respond to the request within 60
34 days, the municipal corporation may implement and use the speed monitoring system
35 as described in the plan submission.

36 4. The county may not:

1 A. Unreasonably deny a request under this
2 subparagraph; or

3 B. Place exactions, fees, or unreasonable restrictions on
4 the implementation and use of a speed monitoring system under this subparagraph.

5 5. The county shall state in writing the reasons for any
6 denial of a request under this subparagraph.

7 6. A municipal corporation may contest in the circuit
8 court a county denial of a request under this subparagraph.

9 (iv) **1. A SPEED MONITORING SYSTEM MAY NOT BE**
10 **PLACED ON THE SAME SIDE OF THE ROAD AND WITHIN 1 MILE OF ANOTHER**
11 **SPEED MONITORING SYSTEM, UNLESS AT LEAST ONE OF THE SPEED**
12 **MONITORING SYSTEMS IS WITHIN A SCHOOL ZONE ESTABLISHED UNDER §**
13 **21-803.1 OF THIS SUBTITLE.**

14 **2.** In Prince George's County, if a municipal corporation
15 has established a school zone that is within one-quarter mile of a school zone
16 established in another municipal corporation, the municipal corporation may not
17 implement or use a speed monitoring system in that school zone unless it has obtained
18 the approval of the other municipal corporation.

19 (v) An ordinance or resolution adopted by the governing body of
20 a local jurisdiction under this paragraph shall provide that for a period of at least 30
21 days after the first speed monitoring system is placed in the local jurisdiction, a
22 violation recorded by any speed monitoring system in the local jurisdiction may be
23 enforced only by the issuance of a warning.

24 (vi) This section applies to a violation of this subtitle recorded by
25 a **STATIONARY** speed monitoring system that meets the requirements of this
26 subsection and has been placed **ON A HIGHWAY IN THE STATE**[:

27 1. In Montgomery County, on a highway in a residential
28 district, as defined in § 21-101 of this title, with a maximum posted speed limit of 35
29 miles per hour, which speed limit was established using generally accepted traffic
30 engineering practices;

31 2. In a school zone established under § 21-803.1 of this
32 subtitle; or

33 3. In Prince George's County, on that part of a highway
34 located within the grounds of an institution of higher education as defined in §
35 10-101(h) of the Education Article, or within one-half mile of the grounds of a

1 building or property used by the institution of higher education where generally
2 accepted traffic and engineering practices indicate that motor vehicle, pedestrian, or
3 bicycle traffic is substantially generated or influenced by the institution of higher
4 education].

5 (vii) Before activating an unmanned stationary speed monitoring
6 system, the local jurisdiction shall:

7 1. Publish notice of the location of the speed monitoring
8 system on its website and in a newspaper of general circulation in the jurisdiction;

9 2. **[Ensure] WITH REGARD TO A SPEED MONITORING**
10 **SYSTEM PLACED IN A SCHOOL ZONE, ENSURE** that each sign that designates a
11 school zone indicates that speed monitoring systems are in use in school zones; and

12 3. **[With regard to a speed monitoring system**
13 **established based on proximity to an institution of higher education under paragraph**
14 **(1)(vi)3 of this subsection, ensure] ENSURE** that all speed limit signs approaching and
15 within the segment of highway on which the speed monitoring system is located
16 include signs that:

17 A. Are in accordance with the manual and specifications
18 for a uniform system of traffic control devices adopted by the State Highway
19 Administration under § 25–104 of this article; and

20 B. Indicate that a speed monitoring system is in use.

21 **[(viii) A speed monitoring system in a school zone may operate**
22 **only Monday through Friday between 6:00 a.m. and 8:00 p.m.]**

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

26 (ii) The manufacturer shall issue a signed certificate to the
27 speed monitoring system operator on completion of the training.

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

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

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

1 (ii) Shall be kept on file; and

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

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

6 (ii) The independent calibration laboratory shall issue a signed
7 certificate of calibration after the annual calibration check that:

8 1. Shall be kept on file; and

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

11 **(5) A LOCAL JURISDICTION THAT AUTHORIZES THE USE OF**
12 **SPEED MONITORING SYSTEMS SHALL MAINTAIN OR PARTICIPATE IN A WEB SITE**
13 **THAT:**

14 **(I) INCLUDES:**

15 **1. THE LOCATIONS OF THE SPEED MONITORING**
16 **SYSTEMS UNDER THE CONTROL OF THE LOCAL JURISDICTION;**

17 **2. RESULTS OF ALL TESTING AND CALIBRATIONS**
18 **PERFORMED ON SPEED MONITORING SYSTEMS UNDER THE CONTROL OF THE**
19 **LOCAL JURISDICTION;**

20 **3. ADDITIONAL INFORMATION ABOUT EACH**
21 **VIOLATION FOR WHICH THE LOCAL JURISDICTION ISSUES A CITATION THAT IS**
22 **ACCESSIBLE ONLY TO THE ALLEGED VIOLATOR; AND**

23 **4. INSTRUCTIONS ON CONTESTING A CITATION**
24 **ONLINE OR BY MAIL AND REQUESTING A HEARING IN THE DISTRICT COURT;**
25 **AND**

26 **(II) ALLOWS A PERSON RECEIVING A CITATION TO:**

27 **1. PAY THE CIVIL PENALTY;**

28 **2. REQUEST ONLINE ADMINISTRATIVE REVIEW OF**
29 **THE ALLEGED VIOLATION; OR**

1 (viii) A signed statement by [a duly authorized law enforcement
2 officer] **AN AUTHORIZED PERSON** employed by or under contract with an agency
3 that, based on inspection of recorded images, the motor vehicle was being operated in
4 violation of this subtitle;

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

7 (x) **INFORMATION ADVISING THE PERSON ALLEGED TO BE**
8 **LIABLE UNDER THIS SECTION THAT LIABILITY AS ALLEGED IN THE CITATION**
9 **MAY BE CONTESTED AND ADMINISTRATIVELY REVIEWED ONLINE OR BY MAIL;**

10 (XI) **INSTRUCTIONS ADVISING THE PERSON ALLEGED TO BE**
11 **LIABLE UNDER THIS SECTION HOW TO CONTEST THE CITATION ONLINE OR BY**
12 **MAIL;**

13 (XII) 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)] (XIII) Information advising the person alleged to be liable
17 under this section that failure to pay the civil penalty or to contest liability [in a
18 timely manner] **WITHIN 30 DAYS OF RECEIPT OF THE CITATION:**

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; **AND**

24 4. **MAY RESULT IN AN ADDITIONAL PENALTY OF \$30**
25 **AND THE ACCRUAL OF INTEREST AT A RATE OF 1% PER MONTH.**

26 (2) An agency may mail a warning notice instead of a citation to the
27 owner liable under subsection (c) of this section.

28 (3) Except as provided in subsection (f)(4) of this section, an agency
29 may not mail a citation to a person who is not an owner.

30 (4) Except as provided in subsection (f)(4) of this section, a citation
31 issued under this section shall be mailed no later than 2 weeks after the alleged
32 violation if the vehicle is registered in this State, and 30 days after the alleged
33 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 political subdivision; [or]

5 **(II) CONTEST THE CITATION BY REQUESTING**
6 **ADMINISTRATIVE REVIEW OF THE ALLEGED VIOLATION ONLINE OR BY MAIL; OR**

7 **[(ii)] (III)** Elect to stand trial in the District Court for the
8 alleged violation.

9 (e) (1) A certificate alleging that the violation of this subtitle occurred and
10 the requirements under subsection (b) of this section have been satisfied, sworn to, or
11 affirmed by an agent or employee of an agency, based on inspection of recorded images
12 produced by a speed monitoring system, shall be evidence of the facts contained in the
13 certificate and shall be admissible in a proceeding alleging a violation under this
14 section without the presence or testimony of the speed monitoring system operator
15 who performed the 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 **(2) (I) A PERSON CONTESTING A CITATION ONLINE OR BY MAIL**
21 **SHALL:**

22 **1. SUBMIT EVIDENCE IN SUPPORT OF A DEFENSE**
23 **LISTED UNDER SUBSECTION (F)(1)(I) THROUGH (IV) OF THIS SECTION, IN**
24 **ACCORDANCE WITH INSTRUCTIONS PROVIDED ON THE CITATION AND THE**
25 **LOCAL JURISDICTION'S DESIGNATED WEB SITE; AND**

26 **2. PAY A FEE OF \$10 TO THE AGENCY DESIGNATED**
27 **FOR ADMINISTRATIVE REVIEW, WHICH SHALL BE REIMBURSED IF THE PERSON**
28 **PREVAILS.**

29 **(II) AN AGENCY THAT CONDUCTS AN ADMINISTRATIVE**
30 **REVIEW UNDER THIS SECTION SHALL MAIL OR ELECTRONICALLY TRANSMIT ITS**
31 **DECISION WITHIN 30 DAYS OF RECEIVING THE REQUEST.**

32 (3) [Adjudication] **A DETERMINATION** of liability shall be based on a
33 preponderance of evidence.

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

2 (I) EVIDENCE THAT THE CITATION WAS NOT MAILED ON
3 TIME;

4 (II) EVIDENCE THAT THE RECORDED IMAGE DOES NOT
5 SUPPORT THE VIOLATION CHARGED;

6 (III) EVIDENCE THAT THE SPEED MONITORING SYSTEM'S
7 TEST DATA INDICATE THAT THE SPEED MONITORING SYSTEM WAS
8 MALFUNCTIONING;

9 [(i)] (IV) Subject to paragraph (2) of this subsection, that the
10 motor vehicle or the registration plates of the motor vehicle were stolen before the
11 violation occurred and were not under the control or possession of the owner at the
12 time of the violation;

13 [(ii)] (V) Subject to paragraph (3) of this subsection, evidence
14 that the person named in the citation was not operating the vehicle at the time of the
15 violation; and

16 [(iii)] (VI) Any other issues and evidence that the District Court
17 deems pertinent.

18 (2) To demonstrate that the motor vehicle or the registration plates
19 were stolen before the violation occurred and were not under the control or possession
20 of the owner at the time of the violation, the owner shall submit proof that a police
21 report regarding the stolen motor vehicle or registration plates was filed in a timely
22 manner.

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

27 (i) States that the person named in the citation was not
28 operating the vehicle at the time of the violation; and

29 (ii) Includes any other corroborating evidence.

30 (4) (i) If the District Court finds that the person named in the
31 citation was not operating the vehicle at the time of the violation or receives evidence
32 under paragraph (3) of this subsection identifying the person driving the vehicle at the
33 time of the violation, the clerk of the court shall provide to the agency issuing the
34 citation a copy of any evidence substantiating who was operating the vehicle at the
35 time of the violation.

1 (ii) On 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) of this section to the person who the evidence indicates was
4 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) **(1)** If a person liable under this section does not pay the civil penalty
9 or contest the violation, the Administration **MAY**:

10 **[(1)] (I) [May refuse] REFUSE** to register or reregister the motor
11 vehicle cited for the violation; or

12 **[(2)] (II) [May suspend] SUSPEND** the registration of the motor
13 vehicle cited for the violation.

14 **(2) IF A PERSON LIABLE UNDER THIS SECTION DOES NOT PAY THE**
15 **CIVIL PENALTY OR CONTEST THE VIOLATION WITHIN 30 DAYS OF RECEIPT OF**
16 **THE VIOLATION OR DOES NOT PAY THE CIVIL PENALTY WITHIN 30 DAYS OF**
17 **LEARNING THAT THE PERSON HAS NOT PREVAILED ON ADMINISTRATIVE**
18 **REVIEW OR IN THE DISTRICT COURT, THE PERSON SHALL BE SUBJECT TO AN**
19 **ADDITIONAL PENALTY OF \$30 AND THE ACCRUAL OF INTEREST AT A RATE OF**
20 **1% PER MONTH.**

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

22 (1) Is not a moving violation for the purpose of assessing points under
23 § 16–402 of this article;

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

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

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

30 (i) In consultation with the appropriate local government agencies, the Chief
31 Judge of the District Court shall adopt procedures for the issuance of citations, the
32 trial of civil violations, and the collection of civil penalties under this section.

1 (j) (1) An agency or an agent or contractor designated by the agency shall
2 administer and process civil citations issued under this section in coordination with
3 the District Court.

4 (2) If a contractor operates a speed monitoring system on behalf of a
5 local jurisdiction, the contractor's fee may not be contingent on the number of citations
6 issued or paid.

7 **(K) (1) A RECORDED IMAGE NOT USED IN SUPPORT OF A CITATION**
8 **ISSUED UNDER THIS SECTION SHALL BE DESTROYED PROMPTLY.**

9 **(2) A RECORDED IMAGE USED IN SUPPORT OF A CITATION ISSUED**
10 **UNDER THIS SECTION:**

11 **(I) SHALL BE RETAINED FOR 3 YEARS AFTER THE CITATION**
12 **IS PAID AND THEN SHALL BE DESTROYED PROMPTLY; OR**

13 **(II) IF THE CITATION IS DISMISSED BY THE DISTRICT**
14 **COURT OR AN ADMINISTRATIVE AGENCY, SHALL BE DESTROYED PROMPTLY.**

15 21-810.

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

17 (2) "Local police department" means:

18 (i) The police department of any municipal corporation;

19 (ii) The police department of any county; and

20 (iii) The sheriff's department of any county that has highway
21 traffic patrol responsibilities.

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

24 (ii) "Owner" does not include:

25 1. A motor vehicle rental or leasing company; or

26 2. A holder of a special registration plate issued under
27 Title 13, Subtitle 9, Part III of this article.

28 (4) "Recorded image" means an image recorded by a work zone speed
29 control system:

1 (i) On:

- 2 1. A photograph;
- 3 2. A microphotograph;
- 4 3. An electronic image;
- 5 4. Videotape; or
- 6 5. Any other medium; and

7 (ii) Showing:

- 8 1. The rear of a motor vehicle;
- 9 2. **A.** At least two time-stamped images of the motor
10 vehicle that include the same stationary object near the motor vehicle; **OR**

11 **B. AT LEAST ONE RECORDED IMAGE OF THE MOTOR**
12 **VEHICLE WITH A DATA BAR IMPRINTED ON THE IMAGE AND THE DATE AND TIME**
13 **THE IMAGE WAS RECORDED; and**

- 14 3. On at least one image or portion of tape, a clear and
15 legible identification of the entire registration plate number of the motor vehicle.

16 (5) “State police department” means:

- 17 (i) The Department of State Police; and
- 18 (ii) The Maryland Transportation Authority Police.

19 (6) “Work zone” means a segment of a highway:

20 (i) That is identified as a temporary traffic control zone by
21 traffic control devices that are placed or installed in general conformance with the
22 State manual and specifications adopted for a uniform system of traffic control
23 devices; and

24 (ii) Where highway construction, repair, maintenance, utility
25 work, or a related activity, including the placement, installation, maintenance, or
26 removal of a work zone traffic control device, is being performed [regardless of
27 whether workers are present].

28 (7) “Work zone speed control system” means a device having one or
29 more motor vehicle sensors connected to a camera system capable of producing

1 recorded images of motor vehicles traveling at or above a predetermined speed in or
2 approaching a work zone.

3 (8) “Work zone speed control system operator” means an individual
4 who has been trained and certified to operate a work zone speed control system and
5 who is:

6 (i) A police officer;

7 (ii) A representative of a local police department;

8 (iii) A representative of a State police department; or

9 (iv) A State Highway Administration contractor.

10 (b) (1) A work zone speed control system that meets the requirements of
11 this subsection may be used to record the images of motor vehicles traveling on a
12 highway[:

13 (i) Within] **WITHIN** a work zone[;

14 (ii) That is an expressway or a controlled access highway as
15 defined in § 21–101 of this title; and

16 (iii) On which the speed limit, established using generally
17 accepted traffic engineering practices, is 45 miles per hour or greater].

18 (2) A work zone speed control system may be used only:

19 (i) [On a highway as specified in paragraph (1) of this
20 subsection] **WHEN AT LEAST ONE WORKER IS PRESENT ON THE ROADWAY,
21 MEDIAN DIVIDER, OR SHOULDER WITHIN OR ADJACENT TO THE WORK ZONE;**

22 (ii) When being operated by a work zone speed control system
23 operator; and

24 (iii) If, in accordance with the Maryland manual on uniform
25 traffic control devices, a conspicuous road sign is placed at a reasonable distance
26 consistent with national guidelines before the work zone alerting drivers that a speed
27 monitoring system may be in operation in the work zone.

28 (3) A work zone speed control system may be used only to record the
29 images of vehicles that are traveling at speeds at least 12 miles per hour above the
30 posted work zone speed limit.

1 (4) (i) A work zone speed control system operator shall complete
2 training by the manufacturer of the work zone speed control system in the procedures
3 for setting up, testing, and operating the work zone speed control system.

4 (ii) On completion of the training, the manufacturer shall issue
5 a signed certificate to the work zone speed control system operator.

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

8 (5) A work zone speed control system operator shall fill out and sign a
9 daily set-up log for a work zone speed control system that:

10 (i) States the date and time when and the location where the
11 system was set up;

12 (ii) States that the work zone speed control system operator
13 successfully performed, and the device passed, the manufacturer-specified self-tests
14 of the work zone speed control system before producing a recorded image;

15 (iii) Shall be kept on file; and

16 (iv) Shall be admitted as evidence in any court proceeding for a
17 violation of this section.

18 (6) (i) A work zone speed control system shall undergo an annual
19 calibration check performed by an independent calibration laboratory.

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

22 1. Shall be kept on file; and

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

25 (7) The procurement of a work zone speed control system by a unit of
26 State government shall be conducted in accordance with Title 13, Subtitle 1 of the
27 State Finance and Procurement Article.

28 **(8) THE DEPARTMENT OF STATE POLICE AND THE STATE**
29 **HIGHWAY ADMINISTRATION JOINTLY SHALL MAINTAIN A WEB SITE THAT:**

30 **(I) INCLUDES:**

1 1. **THE LOCATIONS OF ALL WORK ZONE SPEED**
2 **CONTROL SYSTEMS;**

3 2. **RESULTS OF ALL TESTING AND CALIBRATIONS**
4 **PERFORMED ON WORK ZONE SPEED CONTROL SYSTEMS;**

5 3. **ADDITIONAL INFORMATION ABOUT EACH**
6 **VIOLATION FOR WHICH A CITATION IS ISSUED UNDER THIS SECTION THAT IS**
7 **ACCESSIBLE ONLY TO THE ALLEGED VIOLATOR; AND**

8 4. **INSTRUCTIONS ON CONTESTING A CITATION**
9 **ONLINE OR BY MAIL AND REQUESTING A HEARING IN THE DISTRICT COURT;**
10 **AND**

11 (ii) **ALLOWS A PERSON RECEIVING A CITATION TO:**

12 1. **PAY THE CIVIL PENALTY;**

13 2. **REQUEST ONLINE ADMINISTRATIVE REVIEW OF**
14 **THE ALLEGED VIOLATION; OR**

15 3. **REQUEST A HEARING IN THE DISTRICT COURT.**

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 an
19 image of the motor vehicle is recorded by a work zone speed control system in
20 accordance with subsection (b) of this section while being operated in violation of this
21 subtitle.

22 (2) A civil penalty under this subsection may not exceed [~~\$40~~] **\$80**.

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

24 (i) Prescribe a uniform citation form consistent with subsection
25 (d)(1) of this section and § 7–302 of the Courts Article; and

26 (ii) Indicate on the citation the amount of the civil penalty to be
27 paid by persons who choose to prepay the civil penalty without **REQUESTING REVIEW**
28 **ONLINE OR BY MAIL OR** appearing in District Court.

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

- 1 (i) The name and address of the registered owner of the vehicle;
- 2 (ii) The registration number of the motor vehicle involved in the
3 violation;
- 4 (iii) The violation charged;
- 5 (iv) The location where the violation occurred;
- 6 (v) The date and time of the violation;
- 7 (vi) [At least one recorded image of the vehicle with a data bar
8 imprinted on each image that includes the speed of the vehicle and the date and time
9 the image was recorded;
- 10 (vii)] The amount of the civil penalty imposed and the date by
11 which the civil penalty should be paid;
- 12 [(viii)](VII) A signed statement by a [police officer employed]
13 **PERSON AUTHORIZED** by the local police department or State police department
14 that, based on inspection of recorded images, the motor vehicle was being operated in
15 violation of this subtitle;
- 16 [(ix)](VIII) A statement that recorded images are evidence of a
17 violation of this subtitle;
- 18 [(x)](IX) **INFORMATION ADVISING THE PERSON ALLEGED**
19 **TO BE LIABLE UNDER THIS SECTION THAT LIABILITY AS ALLEGED IN THE**
20 **CITATION MAY BE CONTESTED AND ADMINISTRATIVELY REVIEWED ONLINE OR**
21 **BY MAIL;**
- 22 (X) **INSTRUCTIONS ADVISING THE PERSON ALLEGED TO BE**
23 **LIABLE UNDER THIS SECTION HOW TO CONTEST THE CITATION ONLINE OR BY**
24 **MAIL;**
- 25 (XI) Information advising the person alleged to be liable under
26 this section of the manner and time in which liability as alleged in the citation may be
27 contested in the District Court; and
- 28 [(xi)] (XII) Information advising the person alleged to be liable
29 under this section that failure to pay the civil penalty or to contest liability [in a
30 timely manner] **WITHIN 30 DAYS OF RECEIPT OF THE CITATION:**
- 31 1. Is an admission of liability;

1 2. May result in the refusal by the Administration to
2 register the motor vehicle; [and]

3 3. May result in the suspension of the motor vehicle
4 registration; AND

5 4. **MAY RESULT IN AN ADDITIONAL PENALTY OF \$30**
6 **AND THE ACCRUAL OF INTEREST AT A RATE OF 1% PER MONTH.**

7 (2) The local police department or State police department may mail a
8 warning notice instead of a citation to the owner liable under subsection (c) of this
9 section.

10 (3) Except as provided in subsection (f)(4) of this section, the local
11 police department or State police department may not mail a citation to a person who
12 is not an owner.

13 (4) Except as provided in subsection (f)(4) of this section, a citation
14 issued under this section shall be mailed no later than 2 weeks after the alleged
15 violation if the vehicle is registered in this State, and no later than 30 days after the
16 alleged violation if the vehicle is registered in another state.

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

19 (i) Pay the civil penalty, in accordance with instructions on the
20 citation, directly to the political subdivision; [or]

21 **(II) CONTEST THE CITATION BY REQUESTING**
22 **ADMINISTRATIVE REVIEW OF THE ALLEGED VIOLATION ONLINE OR BY MAIL; OR**

23 **[(ii) (III)]** Elect to stand trial in the District Court for the
24 alleged violation.

25 (e) (1) A certificate alleging that the violation of this subtitle occurred and
26 the requirements under subsection (b) of this section have been satisfied, sworn to, or
27 affirmed by a police officer employed by the local police department or State police
28 department, based on inspection of recorded images produced by a work zone speed
29 control system, shall be evidence of the facts contained in the certificate and shall be
30 admissible in a proceeding alleging a violation under this section without the presence
31 or testimony of the work zone speed control system operator who performed the
32 requirements under subsection (b) of this section.

33 [(2) If a person who received a citation under subsection (d) of this
34 section desires a work zone speed control system operator to be present and testify at

1 trial, the person shall notify the court and the police department that issued the
2 citation in writing no later than 20 days before trial.]

3 **(2) (I) A PERSON CONTESTING A CITATION ONLINE OR BY MAIL**
4 **SHALL:**

5 **1. SUBMIT EVIDENCE IN SUPPORT OF A DEFENSE**
6 **LISTED UNDER SUBSECTION (F)(1)(I) THROUGH (IV) OF THIS SECTION, IN**
7 **ACCORDANCE WITH INSTRUCTIONS PROVIDED ON THE CITATION AND**
8 **DESIGNATED WEB SITE; AND**

9 **2. PAY A FEE OF \$10 TO THE AGENCY DESIGNATED**
10 **FOR ADMINISTRATIVE REVIEW, WHICH SHALL BE REIMBURSED IF THE PERSON**
11 **PREVAILS.**

12 **(II) AN AGENCY THAT CONDUCTS AN ADMINISTRATIVE**
13 **REVIEW UNDER THIS SECTION SHALL MAIL OR ELECTRONICALLY TRANSMIT ITS**
14 **DECISION WITHIN 30 DAYS OF RECEIVING THE REQUEST.**

15 **(3) [Adjudication] A DETERMINATION** of liability shall be based on a
16 preponderance of evidence.

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

18 **(I) EVIDENCE THAT THE CITATION WAS NOT MAILED ON**
19 **TIME;**

20 **(II) EVIDENCE THAT THE RECORDED IMAGE DOES NOT**
21 **SUPPORT THE VIOLATION CHARGED;**

22 **(III) EVIDENCE THAT THE WORK ZONE SPEED CONTROL**
23 **SYSTEM'S TEST DATA INDICATE THAT THE WORK ZONE SPEED CONTROL SYSTEM**
24 **WAS MALFUNCTIONING;**

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

29 **[(ii)] (V) Subject to paragraph (3) of this subsection, evidence**
30 **that the person named in the citation was not operating the vehicle at the time of the**
31 **violation; and**

1 [(iii)] (VI) Any other issues and evidence that the District Court
2 deems pertinent.

3 (2) To demonstrate that the motor vehicle or the registration plates
4 were stolen before the violation occurred and were not under the control or possession
5 of the owner at the time of the violation, the owner shall submit proof that a police
6 report regarding the stolen motor vehicle or registration plates was filed in a timely
7 manner.

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

12 (i) States that the person named in the citation was not
13 operating the vehicle at the time of the violation; and

14 (ii) Includes any other corroborating evidence.

15 (4) (i) If the District Court finds that the person named in the
16 citation was not operating the vehicle at the time of the violation or receives evidence
17 under paragraph (3) of this subsection identifying the person driving the vehicle at the
18 time of the violation, the clerk of the court may provide to the police department that
19 issued the citation a copy of any evidence substantiating who was operating the
20 vehicle at the time of the violation.

21 (ii) On receipt of substantiating evidence from the District
22 Court under subparagraph (i) of this paragraph, the police department that issued the
23 citation may issue a citation as provided in subsection (d) of this section to the person
24 who the evidence indicates was operating the vehicle at the time of the violation.

25 (iii) Any citation issued under subparagraph (ii) of this
26 paragraph shall be mailed no later than 2 weeks after receipt of the evidence from the
27 District Court.

28 (g) (1) If a person liable under this section does not pay the civil penalty
29 or contest the violation, the Administration MAY:

30 [(1)] (I) [May refuse] REFUSE to register or reregister the motor
31 vehicle cited for the violation; or

32 [(2)] (II) [May suspend] SUSPEND the registration of the motor
33 vehicle cited for the violation.

34 (2) IF A PERSON LIABLE UNDER THIS SECTION DOES NOT PAY THE
35 CIVIL PENALTY OR CONTEST THE VIOLATION WITHIN 30 DAYS OF RECEIPT OF

1 THE VIOLATION OR DOES NOT PAY THE CIVIL PENALTY WITHIN 30 DAYS OF
2 LEARNING THAT THE PERSON HAS NOT PREVAILED ON ADMINISTRATIVE
3 REVIEW OR IN DISTRICT COURT, THE PERSON SHALL BE SUBJECT TO AN
4 ADDITIONAL PENALTY OF \$30 AND THE ACCRUAL OF INTEREST AT A RATE OF
5 1% PER MONTH.

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

7 (1) Is not a moving violation for the purpose of assessing points under
8 § 16-402 of this article;

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

11 (3) May be treated as a parking violation for purposes of § 26-305 of
12 this article; and

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

15 (i) In consultation with local police departments and State police
16 departments, the Chief Judge of the District Court shall adopt procedures for the
17 issuance of citations, the trial of civil violations, and the collection of civil penalties
18 under this section.

19 (j) (1) The Department of State Police or a contractor designated by the
20 Department of State Police shall administer and process civil citations issued under
21 this section in coordination with the District Court.

22 (2) If a contractor provides, deploys, or operates a work zone speed
23 control system for a police department, the contractor's fee may not be contingent on
24 the number of citations issued or paid.

25 (k) The Department of State Police and the State Highway Administration
26 jointly shall adopt regulations establishing standards and procedures for work zone
27 speed control systems authorized under this section.

28 (L) (1) A RECORDED IMAGE NOT USED IN SUPPORT OF A CITATION
29 ISSUED UNDER THIS SECTION SHALL BE DESTROYED PROMPTLY.

30 (2) A RECORDED IMAGE USED IN SUPPORT OF A CITATION ISSUED
31 UNDER THIS SECTION:

32 (I) SHALL BE RETAINED FOR 3 YEARS AFTER THE CITATION
33 IS PAID AND THEN SHALL BE DESTROYED PROMPTLY; OR

1 **(II) IF THE CITATION IS DISMISSED BY THE DISTRICT**
2 **COURT OR AN ADMINISTRATIVE AGENCY, SHALL BE DESTROYED PROMPTLY.**

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