

HOUSE BILL 57

R5
HB 421/13 – ENV

(PRE-FILED)

4lr0361

By: **Delegate Cardin**

Requested: July 30, 2013

Introduced and read first time: January 8, 2014

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Speed Monitoring Systems and Work Zone Speed Control**
3 **Systems**

4 FOR the purpose of altering the definition of “recorded image” for purposes of
5 provisions relating to speed monitoring systems and work zone speed control
6 systems; requiring that certain time-stamped images of a motor vehicle provide
7 sufficient information to allow for the calculation of a certain speed of the motor
8 vehicle; altering a certain requirement relating to the issuance of warnings for
9 certain violations; requiring a local law adopted by the governing body of a local
10 jurisdiction to provide that, for a certain period of time after a speed monitoring
11 system is placed in the jurisdiction, any violation recorded by the speed
12 monitoring system may be enforced only by the issuance of a warning;
13 prohibiting a contractor’s fee from being contingent on the number of citations
14 issued or paid if the contractor administers or processes the citations; requiring
15 a court to impose a certain civil penalty if it finds that a citation for an alleged
16 violation recorded by a speed monitoring system or a work zone speed control
17 system was issued erroneously; requiring a civil penalty collected under this Act
18 to be deposited into the Transportation Trust Fund; establishing that an
19 organization that represents the interests of motorists in the State may bring
20 an action to enforce certain provisions of law relating to speed monitoring
21 systems and work zone speed control systems in a court of competent
22 jurisdiction; and generally relating to speed monitoring systems and work zone
23 speed control systems.

24 BY repealing and reenacting, with amendments,
25 Article – Transportation
26 Section 21–809(a)(4), (b)(1)(v), and (j) and 21–810(a)(4)
27 Annotated Code of Maryland
28 (2012 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
 2 Article – Transportation
 3 Section 21–809(k) and (l) and 21–810(l) and (m)
 4 Annotated Code of Maryland
 5 (2012 Replacement Volume and 2013 Supplement)

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

8 **Article – Transportation**

9 21–809.

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

12 (i) On:

- 13 1. A photograph;
- 14 2. A microphotograph;
- 15 3. An electronic image;
- 16 4. Videotape; or
- 17 5. Any other medium; and

18 (ii) Showing:

- 19 1. The rear of a motor vehicle;
- 20 2. At least two time–stamped images of the motor
 21 vehicle that [include]:

22 **A. INCLUDE** the same stationary object near the motor
 23 vehicle; and

24 **B. PROVIDE SUFFICIENT INFORMATION TO ALLOW**
 25 **FOR THE CALCULATION OF THE SPEED OF THE MOTOR VEHICLE DURING THE**
 26 **INTERVAL BETWEEN THE TWO TIME–STAMPED IMAGES; AND**

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

29 (b) (1) (v) An ordinance or resolution adopted by the governing body of
 30 a local jurisdiction under this paragraph shall provide that for a period of at least 30

1 days after [the first] A speed monitoring system is placed in the local jurisdiction, a
2 violation recorded by [any] THE speed monitoring system [in the local jurisdiction]
3 may be enforced only by the issuance of a warning.

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

7 (2) If a contractor [operates a speed monitoring system]
8 **ADMINISTERS OR PROCESSES CIVIL CITATIONS ISSUED UNDER THIS SECTION** on
9 behalf of a local jurisdiction, the contractor's fee may not be contingent on the number
10 of citations issued or paid.

11 **(K) (1) IF A COURT FINDS THAT A CITATION ISSUED UNDER THIS**
12 **SECTION WAS ISSUED ERRONEOUSLY, THE COURT SHALL IMPOSE A CIVIL**
13 **PENALTY OF \$1,000 ON THE PERSON RESPONSIBLE FOR MAINTAINING THE**
14 **SPEED MONITORING SYSTEM THAT RECORDED THE ALLEGED VIOLATION FOR**
15 **WHICH THE CITATION WAS ISSUED.**

16 **(2) ANY CIVIL PENALTY COLLECTED UNDER THIS SECTION SHALL**
17 **BE DEPOSITED INTO THE TRANSPORTATION TRUST FUND ESTABLISHED UNDER**
18 **§ 3-216 OF THIS ARTICLE.**

19 **(L) AN ORGANIZATION THAT REPRESENTS THE INTERESTS OF**
20 **MOTORISTS IN THE STATE MAY BRING AN ACTION TO ENFORCE THE PROVISIONS**
21 **OF THIS SECTION IN A COURT OF COMPETENT JURISDICTION.**

22 21-810.

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

25 (i) On:

26 1. A photograph;

27 2. A microphotograph;

28 3. An electronic image;

29 4. Videotape; or

30 5. Any other medium; and

31 (ii) Showing:

- 1 1. The rear of a motor vehicle;
- 2 2. At least two time-stamped images of the motor
3 vehicle that [include]:
- 4 A. **INCLUDE** the same stationary object near the motor
5 vehicle; and
- 6 B. **PROVIDE SUFFICIENT INFORMATION TO ALLOW**
7 **FOR THE CALCULATION OF THE SPEED OF THE MOTOR VEHICLE DURING THE**
8 **INTERVAL BETWEEN THE TWO TIME-STAMPED IMAGES; AND**
- 9 3. On at least one image or portion of tape, a clear and
10 legible identification of the entire registration plate number of the motor vehicle.

11 (L) (1) **IF A COURT FINDS THAT A CITATION ISSUED UNDER THIS**
12 **SECTION WAS ISSUED ERRONEOUSLY, THE COURT SHALL IMPOSE A CIVIL**
13 **PENALTY OF \$1,000 ON THE PERSON RESPONSIBLE FOR MAINTAINING THE**
14 **WORK ZONE SPEED CONTROL SYSTEM THAT RECORDED THE ALLEGED**
15 **VIOLATION FOR WHICH THE CITATION WAS ISSUED.**

16 (2) **ANY CIVIL PENALTY COLLECTED UNDER THIS SECTION SHALL**
17 **BE DEPOSITED INTO THE TRANSPORTATION TRUST FUND ESTABLISHED UNDER**
18 **§ 3-216 OF THIS ARTICLE.**

19 (M) **AN ORGANIZATION THAT REPRESENTS THE INTERESTS OF**
20 **MOTORISTS IN THE STATE MAY BRING AN ACTION TO ENFORCE THE PROVISIONS**
21 **OF THIS SECTION IN A COURT OF COMPETENT JURISDICTION.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2014.