HOUSE BILL 57

R5 4lr0361
HB 421/13 – ENV (PRE–FILED)

By: **Delegate Cardin**
Requested: July 30, 2013
Introduced and read first time: January 8, 2014
Assigned to: Environmental Matters

A BILL ENTITLED

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems and Work Zone Speed Control Systems

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

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

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

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

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

Article – Transportation

21–809.

(a) (4) "Recorded image" means an image recorded by a speed monitoring system:

(i) On:

1. A photograph;

2. A microphotograph;

3. An electronic image;

4. Videotape; or

5. Any other medium; and

(ii) Showing:

1. The rear of a motor vehicle;

2. At least two time–stamped images of the motor vehicle that **[**include**]:**

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

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

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

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

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

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

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

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

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

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

21–810.

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

(i) On:

1. A photograph;

2. A microphotograph;

3. An electronic image;

4. Videotape; or

5. Any other medium; and

(ii) Showing:

1. The rear of a motor vehicle;

2. At least two time–stamped images of the motor vehicle that **[**include**]:**

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

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

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

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

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

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

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