

HOUSE BILL 1241

R7

5lr0143

By: **Chair, Environment and Transportation Committee (By Request –
Departmental – Transportation)**

Introduced and read first time: March 4, 2015

Assigned to: Rules and Executive Nominations

Re-referred to: Environment and Transportation, March 9, 2015

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2015

CHAPTER _____

1 AN ACT concerning

2 **Maryland Transportation Authority – Payment of Tolls and Related Fees**

3 FOR the purpose of altering the procedures of the Maryland Transportation Authority for
4 the collection of unpaid tolls through a certain notice of toll due administrative action
5 and a citation for toll violations; altering procedures for assessing a certain civil
6 penalty; altering the contents of a certain citation; authorizing the Authority to
7 waive portions of unpaid tolls and civil penalties under certain circumstances; and
8 generally relating to the issuance of a citation for nonpayment of tolls and fees on
9 Maryland Transportation Authority facilities.

10 BY repealing and reenacting, with amendments,
11 Article – Transportation
12 Section 21–1414
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2014 Supplement)

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

17 **Article – Transportation**

18 21–1414.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

2 (2) "Authority" means the Maryland Transportation Authority.

3 (3) "Electronic toll collection" means a system in a toll collection facility
4 that is capable of collecting information from a motor vehicle for use in charging tolls.

5 (4) "Notice of toll due" or "notice" means an administrative notice of a video
6 toll transaction.

7 (5) "Person alleged to be liable" means:

8 (i) The registered owner of a motor vehicle involved in a video toll
9 transaction; or

10 (ii) A person to whom a registered owner of a motor vehicle has
11 transferred liability for a video toll transaction in accordance with this section and the
12 regulations of the Authority.

13 (6) "Recorded image" means an image of a motor vehicle passing through a
14 toll collection facility recorded by a video monitoring system:

15 (i) On:

16 1. One or more photographs, micrographs, or electronic
17 images;

18 2. Videotape; or

19 3. Any other medium; and

20 (ii) Showing either the front or rear of the motor vehicle on at least
21 one image or portion of tape and clearly identifying the license plate number and state of
22 the motor vehicle.

23 (7) "Registered owner" means, with respect to a motor vehicle, the person
24 or persons designated as the registered owner in the records of the [state] GOVERNMENT
25 agency that is responsible for motor vehicle registration.

26 (8) "Toll collection facility" means any point on an Authority highway
27 where a toll is incurred and is required to be paid.

28 (9) "Toll violation" means the failure to pay a video toll within the time
29 prescribed by the Authority in a notice of toll due.

1 (10) "Video monitoring system" means a device installed to work in
2 conjunction with a toll collection facility that produces a recorded image when a video toll
3 transaction occurs.

4 (11) "Video toll" means the amount assessed by the Authority when a video
5 toll transaction occurs.

6 (12) "Video toll transaction" means any transaction in which a motor vehicle
7 does not or did not pay a toll at the time of passage through a toll collection facility with a
8 video monitoring system.

9 (b) (1) Except as provided in subsection (g) of this section, the registered owner
10 of a motor vehicle shall be liable to the Authority for payment of a video toll as provided for
11 in the regulations of the Authority.

12 (2) The Authority shall send the registered owner of a motor vehicle that
13 has incurred a video toll a notice of toll due.

14 (3) Except as provided in subsection (g) of this section, the person alleged
15 to be liable who receives a notice of toll due shall have **AT LEAST** 30 days to pay the video
16 toll.

17 (c) (1) Failure of the person alleged to be liable to pay the video toll under a
18 notice of toll due by the date stated on the notice shall constitute a toll violation subject to
19 A civil citation and A civil penalty, **WHICH SHALL BE ASSESSED 15 DAYS AFTER THE**
20 **TOLL VIOLATION OCCURS**, as provided for in the regulations of the Authority.

21 (2) A registered owner of a motor vehicle shall not be liable for a civil
22 penalty imposed under this section if the operator of the motor vehicle has been convicted
23 of failure or refusal to pay a toll under § 21-1413 of this subtitle for the same violation.

24 (d) (1) The Authority or its duly authorized agent shall send a citation via
25 first-class mail, no later than 60 days after the toll violation, to the person alleged to be
26 liable under this section.

27 (2) Personal service of the citation on the person alleged to be liable shall
28 not be required, and a record of mailing kept in the ordinary course of business shall be
29 admissible evidence of the mailing of the notice of toll due and citation.

30 (3) A citation shall contain:

31 (i) The name and address of the person alleged to be liable under
32 this section;

33 (ii) The license plate number and state of registration of the motor
34 vehicle involved in the video toll transaction;

- 1 (iii) The location where the video toll transaction took place;
- 2 (iv) The date and time of the video toll transaction;
- 3 (v) The amount of the video toll and the date it was due as stated on
4 the notice of toll due;
- 5 (vi) A copy of the recorded image;
- 6 (vii) A statement that the video toll was not paid [by the date stated
7 on the notice of toll due] **BEFORE THE CIVIL PENALTY WAS ASSESSED**;
- 8 (viii) The amount of the civil penalty; and
- 9 (ix) The date by which the video toll and civil penalty must be paid.

10 (4) A citation shall also include:

- 11 (i) Information advising the person alleged to be liable under this
12 section of the manner and the time in which liability alleged in the citation may be
13 contested;
- 14 (ii) The statutory defenses described in subsection (g) of this section
15 that were originally included in the notice of toll due; and
- 16 (iii) A warning that failure to pay the video toll and civil penalty, to
17 contest liability in the manner and time prescribed, or to appear at a trial requested is an
18 admission of liability and a waiver of available defenses, and may result in the refusal or
19 suspension of the motor vehicle registration and referral for collection.

20 (5) A person alleged to be liable receiving the citation for a toll violation
21 under this section may:

- 22 (i) Pay the video toll and the civil penalty directly to the Authority;
23 or
- 24 (ii) Elect to stand trial for the alleged violation.

25 (6) (i) If the person alleged to be liable under this section fails to elect
26 to stand trial or to pay the prescribed video toll and civil penalty within 30 days after
27 mailing of the citation, or is adjudicated to be liable after trial, or fails to appear at trial
28 after having elected to stand trial, the Authority or its duly authorized agent may:

- 29 1. Collect the video toll and the civil penalty by any means of
30 collection as provided by law; and

1 2. Notify the Administration of the failure to pay the video
2 toll and civil penalty in accordance with § 27–110 of this article.

3 (ii) No additional hearing or proceeding is required before the
4 Administration takes action with respect to the registered vehicle of the owner under §
5 27–110 of this article.

6 (e) (1) A certificate alleging that a toll violation occurred **AND THAT THE**
7 **VIDEO TOLL PAYMENT WAS NOT RECEIVED BEFORE THE CIVIL PENALTY WAS**
8 **ASSESSED**, sworn to or affirmed by a duly authorized agent of the Authority, based upon
9 inspection of a recorded image and electronic toll collection records produced by an
10 electronic toll collection video monitoring system shall be evidence of the facts contained
11 therein and shall be admissible in any proceeding alleging a violation under this section
12 without the presence or testimony of the duly authorized agent who performed the
13 requirements under this section.

14 (2) The citation, including the certificate, shall constitute prima facie
15 evidence of liability for the toll violation and civil penalty.

16 (f) Adjudication of liability under this section:

17 (1) Shall be based upon a preponderance of evidence;

18 (2) May not be deemed a conviction of a registered owner of a motor vehicle
19 under the Motor Vehicle Code;

20 (3) May not be made part of the registered owner's motor vehicle operating
21 record; and

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

24 (g) (1) If, at the time of a video toll transaction, a motor vehicle is operated by
25 a person other than the registered owner without the express or implied consent of the
26 registered owner, and if the registered owner **[within 30 days of receiving] BY THE DATE**
27 **STATED ON** the notice of toll due provides the Authority or its duly authorized agent with
28 a notarized admission by the person accepting liability which shall include that person's
29 name, address, and driver's license identification number, then the person accepting
30 liability shall be liable under this section and shall be sent a notice of toll due.

31 (2) If the registered owner is a lessor of motor vehicles, and at the time of
32 the video toll transaction the motor vehicle involved was in the possession of a lessee, and
33 the lessor **[within 30 days of] BY THE DATE STATED ON** the notice of toll due provides the
34 Authority or its duly authorized agent with a copy of the lease agreement or other
35 documentation acceptable to the Authority identifying the lessee, **INCLUDING THE**
36 **PERSON'S NAME, ADDRESS, AND DRIVER'S LICENSE IDENTIFICATION NUMBER OR**

1 **FEDERAL EMPLOYER IDENTIFICATION NUMBER**, then the lessee shall be liable under
2 this section and shall be sent a notice of toll due.

3 (3) If the motor vehicle involved in a video toll transaction is operated using
4 a dealer or transporter registration plate, and at the time of the video toll transaction the
5 motor vehicle was under the custody and control of a person other than the owner of the
6 dealer or transporter registration plate, and if the owner of the dealer or transporter
7 registration plate [within 30 days of] **BY THE DATE STATED ON** the notice of toll due
8 provides to the Authority or its duly authorized agent a copy of the contractual agreement
9 or other documentation acceptable to the Authority identifying the person, **INCLUDING**
10 **THE PERSON'S NAME, ADDRESS, AND DRIVER'S LICENSE IDENTIFICATION NUMBER**,
11 who had custody and control over the motor vehicle at the time of the video toll transaction,
12 then that person and not the owner of the dealer or transporter registration plate shall be
13 liable under this section and shall be sent a notice of toll due.

14 (4) If a motor vehicle **OR REGISTRATION PLATE NUMBER** is reported to a
15 law enforcement agency as stolen at the time of the video toll transaction, and the
16 registered owner [within 30 days of] **BY THE DATE STATED ON** the notice of toll due
17 provides to the Authority or its duly authorized agent a copy of the police report
18 substantiating that the motor vehicle was stolen at the time of the video toll transaction,
19 then the registered owner of the motor vehicle is not liable under this section.

20 **(H) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, UNTIL THE**
21 **AUTHORITY REFERS THE DEBT TO THE CENTRAL COLLECTION UNIT, THE**
22 **AUTHORITY MAY WAIVE ANY PORTION OF THE VIDEO TOLL DUE OR CIVIL PENALTY**
23 **ASSESSED UNDER THIS SECTION.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.