R5 Thr2900 CF SB 778

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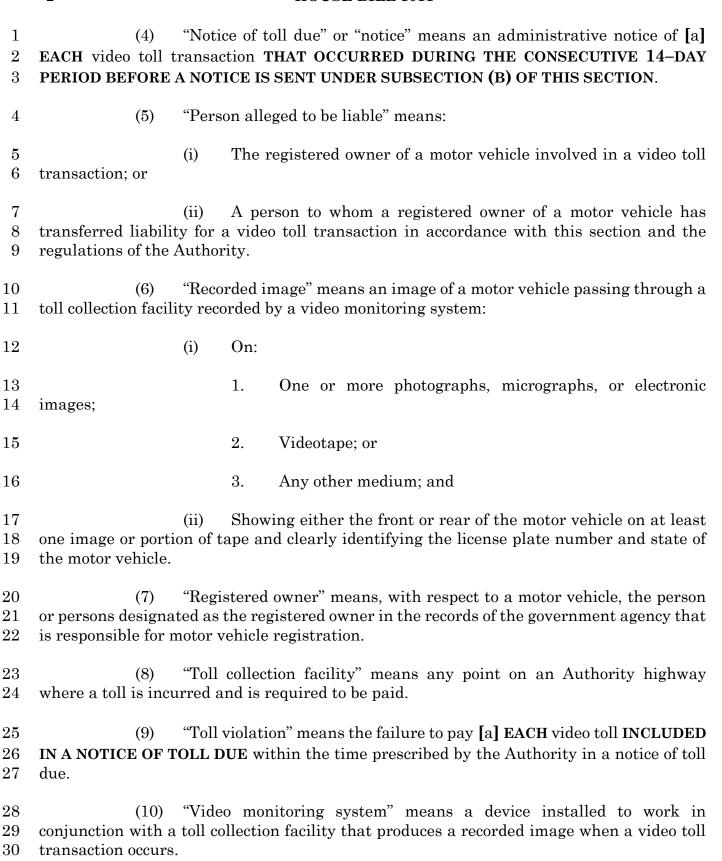
A BILL ENTITLED

1 AN ACT concerning 2 Maryland Transportation Authority – Video Tolls – Notice of Toll Due 3 FOR the purpose of requiring a certain notice of certain video tolls to include notice of each 4 video toll transaction that occurred during a certain period of time; requiring the 5 Maryland Transportation Authority to send a registered owner of a motor vehicle 6 that incurs a video toll a notice of toll due within a certain number of days after the 7 video toll is incurred; altering certain definitions; making certain conforming 8 changes; and generally relating to video tolls. 9 BY repealing and reenacting, with amendments, 10 Article – Transportation Section 21–1414 11 12 Annotated Code of Maryland (2012 Replacement Volume and 2016 Supplement) 13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 14 15 That the Laws of Maryland read as follows: 16 Article - Transportation 21-1414. 17 In this section the following words have the meanings indicated. 18 (a) (1) "Authority" means the Maryland Transportation Authority. 19 (2)20 "Electronic toll collection" means a system in a toll collection facility

that is capable of collecting information from a motor vehicle for use in charging tolls.

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

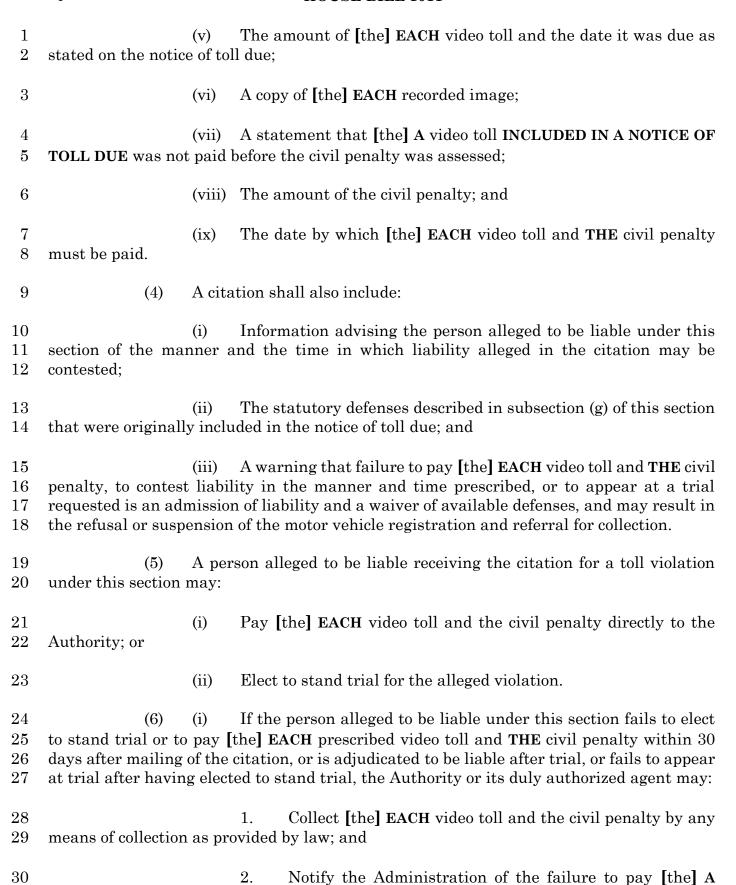
1 "Video toll transaction" means any transaction in which a motor vehicle 2 does not or did not pay a toll at the time of passage through a toll collection facility with a 3 video monitoring system. 4 (b) Except as provided in subsection (g) of this section, the registered owner 5 of a motor vehicle shall be liable to the Authority for payment of a video toll as provided for 6 in the regulations of the Authority. 7 (2)The Authority shall send the registered owner of a motor vehicle that 8 has incurred a video toll a notice of toll due WITHIN 14 DAYS AFTER A VIDEO TOLL IS 9 INCURRED. 10 (3)Except as provided in subsection (g) of this section, the person alleged 11 to be liable who receives a notice of toll due shall have at least 30 days to pay [the] EACH 12 video toll INCLUDED IN THE NOTICE OF TOLL DUE. 13 Failure of the person alleged to be liable to pay [the] EACH video toll 14 under a notice of toll due by the date stated on the notice shall constitute a toll violation 15 subject to a civil citation and a civil penalty, which shall be assessed 15 days after the toll 16 violation occurs, as provided for in the regulations of the Authority. 17 (2)A registered owner of a motor vehicle shall not be liable for a civil 18 penalty imposed under this section if the operator of the motor vehicle has been convicted of failure or refusal to pay a toll under § 21–1413 of this subtitle for the same violation AND 19 20 THE VIOLATION IS THE ONLY VIDEO TOLL INCLUDED IN THE NOTICE OF TOLL DUE. 21The Authority or its duly authorized agent shall send a citation via 22first-class mail, no later than 60 days after the toll violation, to the person alleged to be 23 liable under this section. 24Personal service of the citation on the person alleged to be liable shall (2)25not be required, and a record of mailing kept in the ordinary course of business shall be 26admissible evidence of the mailing of the notice of toll due and citation. 27 (3) A citation shall contain: 28(i) The name and address of the person alleged to be liable under 29this section; 30 (ii) The license plate number and state of registration of the motor 31 vehicle involved in [the video toll transaction] EACH VIDEO TOLL TRANSACTION; 32 (iii) The location where [the] EACH video toll transaction took place;

The date and time of [the] EACH video toll transaction;

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(iv)

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video toll and civil penalty in accordance with § 27–110 of this article.

- 1 (ii) No additional hearing or proceeding is required before the 2 Administration takes action with respect to the registered vehicle of the owner under § 3 27–110 of this article.
 - (e) (1) A certificate alleging that a toll violation occurred and that [the] A video toll payment was not received before the civil penalty was assessed, sworn to or affirmed by a duly authorized agent of the Authority, based upon inspection of a recorded image and electronic toll collection records produced by an electronic toll collection video monitoring system shall be evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under this section without the presence or testimony of the duly authorized agent who performed the requirements under this section.
- 11 (2) The citation, including the certificate, shall constitute prima facie 12 evidence of liability for the toll violation and civil penalty.
- 13 (f) Adjudication of liability under this section:

- 14 (1) Shall be based upon a preponderance of evidence;
- 15 (2) May not be deemed a conviction of a registered owner of a motor vehicle 16 under the Motor Vehicle Code;
- 17 (3) May not be made part of the registered owner's motor vehicle operating 18 record; and
- 19 (4) May not be considered in the provision of motor vehicle insurance 20 coverage.
 - (g) (1) If, at the time of a video toll transaction, a motor vehicle is operated by a person other than the registered owner without the express or implied consent of the registered owner, and if the registered owner by the date stated on the notice of toll due provides the Authority or its duly authorized agent with a notarized admission by the person accepting liability which shall include that person's name, address, and driver's license identification number, then the person accepting liability shall be liable under this section and shall be sent a notice of toll due.
 - (2) If the registered owner is a lessor of motor vehicles, and at the time of the video toll transaction the motor vehicle involved was in the possession of a lessee, and the lessor by the date stated on the notice of toll due provides the Authority or its duly authorized agent with a copy of the lease agreement or other documentation acceptable to the Authority identifying the lessee, including the person's name, address, and driver's license identification number or federal employer identification number, then the lessee shall be liable under this section and shall be sent a notice of toll due.
 - (3) If the motor vehicle involved in a video toll transaction is operated using a dealer or transporter registration plate, and at the time of the video toll transaction the motor vehicle was under the custody and control of a person other than the owner of the

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dealer or transporter registration plate, and if the owner of the dealer or transporter registration plate by the date stated on the notice of toll due provides to the Authority or its duly authorized agent a copy of the contractual agreement or other documentation acceptable to the Authority identifying the person, including the person's name, address, and driver's license identification number, who had custody and control over the motor vehicle at the time of the video toll transaction, then that person and not the owner of the dealer or transporter registration plate shall be liable under this section and shall be sent a notice of toll due.

- (4) If a motor vehicle or registration plate number is reported to a law enforcement agency as stolen at the time of the video toll transaction, and the registered owner by the date stated on the notice of toll due provides to the Authority or its duly authorized agent a copy of the police report substantiating that the motor vehicle was stolen at the time of the video toll transaction, then the registered owner of the motor vehicle is not liable under this section.
- 15 (h) Notwithstanding any other provision of law, until the Authority refers the 16 debt to the Central Collection Unit, the Authority may waive any portion of the video toll 17 due or civil penalty assessed under this section.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 19 October 1, 2017.