

HOUSE BILL 69

R2

8lr0467

(PRE-FILED)

By: **Delegate Carr**

Requested: August 9, 2017

Introduced and read first time: January 10, 2018

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transportation Authority – Video Toll Civil Penalty – Distribution to**
3 **the General Fund**

4 FOR the purpose of prohibiting certain trust agreements that secure revenue bonds issued
5 by the Maryland Transportation Authority from pledging or assigning revenues
6 attributable to a certain civil penalty; requiring that, after deducting the reasonable
7 costs of administering a certain program, revenue attributable to certain civil
8 penalties be paid to the General Fund of the State; making a conforming change;
9 providing that a certain distribution of revenue attributable to a certain civil penalty
10 applies only under certain circumstances; providing for the prospective application
11 of this Act; and generally relating to pledging or assigning and distributing revenues
12 attributable to a certain civil penalty.

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 4–311(a) and 4–313(a)(1)
16 Annotated Code of Maryland
17 (2015 Replacement Volume and 2017 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Transportation
20 Section 21–1414(a)
21 Annotated Code of Maryland
22 (2012 Replacement Volume and 2017 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Transportation
25 Section 21–1414(c)
26 Annotated Code of Maryland
27 (2012 Replacement Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Transportation**

4 4–311.

5 (a) (1) Revenue bonds issued under this subtitle may be secured by a trust
6 agreement between the Authority and a corporate trustee, which may be any trust company
7 or bank having trust powers within or without this State.

8 (2) **[The] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
9 **SUBSECTION, THE** trust agreement may pledge or assign all or any part of the revenues
10 of the Authority or of any transportation facilities project, but may not mortgage any part
11 of any transportation facilities project.

12 **(3) THE TRUST AGREEMENT MAY NOT PLEDGE OR ASSIGN ANY PART**
13 **OF THE REVENUES ATTRIBUTABLE TO THE CIVIL PENALTIES COLLECTED UNDER §**
14 **21–1414 OF THIS TITLE.**

15 4–313.

16 (a) (1) **[All] EXCEPT AS PROVIDED IN § 21–1414(C)(3) OF THIS ARTICLE,**
17 **ALL** rentals, rates, fees, tolls, and other charges and revenues derived from any
18 transportation facilities project shall be set aside in a fund known as the “Transportation
19 Authority Fund”, except to the extent that they are pledged under an applicable trust
20 agreement to secure either:

21 (i) Revenue bonds issued under this subtitle if the trust agreement
22 or bond authorizing resolution expressly provides that this section does not apply to those
23 bonds; or

24 (ii) Revenue bonds of prior issues.

25 21–1414.

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

27 (2) “Authority” means the Maryland Transportation Authority.

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

30 (4) “Notice of toll due” or “notice” means an administrative notice of a video
31 toll transaction.

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

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

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

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

9 (i) On:

10 1. One or more photographs, micrographs, or electronic
11 images;

12 2. Videotape; or

13 3. Any other medium; and

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

17 (7) "Registered owner" means, with respect to a motor vehicle, the person
18 or persons designated as the registered owner in the records of the government agency that
19 is responsible for motor vehicle registration.

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

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

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

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

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

1 (c) (1) Failure of the person alleged to be liable to pay the video toll under a
2 notice of toll due by the date stated on the notice shall constitute a toll violation subject to
3 a civil citation and a civil penalty, which shall be assessed 15 days after the toll violation
4 occurs, as provided for in the regulations of the Authority.

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

8 **(3) AFTER DEDUCTING THE REASONABLE COSTS OF ADMINISTERING**
9 **THE VIDEO TOLL PROGRAM NOT COVERED BY TOLL REVENUE, THE AUTHORITY**
10 **SHALL PAY ALL REVENUE ATTRIBUTABLE TO THE CIVIL PENALTIES COLLECTED**
11 **UNDER THIS SECTION TO THE GENERAL FUND OF THE STATE.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding Section 1 of
13 this Act, the distribution of revenue from the civil penalties collected under § 21-1414 of
14 the Transportation Article to the General Fund of the State as enacted by this Act does not
15 apply until all Transportation Facilities Projects Revenue Bonds or other revenue bonds
16 that were issued by the Maryland Transportation Authority before July 1, 2018, are no
17 longer outstanding and unpaid.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to
19 apply only prospectively and may not be applied or interpreted to have any effect on or
20 application to any trust agreement entered into before the effective date of this Act.

21 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2018.