

HOUSE BILL 1151

R5

8lr3484

By: **Delegates Hill, Fisher, Jalisi, R. Lewis, McCray, Parrott, Pena–Melnyk, Reilly, Rey, Wivell, and K. Young**

Introduced and read first time: February 8, 2018

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Speed Monitoring Systems**

3 FOR the purpose of altering requirements for the annual calibration checks required for
4 speed monitoring systems; requiring a local jurisdiction with a speed monitoring
5 system program to publish online certain information; authorizing a person who
6 receives a citation from a speed monitoring system to request the presence of certain
7 individuals at trial; reducing the time required for a certain notice; establishing a
8 certain presumption in favor of an individual issued a citation by a speed monitoring
9 system under certain circumstances; altering a certain definition; and generally
10 relating to speed monitoring systems.

11 BY repealing and reenacting, without amendments,
12 Article – Transportation
13 Section 21–809(a)(1)
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2017 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 21–809(a)(6), (b)(4), and (e)
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2017 Supplement)

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

23 **Article – Transportation**

24 21–809.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (6) "Recorded image" means an image recorded by a speed monitoring
3 system:

4 (i) On:

5 1. A photograph;

6 2. A microphotograph;

7 3. An electronic image;

8 4. Videotape; or

9 5. Any other medium **THAT PROVIDES AN ACCURATE**

10 **VISUAL RECORD OF A MOTOR VEHICLE;** and

11 (ii) Showing:

12 1. The rear of a motor vehicle;

13 2. At least two time-stamped images of the motor vehicle
14 that include the same stationary object near the motor vehicle;

15 3. **AN ACCURATE REPRESENTATION OF THE LINEAR**
16 **DISTANCE TRAVELED BY THE MOTOR VEHICLE BETWEEN EACH TIME-STAMPED**
17 **IMAGE;** and

18 [3.] 4. On at least one image or portion of tape, a clear and
19 legible identification of the entire registration plate number of the motor vehicle.

20 (b) (4) (i) A speed monitoring system shall undergo an annual calibration
21 check, **INCLUDING A CHECK OF ALL KEY SYSTEMS RELEVANT TO THE ACCURACY OF**
22 **THE SYSTEM,** performed by an independent calibration laboratory that is:

23 1. Selected by the local jurisdiction; and

24 2. Unaffiliated with the manufacturer of the speed
25 monitoring system.

26 (ii) The independent calibration laboratory shall issue a signed
27 certificate of calibration after the annual calibration check that:

28 1. Shall be kept on file; and

1 2. Shall be admitted as evidence in any court proceeding for
2 a violation of this section.

3 **(III) EACH LOCAL JURISDICTION WITH A SPEED MONITORING**
4 **SYSTEM PROGRAM SHALL PUBLISH ONLINE INFORMATION REGARDING THE ANNUAL**
5 **CALIBRATION, INCLUDING THE CERTIFICATE OF CALIBRATION.**

6 (e) (1) A certificate alleging that the violation of this subtitle occurred and the
7 requirements under subsection (b) of this section have been satisfied, sworn to, or affirmed
8 by a duly authorized law enforcement officer employed by or under contract with an agency,
9 based on inspection of recorded images produced by a speed monitoring system, shall be
10 evidence of the facts contained in the certificate [and shall be admissible in a proceeding
11 alleging a violation under this section without the presence or testimony of the speed
12 monitoring system operator who performed the requirements under subsection (b) of this
13 section].

14 (2) If a person who received a citation under subsection (d) of this section
15 desires the speed monitoring system operator, **THE DULY AUTHORIZED LAW**
16 **ENFORCEMENT OFFICER WHO SIGNED THE CITATION UNDER SUBSECTION**
17 **(D)(1)(VIII) OF THIS SECTION, OR THE TECHNICIAN WHO PERFORMED A**
18 **CALIBRATION CHECK UNDER SUBSECTION (B)(4) OF THIS SECTION** to be present and
19 testify **AND FOR CROSS EXAMINATION** at trial, the person shall notify the court and the
20 State in writing no later than [20] **10** days before trial.

21 (3) **IF A PERSON WHO RECEIVED A CITATION UNDER SUBSECTION (D)**
22 **OF THIS SECTION MAKES A REASONABLE REQUEST FOR DATA OTHER THAN A**
23 **RECODED IMAGE FROM THE SPEED MONITORING SYSTEM AND THE REQUEST IS**
24 **DENIED BY THE LOCAL JURISDICTION, THERE IS A REBUTTABLE PRESUMPTION**
25 **THAT THE CITATION ISSUED WAS AN ERRONEOUS VIOLATION.**

26 (4) Adjudication of liability shall be based on a preponderance of evidence.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2018.