

SENATE BILL 1244

R5

8lr3932

By: **Senator Klausmeier**

Introduced and read first time: March 5, 2018

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Video Toll Violation – Hearing Venue**

3 FOR the purpose of authorizing a hearing on a certain video toll violation to be held in the
4 county in which the person charged with the violation resides, under certain
5 circumstances; and generally relating to video toll violations.

6 BY repealing and reenacting, without amendments,
7 Article – Transportation
8 Section 21–1414(c) and (d)
9 Annotated Code of Maryland
10 (2012 Replacement Volume and 2017 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Transportation
13 Section 26–401
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2017 Supplement)

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

18 **Article – Transportation**

19 21–1414.

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

24 (2) A registered owner of a motor vehicle shall not be liable for a civil

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 penalty imposed under this section if the operator of the motor vehicle has been convicted
2 of failure or refusal to pay a toll under § 21-1413 of this subtitle for the same violation.

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

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

9 (3) A citation shall contain:

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

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

14 (iii) The location where the video toll transaction took place;

15 (iv) The date and time of the video toll transaction;

16 (v) The amount of the video toll and the date it was due as stated on
17 the notice of toll due;

18 (vi) A copy of the recorded image;

19 (vii) A statement that the video toll was not paid before the civil
20 penalty was assessed;

21 (viii) The amount of the civil penalty; and

22 (ix) The date by which the video toll and civil penalty must be paid.

23 (4) A citation shall also include:

24 (i) Information advising the person alleged to be liable under this
25 section of the manner and the time in which liability alleged in the citation may be
26 contested;

27 (ii) The statutory defenses described in subsection (g) of this section
28 that were originally included in the notice of toll due; and

29 (iii) A warning that failure to pay the video toll and civil penalty, to
30 contest liability in the manner and time prescribed, or to appear at a trial requested is an
31 admission of liability and a waiver of available defenses, and may result in the refusal or

1 suspension of the motor vehicle registration and referral for collection.

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

4 (i) Pay the video toll and the civil penalty directly to the Authority;
5 or

6 (ii) Elect to stand trial for the alleged violation.

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

11 1. Collect the video toll and the civil penalty by any means of
12 collection as provided by law; and

13 2. Notify the Administration of the failure to pay the video
14 toll and civil penalty in accordance with subsection (i) of this section.

15 (ii) No additional hearing or proceeding is required before the
16 Administration takes action with respect to the motor vehicle of the registered owner under
17 subsection (i) of this section.

18 26–401.

19 (A) If a person is taken before a District Court commissioner or is given a traffic
20 citation or a civil citation under § 21–202.1, § 21–809, § 21–810, [§ 21–1414,] or § 24–111.3
21 of this article containing a notice to appear in court, the commissioner or court shall be one
22 that sits within the county in which the offense allegedly was committed.

23 (B) IF A PERSON RECEIVES A CIVIL CITATION UNDER § 21–1414 OF THIS
24 ARTICLE CONTAINING A NOTICE TO APPEAR IN COURT, THE COURT SHALL BE ONE
25 THAT SITS WITHIN:

26 (1) THE COUNTY IN WHICH THE OFFENSE ALLEGEDLY WAS
27 COMMITTED; OR

28 (2) THE COUNTY IN WHICH THE PERSON RESIDES, IF THE PERSON IS
29 A RESIDENT OF THE STATE.

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