

HOUSE BILL 48

R5

0lr0797

(PRE-FILED)

By: **Delegate Carr**

Requested: October 1, 2019

Introduced and read first time: January 8, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Video Toll Violations – Intercounty Connector – Hearing Venue**

3 FOR the purpose of requiring that a hearing on a video toll violation alleged to have
4 occurred on the Intercounty Connector be held in Montgomery County if the person
5 alleged to be liable resides in Montgomery County or in Prince George’s County for
6 all other violations; and generally relating to the hearing venue for video toll
7 violations alleged to have occurred on the Intercounty Connector.

8 BY repealing and reenacting, without amendments,

9 Article – Transportation

10 Section 4–321(a)

11 Annotated Code of Maryland

12 (2015 Replacement Volume and 2019 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Transportation

15 Section 21–1414(c) and (d)

16 Annotated Code of Maryland

17 (2012 Replacement Volume and 2019 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Transportation

20 Section 26–401

21 Annotated Code of Maryland

22 (2012 Replacement Volume and 2019 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

24 That the Laws of Maryland read as follows:

25 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4-321.

2 (a) In this section, "Intercounty Connector" means the east-west multimodal
3 highway in Montgomery and Prince George's counties between Interstate 270 and
4 Interstate 95/U.S. Route 1, as described in the 2005 - 2010 Consolidated Transportation
5 Plan.

6 21-1414.

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

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

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

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

20 (3) A citation shall contain:

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

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

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

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

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

29 (vi) A copy of the recorded image;

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

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

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

3 (4) A citation shall also include:

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

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

9 (iii) A warning that failure to pay the video toll and civil penalty, to
10 contest liability in the manner and time prescribed, or to appear at a trial requested is an
11 admission of liability and a waiver of available defenses, and may result in the refusal or
12 suspension of the motor vehicle registration and referral for collection.

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

15 (i) Pay the video toll and the civil penalty directly to the Authority;
16 or

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

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

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

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

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

29 26-401.

30 (A) [If] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF a
31 person is taken before a District Court commissioner or is given a traffic citation or a civil
32 citation under § 21-202.1, § 21-809, § 21-810, § 21-1414, or § 24-111.3 of this article
33 containing a notice to appear in court, the commissioner or court shall be one that sits

1 within the county in which the offense allegedly was committed.

2 **(B) (1) THIS SUBSECTION APPLIES ONLY TO VIOLATIONS ALLEGED TO**
3 **HAVE OCCURRED ON THE INTERCOUNTY CONNECTOR, AS DEFINED IN § 4-321 OF**
4 **THIS ARTICLE.**

5 **(2) IF A PERSON RECEIVES A CIVIL CITATION UNDER § 21-1414 OF**
6 **THIS ARTICLE CONTAINING A NOTICE TO APPEAR IN COURT, THE COURT SHALL BE**
7 **ONE THAT SITS WITHIN:**

8 **(I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH,**
9 **PRINCE GEORGE'S COUNTY; OR**

10 **(II) MONTGOMERY COUNTY, IF THE PERSON IS A RESIDENT OF**
11 **MONTGOMERY COUNTY.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2020.