R5 1lr0386

By: Montgomery County Delegation

Introduced and read first time: January 20, 2021 Assigned to: Environment and Transportation

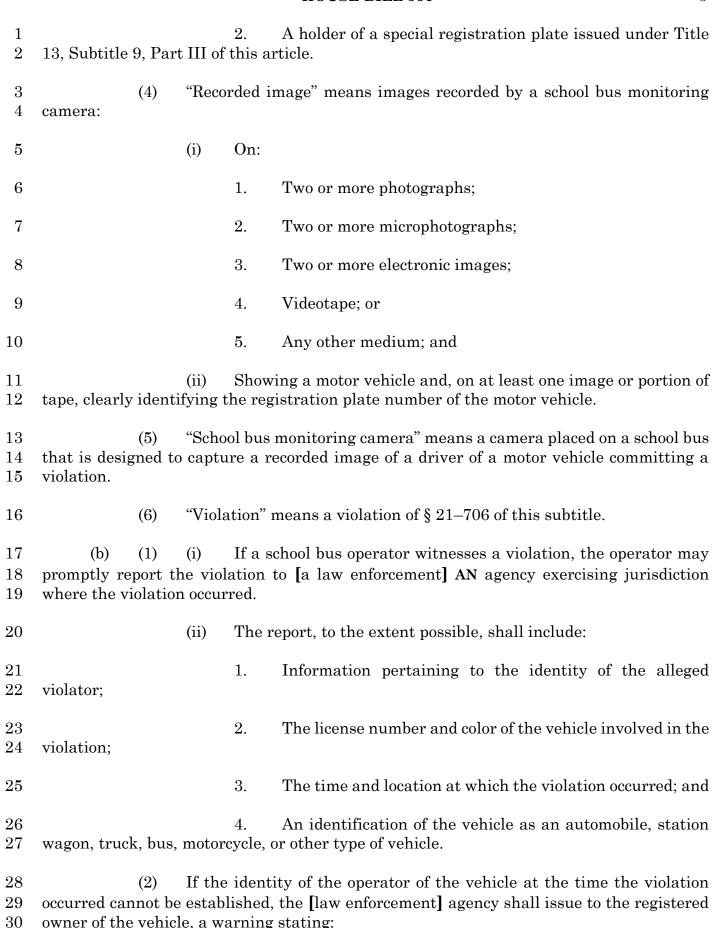
A BILL ENTITLED

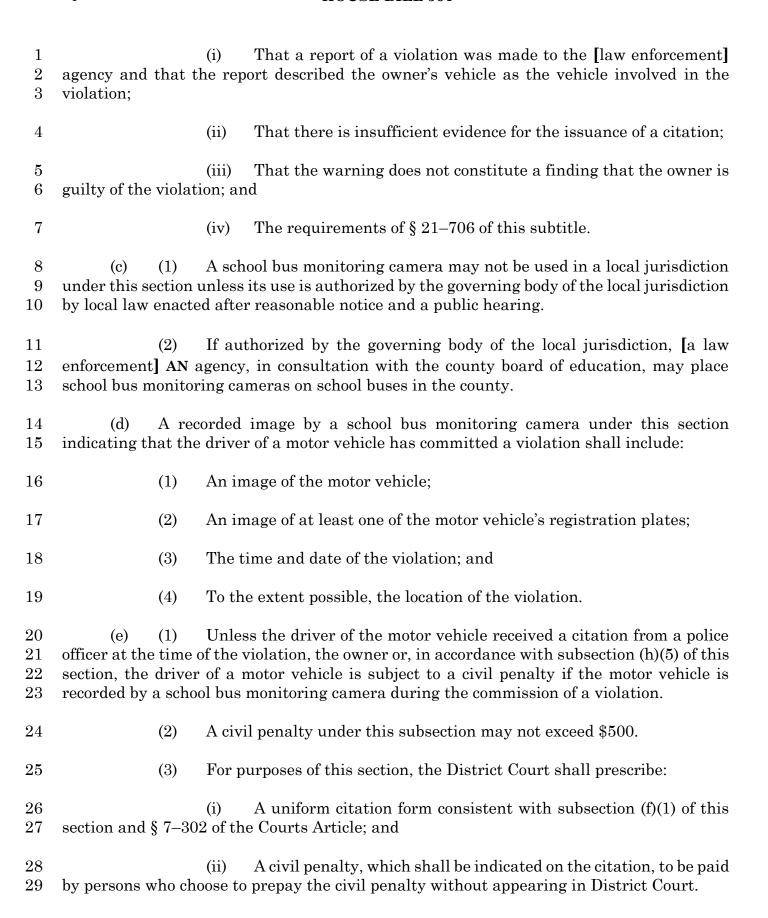
- 1 AN ACT concerning
- 2 Montgomery County Automated Traffic Enforcement Implementing Agency
- 3 MC 4-21
- 4 FOR the purpose of authorizing Montgomery County to designate the Montgomery County
- Department of Transportation as the agency responsible for implementing
- automated traffic enforcement programs in the county; requiring that an employee of the Montgomery County Department of Transportation, instead of a law
- 8 enforcement officer, sign a certain required statement on a citation issued through
- 9 the use of automated traffic enforcement systems in Montgomery County, under
- 10 certain circumstances; altering the process under certain circumstances for the
- certification of evidence produced through the use of automated traffic enforcement
- systems; and generally relating to automated traffic enforcement in Montgomery
- 13 County.
- 14 BY repealing and reenacting, without amendments,
- 15 Article Transportation
- 16 Section 21–202.1(a)(1) and (c), 21–809(a)(1), and 21–810(a)(1)
- 17 Annotated Code of Maryland
- 18 (2020 Replacement Volume)
- 19 BY repealing and reenacting, with amendments,
- 20 Article Transportation
- 21 Section 21–202.1(a)(2), 21–706.1, 21–809(a)(2), (d)(1)(viii), and (e)(1), and
- 22 21–810(a)(2) and (8), (d)(1), (2), and (3), (e)(1), and (i)
- 23 Annotated Code of Maryland
- 24 (2020 Replacement Volume)
- 25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND.
- 26 That the Laws of Maryland read as follows:

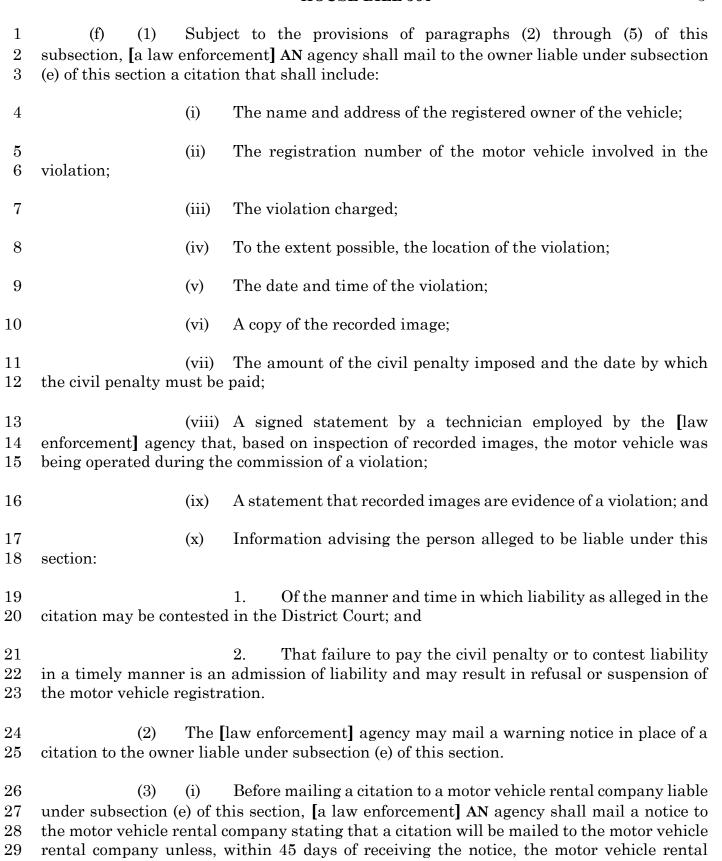


Article - Transportation 1 2 21-202.1.3 (a) (1) In this section the following words have the meanings indicated. "Agency" means: 4 (2)For a traffic control signal operated and maintained at an 5 6 intersection under the control of the State, the law enforcement agency primarily 7 responsible for traffic control at that intersection; or 8 (ii) 1. For a traffic control signal operated and maintained at an 9 intersection under the control of a political subdivision, a law enforcement agency of the political subdivision that is authorized to issue citations for a violation of the Maryland 10 11 Vehicle Law or of local traffic laws or regulations; OR 2. 12 IN MONTGOMERY COUNTY, FOR A TRAFFIC CONTROL SIGNAL OPERATED AND MAINTAINED AT AN INTERSECTION UNDER THE CONTROL 13 14 OF THE COUNTY, THE MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION IF DESIGNATED BY THE COUNTY TO IMPLEMENT THIS SECTION. 15 16 This section applies to a violation of § 21–202(h) of this subtitle at an 17 intersection monitored by a traffic control signal monitoring system. 18 21 - 706.1.19 In this section the following words have the meanings indicated. (a) (1) ["Law enforcement agency"] "AGENCY" means [a]: 20 (2)21(I)A law enforcement agency of a local political subdivision that is 22 authorized to issue a citation for a violation of the Maryland Vehicle Law or of local traffic 23laws or regulations; OR 24 IN MONTGOMERY COUNTY, THE MONTGOMERY COUNTY 25 DEPARTMENT OF TRANSPORTATION IF DESIGNATED BY THE COUNTY TO IMPLEMENT THIS SECTION. 26 "Owner" means the registered owner of a motor vehicle or a 27 (3)(i) lessee of a motor vehicle under a lease of 6 months or more. 28"Owner" does not include: 29 (ii)

30 1. A motor vehicle leasing company; or



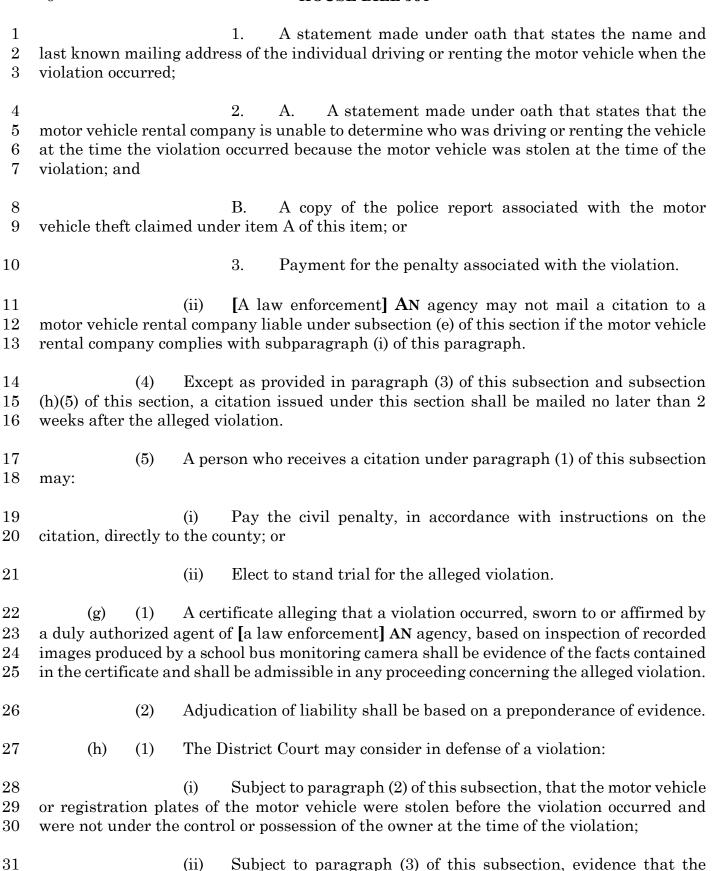




company provides the [law enforcement] agency with:

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person named in the citation was not operating the vehicle at the time of the violation; and

1 (iii) Any other issues and evidence that the District Court deems 2 pertinent.

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- (2) In order to demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a police report about the stolen motor vehicle or registration plates was filed in a timely manner.
- (3) To satisfy the evidentiary burden under paragraph (1)(ii) of this subsection, the person named in the citation shall provide to the District Court evidence to the satisfaction of the District Court of who was operating the vehicle at the time of the violation, including, at a minimum, the operator's name and current address.
- 11 (4) (i) The provisions of this paragraph apply only to a citation that 12 involves a Class E (truck) vehicle with a registered gross weight of 26,001 pounds or more, 13 Class F (tractor) vehicle, Class G (trailer) vehicle operated in combination with a Class F 14 (tractor) vehicle, or Class P (passenger bus) vehicle.
- 15 (ii) To satisfy the evidentiary burden under paragraph (1)(ii) of this 16 subsection, the person named in a citation described under subparagraph (i) of this 17 paragraph may provide to the District Court a letter, sworn to or affirmed by the person 18 and mailed by certified mail, return receipt requested, that:
- 19 1. States that the person named in the citation was not 20 operating the vehicle at the time of the violation; and
- 2. Provides the name, address, and driver's license identification number of the person who was operating the vehicle at the time of the violation.
 - (5) (i) If the District Court finds that the person named in the citation was not operating the vehicle at the time of the violation or receives evidence under paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at the time of the violation, the clerk of the court shall provide to the [law enforcement] agency issuing the citation a copy of any evidence substantiating who was operating the vehicle at the time of the violation.
- 30 (ii) On the receipt of substantiating evidence from the District Court 31 under subparagraph (i) of this paragraph, the [law enforcement] agency may issue a 32 citation as provided in subsection (f) of this section to the person that the evidence indicates 33 was operating the vehicle at the time of the violation.
- 34 (iii) A citation issued under subparagraph (ii) of this paragraph shall 35 be mailed no later than 2 weeks after receipt of the evidence from the District Court.

- 8 1 If the civil penalty is not paid and the violation is not contested, the 2 Administration may refuse to register or reregister or may suspend the registration of the 3 motor vehicle. 4 (j) A violation for which a civil penalty is imposed under this section: 5 Is not a moving violation for the purpose of assessing points under § 6 16-402 of this article and may not be recorded by the Administration on the driving record 7 of the owner or driver of the vehicle; 8 (2) May be treated as a parking violation for purposes of § 26–305 of this 9 article; and 10 (3) May not be considered in the provision of motor vehicle insurance 11 coverage. 12 In consultation with [law enforcement] agencies, the Chief Judge of the 13 District Court shall adopt procedures for the issuance of citations, trials for violations, and 14 the collection of civil penalties imposed under this section. 15 21 - 809.16 (a) (1) In this section the following words have the meanings indicated. 17 (2) "Agency" means: 18 (i) 1. A law enforcement agency of a local political subdivision 19 that is authorized to issue a citation for a violation of the Maryland Vehicle Law or of local traffic laws or regulations; or 2021 2. IN MONTGOMERY COUNTY, THE MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION IF DESIGNATED BY THE COUNTY TO 22 23IMPLEMENT THIS SECTION; OR 24(ii) For a municipal corporation that does not maintain a police force, 25an agency established or designated by the municipal corporation to implement this 26 subtitle using speed monitoring systems in accordance with this section. 27 (d) Subject to the provisions of paragraphs (2) through (4) of this 28 subsection, an agency shall mail to an owner liable under subsection (c) of this section a 29 citation that shall include: 30 (viii) **1.** [A] EXCEPT AS PROVIDED IN ITEM 2 OF THIS ITEM, A signed statement by a duly authorized law enforcement officer employed by or under 31
- 32contract with an agency that, based on inspection of recorded images, the motor vehicle was being operated in violation of this subtitle; OR 33

- 2. **MONTGOMERY** 1 IN COUNTY, IF THE **COUNTY** 2 DESIGNATES THE MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION AS 3 THE AGENCY RESPONSIBLE FOR IMPLEMENTING THIS SECTION IN THE COUNTY, A 4 SIGNED STATEMENT BY AN EMPLOYEE OF THE AGENCY THAT, BASED ON INSPECTION 5 OF THE RECORDED IMAGES, THE MOTOR VEHICLE WAS BEING OPERATED IN 6 VIOLATION OF THIS SUBTITLE;
- 7 **(I)** [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS (e) (1) PARAGRAPH, A certificate alleging that the violation of this subtitle occurred and the 8 9 requirements under subsection (b) of this section have been satisfied, sworn to, or affirmed by a duly authorized law enforcement officer employed by or under contract with an agency, 10 based on inspection of recorded images produced by a speed monitoring system, shall be 11 evidence of the facts contained in the certificate and shall be admissible in a proceeding 12 13 alleging a violation under this section without the presence or testimony of the speed monitoring system operator who performed the requirements under subsection (b) of this 14 section. 15
- 16 IN MONTGOMERY COUNTY, IF THE COUNTY DESIGNATES THE MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION AS THE AGENCY 17 RESPONSIBLE FOR IMPLEMENTING THIS SECTION IN THE COUNTY, A CERTIFICATE 18 19 ALLEGING THAT THE VIOLATION OF THIS SUBTITLE OCCURRED AND THE 20 REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION HAVE BEEN SATISFIED, SWORN TO OR AFFIRMED BY AN EMPLOYEE OF THE AGENCY, BASED ON INSPECTION 2122OF RECORDED IMAGES PRODUCED BY A SPEED MONITORING SYSTEM, SHALL BE 23 EVIDENCE OF THE FACTS CONTAINED IN THE CERTIFICATE AND SHALL BE 24ADMISSIBLE IN A PROCEEDING ALLEGING A VIOLATION UNDER THIS SECTION 25WITHOUT THE PRESENCE OR TESTIMONY OF THE SPEED MONITORING SYSTEM 26 OPERATOR WHO PERFORMED THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS 27 SECTION.
- 28 21-810.
- 29 (a) (1) In this section the following words have the meanings indicated.
- 30 (2) "Local [police department"] AGENCY" means:
- 31 (i) The police department of any municipal corporation;
- 32 (ii) The police department of any county; [and]
- 33 (iii) The sheriff's department of any county that has highway traffic 34 patrol responsibilities; AND

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1 2 3	DEPARTMENT O	F TF	IN MONTGOMERY COUNTY, THE MONTGOMERY COUNTY CANSPORTATION IF DESIGNATED BY THE COUNTY TO ION.
4 5	(8) has been trained a		x zone speed control system operator" means an individual who cified to operate a work zone speed control system and who is:
6		(i)	A police officer;
7		(ii)	A representative of a local [police department] AGENCY;
8		(iii)	A representative of a State police department; or
9		(iv)	A State Highway Administration contractor.
10 11 12 13	(d) (1) Subject to the provisions of paragraphs (2) through (4) of this subsection, a local [police department] AGENCY, State police department, or police department contractor shall mail to the owner liable under subsection (c) of this section a citation that shall include:		
14		(i)	The name and address of the registered owner of the vehicle;
15 16	violation;	(ii)	The registration number of the motor vehicle involved in the
17		(iii)	The violation charged;
18		(iv)	The location where the violation occurred;
19		(v)	The date and time of the violation;
20 21 22	imprinted on each image was recorded	_	At least one recorded image of the vehicle with a data bar that includes the speed of the vehicle and the date and time the
23 24	the civil penalty sh	(vii) ould b	The amount of the civil penalty imposed and the date by which e paid;
25 26 27 28	_	based	1. [A] EXCEPT AS PROVIDED IN ITEM 2 OF THIS ITEM, A lice officer employed by the local police department or State police on inspection of recorded images, the motor vehicle was being his subtitle; OR
29 30	DESIGNATES THE	Mon	2. IN MONTGOMERY COUNTY, IF THE COUNTY TGOMERY COUNTY DEPARTMENT OF TRANSPORTATION AS

THE AGENCY RESPONSIBLE FOR IMPLEMENTING THIS SECTION IN THE COUNTY, A

- 1 SIGNED STATEMENT BY AN EMPLOYEE OF THE AGENCY THAT, BASED ON INSPECTION 2 OF THE RECORDED IMAGES, THE MOTOR VEHICLE WAS BEING OPERATED IN 3 VIOLATION OF THIS SUBTITLE; 4 (ix) A statement that recorded images are evidence of a violation of 5 this subtitle: 6 Information advising the person alleged to be liable under this (x) 7 section of the manner and time in which liability as alleged in the citation may be contested 8 in the District Court; and 9 Information advising the person alleged to be liable under this (xi) 10 section that failure to pay the civil penalty or to contest liability in a timely manner: 11 1. Is an admission of liability; 12 2. May result in the refusal to register the motor vehicle; and 13 3. May result in the suspension of the motor vehicle 14 registration. 15 (2) The local [police department] AGENCY or State police department may mail a warning notice instead of a citation to the owner liable under subsection (c) of this 16 17 section. 18 (3)Except as provided in subsection (f)(4) of this section, the local [police 19 department AGENCY or State police department may not mail a citation to a person who 20 is not an owner. 21 [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS 22PARAGRAPH, A certificate alleging that the violation of this subtitle occurred and the 23 requirements under subsection (b) of this section have been satisfied, sworn to, or affirmed by a police officer employed by the local [police department] AGENCY or State police 2425 department, based on inspection of recorded images produced by a work zone speed control 26 system, shall be evidence of the facts contained in the certificate and shall be admissible in a proceeding alleging a violation under this section without the presence or testimony of 27 28 the work zone speed control system operator who performed the requirements under 29 subsection (b) of this section. 30 IN MONTGOMERY COUNTY, IF THE COUNTY DESIGNATES
- THE MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION AS THE AGENCY
 RESPONSIBLE FOR IMPLEMENTING THIS SECTION IN THE COUNTY, A CERTIFICATE
 ALLEGING THAT THE VIOLATION OF THIS SUBTITLE OCCURRED AND THE
 REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION HAVE BEEN SATISFIED,
 SWORN TO OR AFFIRMED BY AN EMPLOYEE OF THE AGENCY, BASED ON INSPECTION

- 1 OF RECORDED IMAGES PRODUCED BY A SPEED MONITORING SYSTEM, SHALL BE
- 2 EVIDENCE OF THE FACTS CONTAINED IN THE CERTIFICATE AND SHALL BE
- 3 ADMISSIBLE IN A PROCEEDING ALLEGING A VIOLATION UNDER THIS SECTION
- 4 WITHOUT THE PRESENCE OR TESTIMONY OF THE SPEED MONITORING SYSTEM
- 5 OPERATOR WHO PERFORMED THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS
- 6 SECTION.
- 7 (i) In consultation with local [police departments] AGENCIES and State police 8 departments, the Chief Judge of the District Court shall adopt procedures for the issuance 9 of citations, the trial of civil violations, and the collection of civil penalties under this
- 10 section.
- 11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 12 October 1, 2021.