

**By: Delegate Hixson**

Introduced and read first time: January 24, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

**2 Vehicle Laws - Traffic Control Signal Monitoring System - Owner Liability**

3 FOR the purpose of authorizing a political subdivision or State agency to mail a citation  
4 to the owner of a motor vehicle who is recorded by a traffic control signal  
5 monitoring system violating certain laws regarding driving through a traffic control  
6 signal; establishing the content of a citation; authorizing a political subdivision to  
7 send a warning to the owner of the motor vehicle in lieu of a citation; authorizing  
8 the political subdivision or State agency to fine the owner of the motor vehicle a  
9 certain amount; making the owner of the vehicle responsible for paying the fine  
10 without regard to the identity of the individual driving the motor vehicle at the time  
11 of the violation; authorizing the owner to request a hearing; requiring the political  
12 subdivision or authorized State agency to make the recorded images available to  
13 certain persons under certain circumstances; establishing the defenses that may be  
14 considered by a hearing officer; establishing a certain presumption; imposing  
15 certain additional penalties on an owner who fails to pay the fine; prohibiting  
16 imposition of liability under this Act from being considered a moving violation for  
17 certain purposes and being considered by an insurer for certain purposes;  
18 establishing that recorded images are admissible in evidence without  
19 authentication; defining certain terms; and generally relating to imposition of  
20 certain liability on the owner of a motor vehicle recorded by a traffic control signal  
21 monitoring system violating certain laws regarding traffic control signals.

22 BY repealing and reenacting, without amendments,  
23 Article - Transportation  
24 Section 11-168, 21-201, 21-202(h), 21-204, and 26-305  
25 Annotated Code of Maryland  
26 (1992 Replacement Volume and 1995 Supplement)

27 BY adding to  
28 Article - Transportation  
29 Section 21-202.1  
30 Annotated Code of Maryland  
31 (1992 Replacement Volume and 1995 Supplement)

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

2

1 **Article - Transportation**

2 11-168.

3 "Traffic control signal" means any traffic control device, whether manually,  
4 electrically, or mechanically operated, by which traffic alternately is directed to stop and  
5 permitted to proceed.

6 21-201.

7 (a) (1) Subject to the exceptions granted in this title to the driver of an  
8 emergency vehicle, the driver of any vehicle, unless otherwise directed by a police officer,  
9 shall obey the instructions of any traffic control device applicable to the vehicle and  
10 placed in accordance with the Maryland Vehicle Law.

11 (2) The driver of a vehicle approaching an intersection controlled by a  
12 traffic control device may not drive across private property or leave the roadway for the  
13 purpose of avoiding the instructions of a traffic control device.

14 (b) (1) If a provision of the Maryland Vehicle Law or of an ordinance or  
15 regulation of a local authority requires a traffic control device, the provision is  
16 unenforceable against an alleged violator if, at the time and place of the alleged violation,  
17 the traffic control device is not in proper position and legible enough to be seen by an  
18 ordinarily observant individual.

19 (2) Unless a provision of the Maryland Vehicle Law or of an ordinance or  
20 regulation of a local authority states that a traffic control device is required, the provision  
21 is effective and enforceable even if no traffic control device is in place.

22 (c) Unless the contrary is established by competent evidence, if a traffic control  
23 device is placed in a position approximately meeting the requirements of the Maryland  
24 Vehicle Law, the device is presumed to have been placed by the official act or direction  
25 of lawful authority.

26 (d) Unless the contrary is established by competent evidence, if a traffic control  
27 device is placed in accordance with the Maryland Vehicle Law and purports to meet the  
28 lawful requirements governing these devices, the device is presumed to meet the  
29 requirements of the Maryland Vehicle Law.

30 21-202.

31 (h) Vehicular traffic facing a steady red signal alone:

32 (1) Shall stop at the near side of the intersection:

33 (i) At a clearly marked stop line;

34 (ii) If there is no clearly marked stop line, before entering any  
35 crosswalk; or

36 (iii) If there is no crosswalk, before entering the intersection; and

37 (2) Except as provided in subsections (i), (j), and (k) of this section, shall  
38 remain stopped until a signal to proceed is shown.

3

1 21-202.1.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
3 INDICATED.

4 (2) (I) "OWNER" MEANS THE REGISTERED OWNER OF A MOTOR  
5 VEHICLE.

6 (II) "OWNER" DOES NOT INCLUDE A MOTOR VEHICLE RENTAL OR  
7 LEASING COMPANY.

8 (3) "RECORDED IMAGES" MEANS IMAGES RECORDED BY A TRAFFIC  
9 CONTROL SIGNAL MONITORING SYSTEM ON:

10 (I) TWO OR MORE PHOTOGRAPHS;

11 (II) TWO OR MORE MICROPHOTOGRAPHS; OR

12 (III) VIDEOTAPE.

13 (4) "TRAFFIC CONTROL SIGNAL MONITORING SYSTEM" MEANS A  
14 MOTOR VEHICLE SENSOR INSTALLED TO WORK IN CONJUNCTION WITH A TRAFFIC  
15 CONTROL SIGNAL TO PRODUCE RECORDED IMAGES OF MOTOR VEHICLES PASSING  
16 THROUGH AN INTERSECTION.

17 (B) THIS SECTION APPLIES TO A VIOLATION OF § 21-202(H) OR § 21-204 OF THIS  
18 SUBTITLE AT AN INTERSECTION MONITORED BY A TRAFFIC CONTROL SIGNAL  
19 MONITORING SYSTEM.

20 (C) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A  
21 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER  
22 OF A MOTOR VEHICLE IS SUBJECT TO A FINE OF NOT MORE THAN \$100 IF THE MOTOR  
23 VEHICLE IS RECORDED BY A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM  
24 WHILE BEING OPERATED IN VIOLATION OF § 21-202(H) OR § 21-204 OF THIS SUBTITLE.

25 (2) SUBJECT TO THE PROVISIONS OF SUBSECTION (D)(2) OR (3) OF THIS  
26 SECTION, THE OWNER OF A MOTOR VEHICLE IS LIABLE UNDER PARAGRAPH (1) OF  
27 THIS SUBSECTION WHETHER THE MOTOR VEHICLE WAS DRIVEN BY THE OWNER OR  
28 ANOTHER INDIVIDUAL AT THE TIME OF THE VIOLATION.

29 (D) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS  
30 SUBSECTION, A POLITICAL SUBDIVISION OR AUTHORIZED STATE AGENCY SHALL  
31 MAIL TO THE OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION A CITATION  
32 WHICH SHALL INCLUDE:

33 (I) THE VIOLATION CHARGED;

34 (II) THE LOCATION OF THE INTERSECTION;

35 (III) THE DATE AND TIME OF THE VIOLATION;

36 (IV) THE AMOUNT OF THE FINE IMPOSED AND THE DATE BY WHICH  
37 THE FINE SHOULD BE PAID, AS ESTABLISHED BY THE ADMINISTRATION BY  
38 REGULATION;

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1 (V) A SIGNED STATEMENT BY A TECHNICIAN EMPLOYED BY THE  
2 POLITICAL SUBDIVISION OR AUTHORIZED STATE AGENCY THAT, BASED ON  
3 INSPECTION OF RECORDED IMAGES, THE MOTOR VEHICLE WAS BEING OPERATED  
4 IN VIOLATION OF § 21-202(H) OR § 21-204 OF THIS SUBTITLE;

5 (VI) A STATEMENT THAT RECORDED IMAGES ARE PRIMA FACIE  
6 EVIDENCE OF A VIOLATION OF § 21-202(H) OR § 21-204 OF THIS SUBTITLE; AND

7 (VII) A STATEMENT THAT THE OWNER MAY REQUEST A HEARING  
8 BEFORE AN OFFICER OF THE POLITICAL SUBDIVISION OR ADMINISTRATION AND  
9 THAT, ON REQUEST, THE OWNER MAY RECEIVE COPIES OF THE RECORDED IMAGES.

10 (2) THE POLITICAL SUBDIVISION MAY MAIL A WARNING NOTICE IN  
11 LIEU OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION (C) OF THIS  
12 SECTION.

13 (3) (I) AN OWNER WHO RECEIVES A CITATION UNDER PARAGRAPH  
14 (1) OF THIS SUBSECTION MAY REQUEST A HEARING.

15 (II) IF AN OWNER REQUESTING A HEARING UNDER THIS  
16 PARAGRAPH REQUESTS A COPY OF THE RECORDED IMAGES, THE POLITICAL  
17 SUBDIVISION OR AUTHORIZED STATE AGENCY SHALL MAIL A COPY OF THE  
18 RECORDED IMAGES TO THE OWNER AT LEAST 5 DAYS BEFORE THE SCHEDULED  
19 DATE OF THE HEARING.

20 (III) AT A HEARING REQUESTED UNDER THIS PARAGRAPH, THE  
21 DEFENSES THAT THE HEARING OFFICER MAY CONSIDER ARE:

22 1. THAT THE DRIVER OF THE VEHICLE PASSED THROUGH  
23 THE INTERSECTION IN VIOLATION OF § 21-202(H) OR § 21-204 OF THIS SUBTITLE:

24 A. IN ORDER TO YIELD THE RIGHT-OF-WAY TO AN  
25 EMERGENCY VEHICLE; OR

26 B. AS PART OF A FUNERAL PROCESSION IN ACCORDANCE  
27 WITH § 21-207 OF THIS SUBTITLE;

28 2. SUBJECT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH,  
29 THAT THE MOTOR VEHICLE OR REGISTRATION PLATES OF THE MOTOR VEHICLE  
30 WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE  
31 CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION; AND

32 3. THAT UNDER § 21-201 OF THIS SUBTITLE, THIS SECTION IS  
33 UNENFORCEABLE AGAINST THE OWNER BECAUSE AT THE TIME AND PLACE OF THE  
34 ALLEGED VIOLATION, THE TRAFFIC CONTROL SIGNAL WAS NOT IN PROPER  
35 POSITION AND LEGIBLE ENOUGH TO BE SEEN BY AN ORDINARILY OBSERVANT  
36 INDIVIDUAL .

37 (IV) IN ORDER TO DEMONSTRATE THAT THE MOTOR VEHICLE OR  
38 THE REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED  
39 AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME  
40 OF THE VIOLATION, THE OWNER MUST SUBMIT PROOF THAT A POLICE REPORT

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1 ABOUT THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED  
2 BEFORE THE VIOLATION OCCURRED.

3 (V) RECORDED IMAGES PRESENTED AT A HEARING ARE PRIMA  
4 FACIE EVIDENCE OF A VIOLATION OF § 21-202(H) OR § 21-204 OF THIS SUBTITLE.

5 (VI) IF THE HEARING OFFICER FINDS AGAINST THE OWNER, THE  
6 OWNER SHALL PAY THE FINE WITHIN 7 DAYS OF RECEIVING NOTICE OF  
7 DISPOSITION.

8 (E) IF THE OWNER OF THE MOTOR VEHICLE DOES NOT PAY THE FINE BY THE  
9 DATE ESTABLISHED UNDER THIS SECTION:

10 (1) THE ADMINISTRATION MAY SUSPEND THE REGISTRATION OF THE  
11 MOTOR VEHICLE; AND

12 (2) THE POLITICAL SUBDIVISION IN WHICH THE MOTOR VEHICLE IS  
13 LOCATED MAY IMMOBILIZE OR IMPOUND THE MOTOR VEHICLE.

14 (F) A VIOLATION FOR WHICH A FINE IS IMPOSED UNDER THIS SECTION:

15 (1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING  
16 POINTS UNDER § 16-402 OF THIS ARTICLE;

17 (2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF §  
18 26-305 OF THIS ARTICLE; AND

19 (3) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE  
20 INSURANCE COVERAGE.

21 (G) (1) THE POLITICAL SUBDIVISION OR AUTHORIZED STATE AGENCY IN  
22 POSSESSION OF RECORDED IMAGES OF A MOTOR VEHICLE BEING OPERATED IN  
23 VIOLATION OF § 21-202(H) OR § 21-204 OF THIS SUBTITLE SHALL RETAIN THE  
24 RECORDED IMAGES FOR AT LEAST 3 YEARS FROM THE DATE OF THE VIOLATION  
25 AND SHALL MAKE THE RECORDED IMAGES AVAILABLE TO ANY PARTY IN ANY  
26 JUDICIAL OR ARBITRAL PROCEEDING.

27 (2) RECORDED IMAGES ARE ADMISSIBLE IN AN ACTION AT LAW  
28 WITHOUT AUTHENTICATION.

29 21-204.

30 (a) If a flashing red or yellow light is used in a traffic signal or with a traffic sign,  
31 it requires obedience by vehicular traffic as provided in this section.

32 (b) If a red lens is lit with rapid intermittent flashes, the driver of a vehicle shall  
33 stop at the near side of the intersection at a clearly marked stop line.

34 (c) If a red lens is lit with rapid intermittent flashes, the driver of a vehicle shall  
35 stop at the near side of the intersection, if there is no clearly marked stop line, before  
36 entering any crosswalk.

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1 (d) If a red lens is lit with rapid intermittent flashes, the driver of a vehicle shall  
2 stop at the near side of the intersection, if there is no crosswalk, before entering the  
3 intersection.

4 (e) The right to proceed after making the stop is subject to the rules applicable  
5 after making a stop at a stop sign.

6 (f) If a yellow lens is lit with rapid intermittent flashes, the driver of a vehicle may  
7 proceed through the intersection or past the signal only with caution.

8 (g) This section does not apply at any railroad grade crossing.

9 26-305.

10 (a) The Administration may not register or transfer the registration of any vehicle  
11 involved in a parking violation under this subtitle or a violation under any federal parking  
12 regulation that applies to property in this State under the jurisdiction of the U.S.  
13 government, if:

14 (1) It is notified by a political subdivision or authorized State agency that a  
15 person cited for a violation under this subtitle has failed to either:

16 (i) Pay the fine for the violation by the date specified in the citation;  
17 or

18 (ii) File a notice of his intention to stand trial for the violation;

19 (2) It is notified by the District Court that a person who has elected to stand  
20 trial for the violation under this subtitle has failed to appear for trial; or

21 (3) It is notified by a U.S. District Court that a person cited for a violation  
22 under a federal parking regulation:

23 (i) Has failed to pay the fine for the violation by the date specified in  
24 the federal citation; or

25 (ii) Either has failed to file a notice of his intention to stand trial for  
26 the violation, or, if electing to stand trial, has failed to appear for trial.

27 (b) (1) Notwithstanding the provisions of subsection (a) of this section, the  
28 Administration may suspend the registration of a vehicle involved in a parking violation  
29 under this subtitle or a violation under any federal parking regulation that applies to  
30 property in this State under the jurisdiction of the U.S. government if notified in  
31 accordance with subsection (a) of this section that the violator is a chronic offender.

32 (2) The Administration may adopt rules and regulations to define chronic  
33 offender and develop procedures to carry out the suspension of registration as authorized  
34 by this subsection.

35 (c) The Administration shall continue the suspension and refusal to register or  
36 transfer a registration of the vehicle until:

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1 (1) If the suspension or refusal was required under subsection (a)(1) or  
2 (b)(1) of this section, the political subdivision or State agency notifies the Administration  
3 that the charge has been satisfied;

4 (2) If the suspension or refusal was required under subsection (a)(2) or  
5 (b)(1) of this section, the District Court notifies the Administration that the person cited  
6 has appeared for trial or has pleaded guilty and paid the fine for the violation; or

7 (3) If the suspension or refusal was required under subsection (a)(3) or  
8 (b)(1) of this section, the U.S. District Court notifies the Administration that the charge  
9 has been satisfied.

10 (d) (1) If the registration of the vehicle has been suspended in accordance with  
11 subsection (b)(1) of this section, a person may not drive the vehicle on any highway in this  
12 State.

13 (2) A person convicted under paragraph (1) of this subsection is subject to  
14 the penalty set forth in § 27-101(b) of this article.

15 (e) The procedures specified in this section are in addition to any other penalty  
16 provided by law for the failure to pay a fine or stand trial for a parking violation.

17 (f) The Administration shall adopt procedures by which the political subdivisions,  
18 State agencies, the District Court, and the U.S. District Court shall notify it of any  
19 restrictions and any rescission of restrictions placed on the registration of vehicles under  
20 this section.

21 (g) (1) In addition to any other fee or penalty provided by law, an owner of a  
22 vehicle who is denied registration of the vehicle under the provisions of this section shall  
23 pay a fee established by the Administration before renewal of the registration of the  
24 vehicle.

25 (2) The fee described under paragraph (1) of this subsection shall be  
26 retained by the Administration and may not be credited to the Gasoline and Motor  
27 Vehicle Revenue Account for distribution under § 8-403 or § 8-404 of this article.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 1996.