
**By: Chairman, Commerce and Government Matters Committee (Departmental -
Transportation) and Delegate Rosenberg**

Introduced and read first time: January 29, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation - Electronic Toll Collection and Enforcement**

3 FOR the purpose of providing for the remittance of certain fees collected by the District
4 Court to the Maryland Transportation Authority; clarifying that certain penalties
5 pertaining to the failure to pay tolls shall be paid directly to the Authority in
6 uncontested cases; clarifying that persons receiving certain citations may elect to
7 stand trial in District Court and that certain procedures will be followed; exempting
8 certain records, photographs and video images collected by the Maryland
9 Transportation Authority, its agents or employees from public access under the
10 Public Information Act; permitting certain individuals to have access to certain
11 records, photographs and video images collected by the Authority, its agents or
12 employees; allowing for the placement of electronic toll collection tags on the
13 windshields of motor vehicles; defining certain terms; providing for certain civil
14 penalties for the failure to pay tolls in certain situations; requiring the Authority to
15 provide certain notifications to certain registered vehicle owners; making certain
16 registered vehicle owners liable for the payment of certain tolls; providing for the
17 admissibility of certain evidence in court; exempting certain motor vehicle owners
18 under certain circumstances from liability for the failure of vehicle drivers to pay
19 certain tolls; prohibiting the Motor Vehicle Administration from registering or
20 transferring the registration of certain vehicles; allowing for the suspension of
21 certain vehicle registrations; and generally relating to the collection and
22 enforcement of electronic tolls.

23 BY repealing and reenacting, with amendments,
24 Article - Courts and Judicial Proceedings
25 Section 7-302(b), (c), and (d)
26 Annotated Code of Maryland
27 (1995 Replacement Volume and 1995 Supplement)

28 BY adding to
29 Article - Courts and Judicial Proceedings
30 Section 10-310
31 Annotated Code of Maryland
32 (1995 Replacement Volume and 1995 Supplement)

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1 BY adding to

2 Article - State Government
3 Section 10-616(m)
4 Annotated Code of Maryland
5 (1995 Replacement Volume)

6 BY repealing and reenacting, with amendments,

7 Article - Transportation
8 Section 21-1104(d)
9 Annotated Code of Maryland
10 (1992 Replacement Volume and 1995 Supplement)

11 BY adding to

12 Article - Transportation
13 Section 21-1414 and 27-110
14 Annotated Code of Maryland
15 (1992 Replacement Volume and 1995 Supplement)

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

18 **Article - Courts and Judicial Proceedings**

19 7-302.

20 (b) If a parking or impounding fine, penalty, or forfeiture, or a fine, penalty, or
21 forfeiture relating to violation of housing, building, fire, health, or sanitation codes, or a
22 Mass Transit Fare Payment Statute, OR A FINE OR PENALTY RELATING TO FAILURE
23 TO PAY THE PRESCRIBED TOLL AT A HIGHWAY OR VEHICULAR CROSSING is
24 collected by the District Court pursuant to a local ordinance, law, or regulation of a
25 political subdivision or municipality, or pursuant to a regulation of an agency of State
26 government authorized to regulate parking of motor vehicles, or pursuant to a statute
27 pertaining to the payment of mass transit fares, OR PURSUANT TO A STATUTE
28 PERTAINING TO THE FAILURE TO PAY TOLLS, it shall be remitted to the respective
29 local government, or to the State agency.

30 (c) Every agency of State government, political subdivision or municipality which
31 has enacted or which shall enact an ordinance, law, or regulation controlling the parking
32 of motor vehicles, or providing for the impounding of motor vehicles, OR PERTAINING
33 TO THE FAILURE TO PAY TOLLS shall provide that fines, penalties or forfeitures for the
34 violation of said ordinances, laws, or regulations shall be paid directly to the State agency,
35 political subdivision or municipality, and not to the District Court, in uncontested cases.

36 (d) Every ordinance, law, or regulation controlling the parking of motor vehicles
37 or providing for impounding such vehicles OR PERTAINING TO THE FAILURE TO PAY
38 TOLLS shall provide that the person receiving a citation may elect to stand trial for said
39 offense by notifying the State agency, political subdivision or municipality of his intention
40 of standing trial, which notice shall be given at least five (5) days prior to the date of
41 payment as set forth in the citation. Upon receipt of the notice of such intention to stand

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1 trial, the political subdivision or municipality shall forward to the District Court in said
2 political subdivision or municipality, and the State agency shall forward to the District
3 Court having venue, a copy of the citation and a copy of the notice from the person who
4 received the citation indicating his intention to stand trial. Upon receipt thereof, the
5 District Court shall schedule the case for trial and notify the defendant of the trial date
6 under procedures to be adopted by the Chief Judge of the District Court. All parking or
7 impounding fines, penalties or forfeitures OR FAILURE TO PAY TOLL PENALTIES
8 collected through the District Court pursuant to a parking or impounding OR TOLL
9 COLLECTION ordinance, law, or regulation enacted by a State agency, political
10 subdivision or municipality shall be remitted to the respective local government or State
11 agency.

12 10-310.

13 A PHOTOGRAPH, MICROPHOTOGRAPH, VIDEOTAPE OR OTHER RECORDED
14 IMAGE OF THE LICENSE PLATE OF A MOTOR VEHICLE PRODUCED BY AN
15 ELECTRONIC TOLL COLLECTION VIDEO-MONITORING SYSTEM IS ADMISSIBLE IN A
16 PROCEEDING TO COLLECT A TOLL OR OTHER CHARGE OF THE MARYLAND
17 TRANSPORTATION AUTHORITY, TO COLLECT CIVIL PENALTIES IMPOSED UNDER §
18 21-1414 OF THE TRANSPORTATION ARTICLE, OR TO IMPOSE CIVIL OR CRIMINAL
19 LIABILITY FOR A FAILURE TO PAY THE TOLL OR CHARGE.

20 **Article - State Government**

21 10-616.

22 (M) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS
23 SUBSECTION, A CUSTODIAN SHALL DENY INSPECTION OF ALL PHOTOGRAPHS,
24 VIDEOTAPES OR ELECTRONICALLY RECORDED IMAGES OF VEHICLES, VEHICLE
25 MOVEMENT RECORDS, PERSONAL FINANCIAL INFORMATION, CREDIT REPORTS OR
26 OTHER PERSONAL OR FINANCIAL DATA CREATED, RECORDED, OBTAINED BY OR
27 SUBMITTED TO THE MARYLAND TRANSPORTATION AUTHORITY, ITS AGENTS OR
28 EMPLOYEES IN CONNECTION WITH ANY ELECTRONIC TOLL COLLECTION SYSTEM.

29 (2) A CUSTODIAN SHALL PERMIT INSPECTION OF THE RECORDS
30 ENUMERATED IN PARAGRAPH (1) OF THE SUBSECTION BY:

31 (I) AN INDIVIDUAL NAMED IN THE RECORD;

32 (II) THE ATTORNEY OF RECORD OF AN INDIVIDUAL NAMED IN
33 THE RECORD; OR

34 (III) EMPLOYEES OR AGENTS OF THE MARYLAND
35 TRANSPORTATION AUTHORITY IN ANY INVESTIGATION OR PROCEEDING RELATING
36 TO THE IMPOSITION OF OR INDEMNIFICATION FROM LIABILITY FOR FAILURE TO
37 PAY A TOLL IN CONNECTION WITH ANY ELECTRONIC TOLL COLLECTION SYSTEM.

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1 **Article - Transportation**

2 21-1104.

3 (d) (1) Except as provided in paragraph (2) of this subsection, a person may not
4 drive a vehicle with any sign, poster, card, sticker, or other nontransparent material on
5 the windshield, side wings, or side or rear windows of the vehicle.

6 (2) This subsection does not apply to:

7 (i) Materials placed on the windshield or rear window, within a 7 inch
8 square area in the lower corner, or on the side windows of the vehicle to the rear of the
9 driver, if the materials are placed so as not to interfere with the driver's clear view of
10 traffic; [or]

11 (ii) Direction, destination, or termini signs on any passenger common
12 carrier motor vehicle; OR

13 (III) ELECTRONIC TOLL COLLECTION TAGS PLACED IN THE
14 WINDSHIELD OF A VEHICLE IN ACCORDANCE WITH THE REGULATIONS OF THE
15 MARYLAND TRANSPORTATION AUTHORITY.

16 21-1414.

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (2) "ELECTRONIC TOLL COLLECTION" MEANS A SYSTEM OF
20 COLLECTING TOLLS OR CHARGES THAT IS CAPABLE OF CHARGING AN ACCOUNT
21 HOLDER FOR THE APPROPRIATE TOLL BY ELECTRONIC TRANSMISSION OF
22 INFORMATION BETWEEN A DEVICE ON A MOTOR VEHICLE AND A DEVICE IN A TOLL
23 LANE AT A TOLL COLLECTION FACILITY.

24 (3) "PAY" MEANS PAYING A TOLL BY CASH, BY PERMITTING A CHARGE
25 AGAINST A VALID ACCOUNT WITH THE MARYLAND TRANSPORTATION AUTHORITY,
26 OR BY ANOTHER MEANS OF PAYMENT APPROVED BY THE AUTHORITY AT THE TIME.

27 (4) "VIDEO-MONITORING SYSTEM" MEANS A MOTOR VEHICLE SENSOR
28 INSTALLED TO WORK IN CONJUNCTION WITH A TOLL COLLECTION FACILITY THAT
29 AUTOMATICALLY PRODUCES A PHOTOGRAPH, MICROPHOTOGRAPH, VIDEOTAPE OR
30 OTHER RECORDED IMAGE OF THE LICENSE PLATE OF A MOTOR VEHICLE WHEN THE
31 OPERATOR OF THE MOTOR VEHICLE FAILS TO PAY A TOLL.

32 (B) (1) IF THE OPERATOR OF A MOTOR VEHICLE FAILS TO PAY THE
33 PRESCRIBED TOLL AT ANY HIGHWAY OR VEHICULAR CROSSING WHERE TOLLS ARE
34 COLLECTED BY MEANS OF ELECTRONIC TOLL COLLECTION, THE REGISTERED
35 OWNER OF THE MOTOR VEHICLE SHALL BE LIABLE TO THE MARYLAND
36 TRANSPORTATION AUTHORITY FOR PAYMENT OF THE TOLL AND A CIVIL PENALTY
37 AS PROVIDED FOR IN THE REGULATIONS OF THE MARYLAND TRANSPORTATION
38 AUTHORITY.

39 (2) A REGISTERED OWNER OF A VEHICLE SHALL NOT BE LIABLE FOR A
40 CIVIL PENALTY IMPOSED UNDER THIS SECTION IF THE OPERATOR OF THE VEHICLE

5
1 HAS BEEN CONVICTED OF FAILURE OR REFUSAL TO PAY A TOLL UNDER § 21-1413 OF
2 THIS TITLE FOR THE SAME VIOLATION.

3 (C) (1) THE MARYLAND TRANSPORTATION AUTHORITY OR ITS DULY
4 AUTHORIZED AGENT SHALL SEND A NOTICE OF LIABILITY VIA FIRST CLASS MAIL,
5 NO LATER THAN 60 DAYS AFTER THE ALLEGED VIOLATION, TO EACH PERSON
6 ALLEGED TO BE LIABLE UNDER THIS SECTION AS A REGISTERED OWNER.

7 (2) PERSONAL SERVICE UPON THE REGISTERED OWNER SHALL NOT BE
8 REQUIRED, AND A RECORD OF MAILING KEPT IN THE ORDINARY COURSE OF
9 BUSINESS SHALL BE PRIMA FACIE EVIDENCE OF THE MAILING OF THE NOTICE.

10 (3) A NOTICE OF LIABILITY SHALL CONTAIN:

11 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER
12 ALLEGED TO BE LIABLE UNDER THIS SECTION;

13 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE
14 INVOLVED IN SUCH VIOLATION;

15 (III) THE LOCATION WHERE SUCH VIOLATION TOOK PLACE;

16 (IV) THE DATE AND TIME OF SUCH VIOLATION;

17 (V) THE AMOUNT OF THE TOLL NOT PAID;

18 (VI) THE AMOUNT OF THE CIVIL PENALTY; AND

19 (VII) THE DATE BY WHICH THE TOLL AND PENALTY MUST BE PAID.

20 (4) A NOTICE OF LIABILITY SHALL ALSO INCLUDE:

21 (I) INFORMATION ADVISING THE PERSON LIABLE UNDER THIS
22 SECTION OF THE MANNER AND THE TIME IN WHICH LIABILITY ALLEGED IN THE
23 NOTICE MAY BE CONTESTED;

24 (II) THE STATUTORY DEFENSES DESCRIBED IN SUBSECTION (F) OF
25 THIS SECTION; AND

26 (III) A WARNING THAT FAILURE TO PAY THE TOLL AND CIVIL
27 PENALTY OR TO CONTEST LIABILITY IN THE MANNER AND TIME PRESCRIBED IN AN
28 ADMISSION OF LIABILITY AND A WAIVER OF AVAILABLE DEFENSES, AND MAY
29 RESULT IN THE ENTRY OF A DEFAULT JUDGMENT OR IN THE REFUSAL OR
30 SUSPENSION OF THE MOTOR VEHICLE REGISTRATION.

31 (5) A PERSON RECEIVING THE NOTICE OF VIOLATION UNDER THIS
32 SECTION MAY:

33 (I) PAY THE TOLL AND THE CIVIL PENALTY DIRECTLY TO THE
34 MARYLAND TRANSPORTATION AUTHORITY; OR

35 (II) ELECT TO STAND TRIAL FOR THE ALLEGED VIOLATION.

36 (6) IF THE REGISTERED OWNER OF A MOTOR VEHICLE WHO IS LIABLE
37 UNDER THIS SECTION FINALS TO PAY THE PRESCRIBED TOLL AND CIVIL PENALTY

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1 WITHIN 60 DAYS AFTER MAILING OF THE NOTICE OF LIABILITY, THE MARYLAND
2 TRANSPORTATION AUTHORITY OR ITS DULY AUTHORIZED AGENT MAY:

3 (I) COLLECT THE TOLL, THE CIVIL PENALTY AND
4 ADMINISTRATIVE EXPENSES BY CIVIL ACTION COMMENCED IN THE DISTRICT
5 COURT FOR THE JURISDICTION IN WHICH THE ALLEGED FAILURE TO PAY A TOLL
6 OCCURRED; OR

7 (II) NOTIFY THE ADMINISTRATION OF THE FAILURE TO PAY THE
8 TOLL AND CIVIL PENALTY IN ACCORDANCE WITH § 27-110 OF THIS ARTICLE.

9 (D) A CERTIFICATE ALLEGING THAT A FAILURE TO PAY A TOLL OCCURRED,
10 SWORN TO OR AFFIRMED BY A DULY AUTHORIZED AGENT OF THE MARYLAND
11 TRANSPORTATION AUTHORITY, BASED UPON INSPECTION OF PHOTOGRAPHS,
12 VIDEOTAPE OR OTHER ELECTRONICALLY RECORDED IMAGES OF THE LICENSE
13 PLATE OF A MOTOR VEHICLE PRODUCED BY AN ELECTRONIC TOLL COLLECTION
14 VIDEO-MONITORING SYSTEM SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS
15 CONTAINED THEREIN AND SHALL BE ADMISSIBLE IN ANY PROCEEDING ALLEGING A
16 VIOLATION UNDER THIS SECTION.

17 (E) ADJUDICATION OF LIABILITY UNDER THIS SECTION:

18 (1) SHALL BE BASED UPON A PREPONDERANCE OF EVIDENCE;

19 (2) MAY NOT BE DEEMED A CONVICTION OF A REGISTERED OWNER OF
20 A MOTOR VEHICLE UNDER THE MOTOR VEHICLE CODE; AND

21 (3) MAY NOT BE MADE PART OF THE REGISTERED OWNER'S MOTOR
22 VEHICLE OPERATING RECORD.

23 (F) (1) IF A PERSON OTHER THAN THE REGISTERED OWNER OF THE
24 MOTOR VEHICLE IS ADJUDICATED RESPONSIBLE FOR THE FAILURE TO PAY THE
25 TOLL, THEN THE REGISTERED OWNER IS NOT LIABLE UNDER THIS SECTION.

26 (2) IF THE REGISTERED OWNER IS A LESSOR OF MOTOR VEHICLES, AND
27 AT THE TIME OF THE FAILURE TO PAY A TOLL THE MOTOR VEHICLE INVOLVED WAS
28 IN THE POSSESSION OF A LESSEE, AND THE LESSOR WITHIN 30 DAYS OF THE NOTICE
29 OF VIOLATION PROVIDES THE MARYLAND TRANSPORTATION AUTHORITY OR ITS
30 DULY AUTHORIZED AGENT WITH A COPY OF THE LEASE AGREEMENT IDENTIFYING
31 THE LESSEE, THEN THE LESSEE SHALL BE LIABLE UNDER THIS SECTION.

32 (3) IF THE MOTOR VEHICLE INVOLVED IN A FAILURE TO PAY A TOLL IS
33 OPERATED USING A DEALER OR TRANSPORTER REGISTRATION PLATE, AND AT THE
34 TIME OF THE VIOLATION THE MOTOR VEHICLE WAS UNDER THE CUSTODY AND
35 CONTROL OF A PERSON OTHER THAN THE DEALER OR TRANSPORTER, AND IF THE
36 DEALER OR TRANSPORTER WITHIN 30 DAYS OF THE NOTICE OF VIOLATION
37 IDENTIFIES TO THE MARYLAND TRANSPORTATION AUTHORITY OR ITS DULY
38 AUTHORIZED AGENT THE PERSON WHO HAD CUSTODY AND CONTROL OVER THE
39 MOTOR VEHICLE AT THE TIME OF THE VIOLATION, THEN THAT PERSON AND NOT
40 THE DEALER OR TRANSPORTER SHALL BE LIABLE UNDER THIS SECTION.

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1 (4) IF A MOTOR VEHICLE IS REPORTED TO A LAW ENFORCEMENT
2 AGENCY AS STOLEN AT THE TIME OF THE FAILURE TO PAY A TOLL, OR WITHIN A
3 REASONABLE PERIOD OF TIME AFTER THE REGISTERED OWNER BECOMES AWARE
4 OF THE THEFT, THEN THE REGISTERED OWNER OF THE MOTOR VEHICLE IS NOT
5 LIABLE UNDER THIS SECTION.

6 (5) IT IS NOT A DEFENSE TO LIABILITY UNDER THIS SECTION THAT A
7 REGISTERED OWNER WAS NOT OPERATING THE MOTOR VEHICLE AT THE TIME OF
8 THE FAILURE TO PAY A TOLL.

9 27-110.

10 (A) THE ADMINISTRATION MAY NOT REGISTER OR TRANSFER THE
11 REGISTRATION OF ANY VEHICLE INVOLVED IN A FAILURE TO PAY A TOLL
12 VIOLATION UNDER § 21-1414 OF THIS ARTICLE IF:

13 (1) IT IS NOTIFIED BY THE MARYLAND TRANSPORTATION AUTHORITY
14 THAT A REGISTERED OWNER WHO HAS RECEIVED A NOTICE OF VIOLATION OF §
15 21-1414 OF THIS ARTICLE HAS FAILED TO EITHER:

16 (I) PAY THE TOLL AND THE CIVIL PENALTY FOR THE VIOLATION
17 BY THE DATE SPECIFIED IN THE NOTICE OF VIOLATION; OR

18 (II) FILE A NOTICE OF INTENTION TO CONTEST LIABILITY FOR THE
19 VIOLATION; OR

20 (2) IT IS NOTIFIED BY THE DISTRICT COURT THAT A PERSON WHO
21 ELECTED TO CONTEST LIABILITY FOR A VIOLATION OF § 21-1414 OF THIS ARTICLE
22 HAS FAILED TO APPEAR FOR TRIAL.

23 (B) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF THIS
24 SECTION, THE ADMINISTRATION MAY SUSPEND THE REGISTRATION OF A VEHICLE
25 INVOLVED IN A FAILURE TO PAY A TOLL VIOLATION UNDER § 21-1414 OF THIS
26 ARTICLE IF NOTIFIED BY THE MARYLAND TRANSPORTATION AUTHORITY THAT THE
27 VIOLATOR IS A CHRONIC OFFENDER.

28 (C) IN CONJUNCTION WITH THE MARYLAND TRANSPORTATION AUTHORITY,
29 THE ADMINISTRATION MAY ADOPT RULES AND REGULATIONS TO DEFINE CHRONIC
30 OFFENDER AND TO DEVELOP PROCEDURES TO CARRY OUT THE SUSPENSION AND
31 REFUSAL TO REGISTER OR TRANSFER REGISTRATION AUTHORIZED BY THIS
32 SECTION.

33 (D) THE PROCEDURES SPECIFIED IN THIS SECTION ARE IN ADDITION TO ANY
34 OTHER PENALTY PROVIDED BY LAW FOR THE FAILURE TO PAY A TOLL OR APPEAR
35 FOR TRIAL FOR A FAILURE TO PAY TOLL VIOLATION UNDER § 21-1414 OF THIS
36 ARTICLE.

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