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**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

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 1996

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CHAPTER \_\_\_\_

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

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1 (1995 Replacement Volume and 1995 Supplement)

2 BY adding to

3 Article - Courts and Judicial Proceedings

4 Section 10-310

5 Annotated Code of Maryland

6 (1995 Replacement Volume and 1995 Supplement)

7 BY adding to

8 Article - State Government

9 Section 10-616(m)

10 Annotated Code of Maryland

11 (1995 Replacement Volume)

12 BY repealing and reenacting, with amendments,

13 Article - Transportation

14 Section 21-1104(d)

15 Annotated Code of Maryland

16 (1992 Replacement Volume and 1995 Supplement)

17 BY adding to

18 Article - Transportation

19 Section 21-1414 and 27-110

20 Annotated Code of Maryland

21 (1992 Replacement Volume and 1995 Supplement)

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

24 **Article - Courts and Judicial Proceedings**

25 7-302.

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

36 (c) Every agency of State government, political subdivision or municipality which  
37 has enacted or which shall enact an ordinance, law, or regulation controlling the parking  
38 of motor vehicles, or providing for the impounding of motor vehicles, OR PERTAINING  
39 TO THE FAILURE TO PAY TOLLS shall provide that fines, penalties or forfeitures for the

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1 violation of said ordinances, laws, or regulations shall be paid directly to the State agency,  
2 political subdivision or municipality, and not to the District Court, in uncontested cases.

3 (d) Every ordinance, law, or regulation controlling the parking of motor vehicles  
4 or providing for impounding such vehicles OR PERTAINING TO THE FAILURE TO PAY  
5 TOLLS shall provide that the person receiving a citation may elect to stand trial for said  
6 offense by notifying the State agency, political subdivision or municipality of his intention  
7 of standing trial, which notice shall be given at least five (5) days prior to the date of  
8 payment as set forth in the citation. Upon receipt of the notice of such intention to stand  
9 trial, the political subdivision or municipality shall forward to the District Court in said  
10 political subdivision or municipality, and the State agency shall forward to the District  
11 Court having venue, a copy of the citation and a copy of the notice from the person who  
12 received the citation indicating his intention to stand trial. Upon receipt thereof, the  
13 District Court shall schedule the case for trial and notify the defendant of the trial date  
14 under procedures to be adopted by the Chief Judge of the District Court. All parking or  
15 impounding fines, penalties or forfeitures OR FAILURE TO PAY TOLL PENALTIES  
16 collected through the District Court pursuant to a parking or impounding OR TOLL  
17 COLLECTION ordinance, law, or regulation enacted by a State agency, political  
18 subdivision or municipality shall be remitted to the respective local government or State  
19 agency.

20 10-310.

21 A PHOTOGRAPH, MICROPHOTOGRAPH, VIDEOTAPE OR OTHER RECORDED  
22 IMAGE OF THE LICENSE PLATE OF A MOTOR VEHICLE PRODUCED BY AN  
23 ELECTRONIC TOLL COLLECTION VIDEO-MONITORING SYSTEM IS ADMISSIBLE IN A  
24 PROCEEDING TO COLLECT A TOLL OR OTHER CHARGE OF THE MARYLAND  
25 TRANSPORTATION AUTHORITY, TO IMPOSE CIVIL LIABILITY OR TO COLLECT CIVIL  
26 PENALTIES IMPOSED UNDER § 21-1414 OF THE TRANSPORTATION ARTICLE, OR TO  
27 IMPOSE CIVIL OR CRIMINAL LIABILITY UNDER § 21-1413 OF THE TRANSPORTATION  
28 ARTICLE FOR A FAILURE TO PAY ~~THE~~ A TOLL OR CHARGE.

29 **Article - State Government**

30 10-616.

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

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

40 (I) AN INDIVIDUAL NAMED IN THE RECORD;

41 (II) THE ATTORNEY OF RECORD OF AN INDIVIDUAL NAMED IN  
42 THE RECORD; OR

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

5 **Article - Transportation**

6 21-1104.

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

10 (2) This subsection does not apply to:

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

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

17 (III) ELECTRONIC TOLL COLLECTION TAGS PLACED IN THE  
18 WINDSHIELD OF A VEHICLE IN ACCORDANCE WITH THE REGULATIONS OF THE  
19 MARYLAND TRANSPORTATION AUTHORITY.

20 21-1414.

21 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
22 INDICATED.

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

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

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

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

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1 AS PROVIDED FOR IN THE REGULATIONS OF THE MARYLAND TRANSPORTATION  
2 AUTHORITY.

3 (2) A REGISTERED OWNER OF A VEHICLE SHALL NOT BE LIABLE FOR A  
4 CIVIL PENALTY IMPOSED UNDER THIS SECTION IF THE OPERATOR OF THE VEHICLE  
5 HAS BEEN CONVICTED OF FAILURE OR REFUSAL TO PAY A TOLL UNDER § 21-1413 OF  
6 THIS TITLE FOR THE SAME VIOLATION.

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

11 (2) PERSONAL SERVICE UPON THE REGISTERED OWNER SHALL NOT BE  
12 REQUIRED, AND A RECORD OF MAILING KEPT IN THE ORDINARY COURSE OF  
13 BUSINESS SHALL BE ~~PRIMA FACIE~~ ADMISSIBLE EVIDENCE OF THE MAILING OF THE  
14 NOTICE.

15 (3) A NOTICE OF LIABILITY SHALL CONTAIN:

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

18 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE  
19 INVOLVED IN SUCH VIOLATION;

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

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

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

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

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

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

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

29 (II) THE STATUTORY DEFENSES DESCRIBED IN SUBSECTION (F) OF  
30 THIS SECTION; AND

31 (III) A WARNING THAT FAILURE TO PAY THE TOLL AND CIVIL  
32 PENALTY OR TO CONTEST LIABILITY IN THE MANNER AND TIME PRESCRIBED ~~IN~~ IS  
33 AN ADMISSION OF LIABILITY AND A WAIVER OF AVAILABLE DEFENSES, AND MAY  
34 RESULT IN THE ENTRY OF A DEFAULT JUDGMENT OR IN THE REFUSAL OR  
35 SUSPENSION OF THE MOTOR VEHICLE REGISTRATION.

36 (5) A PERSON RECEIVING THE NOTICE OF VIOLATION UNDER THIS  
37 SECTION MAY:

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

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

4 (6) IF THE REGISTERED OWNER OF A MOTOR VEHICLE WHO IS LIABLE  
5 UNDER THIS SECTION ~~FINALS FAILS~~ FAILS TO PAY THE PRESCRIBED TOLL AND CIVIL  
6 PENALTY WITHIN 60 DAYS AFTER MAILING OF THE NOTICE OF LIABILITY, THE  
7 MARYLAND TRANSPORTATION AUTHORITY OR ITS DULY AUTHORIZED AGENT  
8 MAY:

9 (I) COLLECT THE TOLL, THE CIVIL PENALTY AND  
10 ADMINISTRATIVE EXPENSES BY CIVIL ACTION COMMENCED IN THE DISTRICT  
11 COURT FOR THE JURISDICTION IN WHICH THE ALLEGED FAILURE TO PAY A TOLL  
12 OCCURRED; OR

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

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

23 (E) ADJUDICATION OF LIABILITY UNDER THIS SECTION:

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

25 (2) MAY NOT BE DEEMED A CONVICTION OF A REGISTERED OWNER OF  
26 A MOTOR VEHICLE UNDER THE MOTOR VEHICLE CODE; ~~AND~~

27 (3) MAY NOT BE MADE PART OF THE REGISTERED OWNER'S MOTOR  
28 VEHICLE OPERATING RECORD; AND

29 (4) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE  
30 INSURANCE COVERAGE.

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

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

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1 (3) IF THE MOTOR VEHICLE INVOLVED IN A FAILURE TO PAY A TOLL IS  
2 OPERATED USING A DEALER OR TRANSPORTER REGISTRATION PLATE, AND AT THE  
3 TIME OF THE VIOLATION THE MOTOR VEHICLE WAS UNDER THE CUSTODY AND  
4 CONTROL OF A PERSON OTHER THAN THE DEALER OR TRANSPORTER, AND IF THE  
5 DEALER OR TRANSPORTER WITHIN 30 DAYS OF THE NOTICE OF VIOLATION  
6 IDENTIFIES TO THE MARYLAND TRANSPORTATION AUTHORITY OR ITS DULY  
7 AUTHORIZED AGENT THE PERSON WHO HAD CUSTODY AND CONTROL OVER THE  
8 MOTOR VEHICLE AT THE TIME OF THE VIOLATION, THEN THAT PERSON AND NOT  
9 THE DEALER OR TRANSPORTER SHALL BE LIABLE UNDER THIS SECTION.

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

15 (5) ~~IT IS NOT A DEFENSE TO LIABILITY UNDER THIS SECTION THAT A~~  
16 ~~REGISTERED OWNER WAS NOT OPERATING THE MOTOR VEHICLE AT THE TIME OF~~  
17 ~~THE FAILURE TO PAY A TOLL~~

18 (I) IF WITHIN 30 DAYS OF NOTICE OF A VIOLATION, A REGISTERED  
19 OWNER PROVIDES TO THE MARYLAND TRANSPORTATION AUTHORITY OR ITS DULY  
20 AUTHORIZED AGENT SUBSTANTIAL EVIDENCE OF THE IDENTITY OF THE PERSON  
21 WHO WAS OPERATING THE MOTOR VEHICLE AT THE TIME OF THE VIOLATION, THEN  
22 THAT PERSON SHALL BE SUBJECT TO LIABILITY UNDER THIS SECTION AND SHALL  
23 BE SENT A NOTICE OF VIOLATION UNDER SUBSECTION (C) OF THIS SECTION.

24 (II) IF THAT PERSON SUBSEQUENTLY ADMITS TO OR IS  
25 ADJUDICATED RESPONSIBLE FOR FAILURE TO PAY THE TOLL, THEN THE  
26 REGISTERED OWNER IS NOT LIABLE UNDER THIS SECTION.

27 27-110.

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

31 (1) IT IS NOTIFIED BY THE MARYLAND TRANSPORTATION AUTHORITY  
32 THAT A REGISTERED OWNER WHO HAS RECEIVED A NOTICE OF VIOLATION OF §  
33 21-1414 OF THIS ARTICLE HAS FAILED TO EITHER:

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

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

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

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

6 (C) IN CONJUNCTION WITH THE MARYLAND TRANSPORTATION AUTHORITY,  
7 THE ADMINISTRATION MAY ADOPT RULES AND REGULATIONS TO DEFINE CHRONIC  
8 OFFENDER AND TO DEVELOP PROCEDURES TO CARRY OUT THE SUSPENSION AND  
9 REFUSAL TO REGISTER OR TRANSFER REGISTRATION AUTHORIZED BY THIS  
10 SECTION.

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

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