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**By: Chairman, Commerce and Government Matters Committee**

Introduced and read first time: January 24, 1997

Assigned to: Commerce and Government Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Traffic Control Signal Monitoring Systems**

3 FOR the purpose of authorizing certain law enforcement agencies to mail a citation to  
4 the owner of a motor vehicle that is recorded by a traffic control signal monitoring  
5 system to be in violation of certain laws regarding entering an intersection against a  
6 red signal indication; establishing the content of a citation; authorizing the sending  
7 of a warning in lieu of a citation; authorizing the establishment and imposition of  
8 civil penalties; providing that the owner of the vehicle is responsible for paying the  
9 civil penalty under certain circumstances; providing that persons receiving citations  
10 may elect to stand trial in the District Court; establishing defenses that may be  
11 considered; imposing certain additional penalties and authorizing certain other  
12 actions when an owner fails to pay the civil penalty, contest liability, or appear for  
13 trial; prohibiting imposition of liability under this Act from being considered a  
14 moving violation for certain purposes, being recorded on the driving record of the  
15 owner, or being considered by an insurer for certain purposes; providing for the  
16 admissibility and use of certain evidence; modifying the jurisdiction of the District  
17 Court for certain purposes; providing for the handling of certain court costs and  
18 penalties; defining certain terms; and generally relating to imposition of liability on  
19 the owner of a motor vehicle recorded by a traffic control signal monitoring system  
20 violating certain laws regarding traffic control signals.

21 BY repealing and reenacting, with amendments,  
22 Article - Courts and Judicial Proceedings  
23 Section 4-401(11) and (12), 7-301(a), and 7-302(a)  
24 Annotated Code of Maryland  
25 (1995 Replacement Volume and 1996 Supplement)

26 BY adding to  
27 Article - Courts and Judicial Proceedings  
28 Section 4-401(13), 7-302(e), and 10-311  
29 Annotated Code of Maryland  
30 (1995 Replacement Volume and 1996 Supplement)

31 BY repealing and reenacting, without amendments,  
32 Article - Transportation

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1 Section 11-168, 21-201, and 21-202(h)  
2 Annotated Code of Maryland  
3 (1992 Replacement Volume and 1996 Supplement)

4 BY adding to

5 Article - Transportation  
6 Section 21-202.1  
7 Annotated Code of Maryland  
8 (1992 Replacement Volume and 1996 Supplement)

9 BY repealing and reenacting, with amendments,

10 Article - Transportation  
11 Section 26-305 and 26-401  
12 Annotated Code of Maryland  
13 (1992 Replacement Volume and 1996 Supplement)

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

16 **Article - Courts and Judicial Proceedings**

17 4-401.

18 Except as provided in § 4-402 of this subtitle, and subject to the venue provisions of  
19 Title 6 of this article, the District Court has exclusive original civil jurisdiction in:

20 (11) A proceeding for adjudication of a civil penalty for any violation under §  
21 5-1001 of the Environment Article of the Code or under § 2-101(c-1) of Article 41 of the  
22 Code or any rule or regulation issued pursuant to those sections; [and]

23 (12) A proceeding to enforce a civil penalty assessed by the Maryland  
24 Division of Labor and Industry under Title 5 of the Labor and Employment Article where  
25 the amount involved does not exceed \$20,000; AND

26 (13) A PROCEEDING FOR A CIVIL INFRACTION UNDER § 21-202.1 OF THE  
27 TRANSPORTATION ARTICLE.

28 7-301.

29 (a) The court costs in a traffic case, including parking and impounding cases AND  
30 CASES UNDER § 21-202.1 OF THE TRANSPORTATION ARTICLE in which costs are  
31 imposed, are \$20. Such costs shall also be applicable to those cases in which the  
32 defendant elects to waive his right to trial and pay the fine or penalty deposit established  
33 by the Chief Judge of the District Court by administrative regulation. In an  
34 UNCONTESTED CASE UNDER § 21-202.1 OF THE TRANSPORTATION ARTICLE OR  
35 uncontested parking or impounding case in which the fines are paid directly to a political  
36 subdivision or municipality, costs are \$2.00, which costs shall be paid to and retained by  
37 the political subdivision or municipality. In an uncontested case in which the fine is paid  
38 directly to an agency of State government authorized by law to regulate parking of motor  
39 vehicles, the costs are \$2.00. The fine and the costs shall be paid to the agency, which

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1 shall receive and account for these funds as in all other cases involving sums due the State  
2 through a State agency.

3 7-302.

4 (a) Except as provided in subsections (b) through [(d)] (E) of this section, the  
5 clerks of the District Court shall:

6 (1) Collect costs, fines, forfeitures, or penalties imposed by the court; and

7 (2) Remit them to the State under a system agreed upon by the Chief Judge  
8 of the District Court and the Comptroller.

9 (E) (1) A CITATION ISSUED PURSUANT TO § 21-202.1 OF THE  
10 TRANSPORTATION ARTICLE SHALL PROVIDE THAT THE PERSON RECEIVING THE  
11 CITATION MAY ELECT TO STAND TRIAL BY NOTIFYING THE ISSUING AGENCY OF  
12 THE PERSON'S INTENTION TO STAND TRIAL AT LEAST 5 DAYS PRIOR TO THE DATE  
13 OF PAYMENT AS SET FORTH IN THE CITATION. ON RECEIPT OF THE NOTICE TO  
14 STAND TRIAL, THE AGENCY SHALL FORWARD TO THE DISTRICT COURT HAVING  
15 VENUE A COPY OF THE CITATION AND A COPY OF THE NOTICE FROM THE PERSON  
16 WHO RECEIVED THE CITATION INDICATING THE PERSON'S INTENTION TO STAND  
17 TRIAL. ON RECEIPT THEREOF, THE DISTRICT COURT SHALL SCHEDULE THE CASE  
18 FOR TRIAL AND NOTIFY THE DEFENDANT OF THE TRIAL DATE UNDER  
19 PROCEDURES ADOPTED BY THE CHIEF JUDGE OF THE DISTRICT COURT.

20 (2) A CITATION ISSUED AS THE RESULT OF A TRAFFIC CONTROL SIGNAL  
21 MONITORING SYSTEM CONTROLLED BY A POLITICAL SUBDIVISION SHALL PROVIDE  
22 THAT, IN AN UNCONTESTED CASE, THE PENALTY SHALL BE PAID DIRECTLY TO THAT  
23 POLITICAL SUBDIVISION. A CITATION ISSUED AS THE RESULT OF A TRAFFIC  
24 CONTROL SIGNAL MONITORING SYSTEM CONTROLLED BY A STATE AGENCY SHALL  
25 PROVIDE THAT THE PENALTY SHALL BE PAID DIRECTLY TO THE DISTRICT COURT.

26 (3) CIVIL PENALTIES THAT RESULT FROM CITATIONS ISSUED USING  
27 TRAFFIC CONTROL SIGNAL MONITORING SYSTEMS UNDER THE CONTROL OF A  
28 POLITICAL SYSTEM AND COLLECTED BY THE DISTRICT COURT SHALL BE REMITTED  
29 TO THE RESPECTIVE POLITICAL SUBDIVISION. CIVIL PENALTIES THAT RESULT FROM  
30 CITATIONS ISSUED USING TRAFFIC CONTROL SIGNAL MONITORING SYSTEMS UNDER  
31 THE CONTROL OF A STATE AGENCY SHALL BE COLLECTED IN ACCORDANCE WITH  
32 SUBSECTION (A) OF THIS SECTION AND DISTRIBUTED IN ACCORDANCE WITH § 12-118  
33 OF THE TRANSPORTATION ARTICLE.

34 10-311.

35 A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A TRAFFIC  
36 CONTROL SIGNAL MONITORING SYSTEM IN ACCORDANCE WITH § 21-202.1 OF THE  
37 TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A CIVIL  
38 CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION OF § 21-202(H) OF THE  
39 TRANSPORTATION ARTICLE WITHOUT AUTHENTICATION. IN ANY OTHER JUDICIAL  
40 PROCEEDING, A RECORDED IMAGE PRODUCED BY A TRAFFIC CONTROL SIGNAL  
41 MONITORING SYSTEM IS ADMISSIBLE AS OTHERWISE PROVIDED BY LAW.

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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.

5

1 21-202.1.

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

4 (2) "AGENCY" MEANS:

5 (I) FOR A TRAFFIC CONTROL SIGNAL OPERATED AND  
6 MAINTAINED AT AN INTERSECTION UNDER THE CONTROL OF THE STATE, THE LAW  
7 ENFORCEMENT AGENCY PRIMARILY RESPONSIBLE FOR TRAFFIC CONTROL AT THAT  
8 INTERSECTION; OR

9 (II) FOR A TRAFFIC CONTROL SIGNAL OPERATED AND  
10 MAINTAINED AT AN INTERSECTION UNDER THE CONTROL OF A POLITICAL  
11 SUBDIVISION, A LAW ENFORCEMENT AGENCY OF THE POLITICAL SUBDIVISION  
12 THAT IS AUTHORIZED TO ISSUE CITATIONS FOR A VIOLATION OF THE MARYLAND  
13 VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR REGULATIONS.

14 (3) (I) "OWNER" MEANS THE REGISTERED OWNER OF A MOTOR  
15 VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR  
16 MORE.

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

19 (4) "RECORDED IMAGES" MEANS IMAGES RECORDED BY A TRAFFIC  
20 CONTROL SIGNAL MONITORING SYSTEM:

21 (I) ON:

- 22 1. TWO OR MORE PHOTOGRAPHS;
- 23 2. TWO OR MORE MICROPHOTOGRAPHS;
- 24 3. TWO OR MORE ELECTRONIC IMAGES;
- 25 4. VIDEOTAPE; OR
- 26 5. ANY OTHER MEDIUM; AND

27 (II) SHOWING THE REAR OF A MOTOR VEHICLE AND, ON AT LEAST  
28 ONE IMAGE OR PORTION OF TAPE, CLEARLY IDENTIFYING THE REGISTRATION  
29 PLATE NUMBER OF THE MOTOR VEHICLE.

30 (5) "TRAFFIC CONTROL SIGNAL MONITORING SYSTEM" MEANS A  
31 DEVICE WITH ONE OR MORE MOTOR VEHICLE SENSORS WORKING IN CONJUNCTION  
32 WITH A TRAFFIC CONTROL SIGNAL TO PRODUCE RECORDED IMAGES OF MOTOR  
33 VEHICLES ENTERING AN INTERSECTION AGAINST A RED SIGNAL INDICATION.

34 (B) THIS SECTION APPLIES TO A VIOLATION OF § 21-202(H) OF THIS SUBTITLE  
35 AT AN INTERSECTION MONITORED BY A TRAFFIC CONTROL SIGNAL MONITORING  
36 SYSTEM.

1 (C) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A  
2 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER  
3 OF A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS  
4 RECORDED BY A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM WHILE BEING  
5 OPERATED IN VIOLATION OF § 21-202(H) OF THIS SUBTITLE.

6 (2) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A POLITICAL  
7 SUBDIVISION SHALL ESTABLISH BY LOCAL LAW THE AMOUNT OF THE CIVIL  
8 PENALTY IMPOSED FOR A VIOLATION UNDER THIS SECTION RESULTING FROM A  
9 TRAFFIC CONTROL SIGNAL MONITORING SYSTEM OF THE POLITICAL SUBDIVISION.

10 (3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A STATE AGENCY  
11 THAT OPERATES A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM SHALL  
12 ESTABLISH BY REGULATION THE AMOUNT OF THE CIVIL PENALTY IMPOSED FOR A  
13 VIOLATION UNDER THIS SECTION RESULTING FROM THE TRAFFIC CONTROL SIGNAL  
14 MONITORING SYSTEM.

15 (4) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED \$100.

16 (D) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS  
17 SUBSECTION, AN AGENCY SHALL MAIL TO THE OWNER LIABLE UNDER SUBSECTION  
18 (C) OF THIS SECTION A CITATION WHICH SHALL INCLUDE:

19 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE  
20 VEHICLE;

21 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE  
22 INVOLVED IN THE VIOLATION;

23 (III) THE VIOLATION CHARGED;

24 (IV) THE LOCATION OF THE INTERSECTION;

25 (V) THE DATE AND TIME OF THE VIOLATION;

26 (VI) A COPY OF THE RECORDED IMAGE;

27 (VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE DATE  
28 BY WHICH THE CIVIL PENALTY SHOULD BE PAID;

29 (VIII) A SIGNED STATEMENT BY A TECHNICIAN EMPLOYED BY THE  
30 AGENCY THAT, BASED ON INSPECTION OF RECORDED IMAGES, THE MOTOR  
31 VEHICLE WAS BEING OPERATED IN VIOLATION OF § 21-202(H) OF THIS SUBTITLE;

32 (IX) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE OF A  
33 VIOLATION OF § 21-202(H) OF THIS SUBTITLE; AND

34 (X) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE  
35 UNDER THIS SECTION:

36 1. OF THE MANNER AND TIME IN WHICH LIABILITY AS  
37 ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND



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1 (V) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT  
2 COURT DEEMS PERTINENT.

3 (2) IN ORDER TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE  
4 REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND  
5 WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF  
6 THE VIOLATION, THE OWNER MUST SUBMIT PROOF THAT A POLICE REPORT ABOUT  
7 THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN A TIMELY  
8 MANNER.

9 (3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(IV)  
10 OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO  
11 THE DISTRICT COURT EVIDENCE TO THE SATISFACTION OF THE COURT OF WHO  
12 WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION, INCLUDING, AT A  
13 MINIMUM, THE OPERATOR'S NAME AND CURRENT ADDRESS.

14 (G) IF THE CIVIL PENALTY IS NOT PAID AND THE VIOLATION IS NOT  
15 CONTESTED:

16 (1) THE ADMINISTRATION MAY REFUSE TO REGISTER OR REREGISTER  
17 OR MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE; AND

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

20 (H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS  
21 SECTION:

22 (1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING  
23 POINTS UNDER § 16-402 OF THIS ARTICLE AND MAY NOT BE RECORDED BY THE  
24 ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OF THE VEHICLE;

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

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

29 (I) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES  
30 FOR THE TRIAL OF CIVIL VIOLATIONS UNDER THIS SECTION.

31 26-305.

32 (a) The Administration may not register or transfer the registration of any vehicle  
33 involved in a parking violation under this subtitle [or], a violation under any federal  
34 parking regulation that applies to property in this State under the jurisdiction of the U.S.  
35 government, OR A VIOLATION OF § 21-202(H) OF THIS ARTICLE AS DETERMINED  
36 UNDER § 21-202.1 OF THIS ARTICLE, if:

37 (1) It is notified by a political subdivision or authorized State agency that a  
38 person cited for a violation under this subtitle OR § 22-202.1 OF THIS ARTICLE has failed  
39 to either:



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1 (i) Pay the fine for the violation by the date specified in the citation;  
2 or

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

4 (2) It is notified by the District Court that a person who has elected to stand  
5 trial for the violation under this subtitle OR UNDER § 22-202.1 OF THIS ARTICLE has  
6 failed to appear for trial; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (2) The fee described under paragraph (1) of this subsection:

10 (i) May be distributed in part to a political subdivision acting as an  
11 agent of the Administration in the registration of a vehicle under § 13-404 of this article  
12 if, based upon information provided to the Administration by the political subdivision  
13 under this section, the vehicle's prior registration was suspended or the vehicle's  
14 registration renewal was denied; and

15 (ii) Except as provided under item (i) of this paragraph, shall be  
16 retained by the Administration and may not be credited to the Gasoline and Motor  
17 Vehicle Revenue Account for distribution under § 8-403 or § 8-404 of this article.

18 26-401.

19 If a person is taken before a District Court commissioner or is given a traffic  
20 citation OR A CIVIL CITATION UNDER § 21-202.1 OF THIS ARTICLE containing a notice to  
21 appear in court, the commissioner or court shall be one that sits within the county in  
22 which the offense allegedly was committed.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 1997.