

Unofficial Copy
R5
HB 269/96 - CGM

1997 Regular Session
7r0253
CF 7r0304

By: Delegates Hixson, Bozman, E. Burns, Cryor, Dypski, Franchot, Goldwater, Harrison, Heller, Howard, B. Hughes, Hurson, Kagan, Kopp, Krysiak, Love, Mandel, Parker, Pendergrass, Petzold, Pitkin, Rawlings, Shriver, Stup, Turner, Valderrama, and Workman

Introduced and read first time: January 29, 1997

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 law enforcement agency of a political subdivision or
4 State law enforcement agency to mail a citation to the owner of a motor vehicle who
5 is recorded by a traffic control signal monitoring system violating certain laws
6 regarding entering an intersection against a red signal indication; establishing the
7 content of a citation; authorizing the sending of a warning to the owner of the motor
8 vehicle in lieu of a citation; authorizing the imposition of a certain civil penalty;
9 providing that the owner of the vehicle is responsible for paying the civil penalty
10 under certain circumstances; providing for the disposition of certain civil penalties;
11 providing that persons receiving citations may elect to stand trial in the District
12 Court; establishing the defenses that may be considered; imposing certain
13 additional penalties and authorizing certain other actions when an owner fails to
14 pay the civil penalty, contest liability, or appear for trial; prohibiting imposition of
15 liability under this Act from being considered a moving violation for certain
16 purposes, being recorded on the driving record of the driver or vehicle owner, or
17 being considered by an insurer for certain purposes; establishing that recorded
18 images are admissible in evidence without authentication; modifying the jurisdiction
19 of the District Court for certain purposes; requiring that certain actions be in
20 compliance with Motor Vehicle Administration regulations and local law or
21 ordinance; defining certain terms; and generally relating to imposition of certain
22 liability on the owner of a motor vehicle recorded by a traffic control signal
23 monitoring system violating certain laws regarding traffic control signals.

24 BY repealing and reenacting, with amendments,
25 Article - Courts and Judicial Proceedings
26 Section 4-401(11) and (12) and 7-302(b)
27 Annotated Code of Maryland
28 (1995 Replacement Volume and 1996 Supplement)

29 BY adding to
30 Article - Courts and Judicial Proceedings
31 Section 4-401(13) and 10-311

2

1 Annotated Code of Maryland
2 (1995 Replacement Volume and 1996 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article - Transportation
5 Section 11-168, 21-201, and 21-202(h)
6 Annotated Code of Maryland
7 (1992 Replacement Volume and 1996 Supplement)

8 BY adding to
9 Article - Transportation
10 Section 21-202.1
11 Annotated Code of Maryland
12 (1992 Replacement Volume and 1996 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Transportation
15 Section 26-305 and 26-401
16 Annotated Code of Maryland
17 (1992 Replacement Volume and 1996 Supplement)

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

20 **Article - Courts and Judicial Proceedings**

21 4-401.

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

24 (11) A proceeding for adjudication of a civil penalty for any violation under §
25 5-1001 of the Environment Article of the Code or under § 2-101(c-1) of Article 41 of the
26 Code or any rule or regulation issued pursuant to those sections; [and]

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

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

32 7-302.

33 (b) (1) If a parking or impounding fine, penalty, or forfeiture, or a fine, penalty,
34 or forfeiture relating to violation of housing, building, fire, health, or sanitation codes, or
35 a Mass Transit Fare Payment Statute, or a fine or penalty relating to failure to pay the
36 prescribed toll at a highway or vehicular crossing is collected by the District Court
37 pursuant to a local ordinance, law, or regulation of a political subdivision or municipality,
38 or pursuant to a regulation of an agency of State government authorized to regulate

3

1 parking of motor vehicles, or pursuant to a statute pertaining to the payment of mass
2 transit fares, or pursuant to a statute pertaining to the failure to pay tolls, it shall be
3 remitted to the respective local government, or to the State agency.

4 (2) THE DISTRICT COURT SHALL REMIT TO THE POLITICAL
5 SUBDIVISION MONEY COLLECTED UNDER A CIVIL PENALTY IMPOSED UNDER §
6 21-202.1(C)(2)(III) OF THE TRANSPORTATION ARTICLE.

7 10-311.

8 A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A TRAFFIC
9 CONTROL SIGNAL MONITORING SYSTEM IN ACCORDANCE WITH § 21-202.1 OF THE
10 TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A CIVIL
11 CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION OF § 21-202(H) OF THE
12 TRANSPORTATION ARTICLE WITHOUT AUTHENTICATION.

13 **Article - Transportation**

14 11-168.

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

18 21-201.

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

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

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

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

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

38 (d) Unless the contrary is established by competent evidence, if a traffic control
39 device is placed in accordance with the Maryland Vehicle Law and purports to meet the

4

1 lawful requirements governing these devices, the device is presumed to meet the
2 requirements of the Maryland Vehicle Law.

3 21-202.

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

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

6 (i) At a clearly marked stop line;

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

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

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

12 21-202.1.

13 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

15 (2) "AGENCY" MEANS A STATE LAW ENFORCEMENT AGENCY OR A LAW
16 ENFORCEMENT AGENCY OF A POLITICAL SUBDIVISION THAT IS AUTHORIZED TO
17 ISSUE CITATIONS FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL
18 TRAFFIC LAWS OR REGULATIONS.

19 (3) (I) "OWNER" MEANS THE REGISTERED OWNER OF A MOTOR
20 VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR
21 MORE.

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

24 (4) "RECORDED IMAGES" MEANS IMAGES RECORDED BY A TRAFFIC
25 CONTROL SIGNAL MONITORING SYSTEM ON:

26 (I) TWO OR MORE PHOTOGRAPHS;

27 (II) TWO OR MORE MICROPHOTOGRAPHS;

28 (III) TWO OR MORE DIGITAL IMAGES; OR

29 (IV) VIDEOTAPE.

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.

5

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) (I) A CIVIL PENALTY IMPOSED UNDER THIS SECTION MAY NOT
7 EXCEED \$100.

8 (II) IN THE CASE OF A CIVIL PENALTY IMPOSED BY THE
9 ADMINISTRATION, THE ADMINISTRATION SHALL ESTABLISH BY REGULATION THE
10 AMOUNT OF THE CIVIL PENALTY AND THE TIME PERIOD IN WHICH THE CIVIL
11 PENALTY MUST BE PAID.

12 (III) IN THE CASE OF A CIVIL PENALTY IMPOSED BY A POLITICAL
13 SUBDIVISION, THE POLITICAL SUBDIVISION SHALL ESTABLISH BY LOCAL LAW OR
14 ORDINANCE THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE TIME PERIOD
15 IN WHICH THE CIVIL PENALTY MUST BE PAID.

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 VIOLATION CHARGED;

20 (II) THE LOCATION OF THE INTERSECTION;

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

22 (IV) A COPY OF THE RECORDED IMAGE;

23 (V) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE DATE
24 BY WHICH THE CIVIL PENALTY MUST BE PAID;

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

28 (VII) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE OF A
29 VIOLATION OF § 21-202(H) OF THIS SUBTITLE; AND

30 (VIII) A STATEMENT, IN ACCORDANCE WITH REGULATIONS OF THE
31 ADMINISTRATION, INFORMING THE PERSON ALLEGED TO BE LIABLE UNDER THIS
32 SECTION:

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

35 2. THAT FAILURE TO PAY THE CIVIL PENALTY OR TO
36 CONTEST LIABILITY IN A TIMELY MANNER IS AN ADMISSION OF LIABILITY AND MAY
37 RESULT IN REFUSAL OR SUSPENSION OF THE MOTOR VEHICLE'S REGISTRATION.

38 (2) THE AGENCY MAY MAIL A WARNING NOTICE IN LIEU OF A CITATION
39 TO THE OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION.

6

1 (3) (I) AN OWNER WHO RECEIVES A CITATION UNDER PARAGRAPH
2 (1) OF THIS SUBSECTION MAY:

- 3 1. PAY THE CIVIL PENALTY TO THE DISTRICT COURT IN
4 ACCORDANCE WITH THE INFORMATION ON THE CITATION; OR
5 2. ELECT TO STAND TRIAL FOR THE ALLEGED VIOLATION.

6 (II) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A
7 VIOLATION:

8 1. THAT THE DRIVER OF THE VEHICLE PASSED THROUGH
9 THE INTERSECTION IN VIOLATION OF § 21-202(H) OF THIS SUBTITLE:

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

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

14 2. SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH,
15 THAT THE MOTOR VEHICLE OR REGISTRATION PLATES OF THE MOTOR VEHICLE
16 WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE
17 CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION;

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

23 4. ANY OTHER ISSUES AND EVIDENCE THAT THE COURT
24 CONSIDERS PERTINENT.

25 (III) IN ORDER TO DEMONSTRATE THAT THE MOTOR VEHICLE OR
26 THE REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED
27 AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME
28 OF THE VIOLATION, THE OWNER MUST SUBMIT PROOF THAT A POLICE REPORT
29 ABOUT THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN A
30 TIMELY MANNER.

31 (IV) RECORDED IMAGES PRESENTED AT A HEARING ARE
32 ADMISSIBLE EVIDENCE OF A VIOLATION OF § 21-202(H) OF THIS SUBTITLE.

33 (E) IF THE OWNER OF THE MOTOR VEHICLE DOES NOT PAY THE CIVIL
34 PENALTY OR ELECT TO CONTEST THE VIOLATION BY THE DATE PROVIDED IN THE
35 CITATION:

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

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

7

1 (F) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS
2 SECTION:

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

6 (2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF §
7 26-305 OF THIS ARTICLE; AND

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

10 26-305.

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

16 (1) It is notified by a political subdivision or authorized State agency that a
17 person cited for a violation under this subtitle OR § 21-202.1 OF THIS ARTICLE has failed
18 to either:

19 (i) Pay the fine OR CIVIL PENALTY for the violation by the date
20 specified in the citation; or

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

22 (2) It is notified by the District Court that a person who has elected to stand
23 trial for the violation under this subtitle OR UNDER § 21-202.1 OF THIS ARTICLE has
24 failed to appear for trial; or

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

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

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

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

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

8

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

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

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

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

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

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

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

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

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

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

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

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

36 26-401.

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

9

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