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**By: Montgomery County Delegation**

Introduced and read first time: January 31, 1997

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Vehicle Laws - Traffic Control Signal Monitoring System - Owner**  
3 **Liability**  
4 **MC 730-97**

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

26 BY repealing and reenacting, with amendments,  
27 Article - Courts and Judicial Proceedings  
28 Section 4-401(11) and (12) and 7-302(b)  
29 Annotated Code of Maryland  
30 (1995 Replacement Volume and 1996 Supplement)

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

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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

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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 MONTGOMERY COUNTY  
5 MONEY COLLECTED UNDER A CIVIL PENALTY IMPOSED UNDER § 21-202.1 OF THE  
6 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

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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 LAW ENFORCEMENT AGENCY IN  
16 MONTGOMERY COUNTY THAT IS AUTHORIZED TO ISSUE CITATIONS FOR A  
17 VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR  
18 REGULATIONS.

19 (3) "COUNTY" MEANS MONTGOMERY COUNTY.

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

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

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

27 (I) TWO OR MORE PHOTOGRAPHS;

28 (II) TWO OR MORE MICROPHOTOGRAPHS;

29 (III) TWO OR MORE DIGITAL IMAGES; OR

30 (IV) VIDEOTAPE.

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

1 (B) THIS SECTION APPLIES ONLY TO A VIOLATION OF § 21-202(H) OF THIS  
2 SUBTITLE AT AN INTERSECTION IN THE COUNTY MONITORED BY A TRAFFIC  
3 CONTROL SIGNAL MONITORING SYSTEM.

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

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

11 (II) THE COUNTY SHALL ESTABLISH BY LOCAL LAW OR  
12 ORDINANCE THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE TIME PERIOD  
13 IN WHICH THE CIVIL PENALTY MUST BE PAID.

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

17 (I) THE VIOLATION CHARGED;

18 (II) THE LOCATION OF THE INTERSECTION;

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

20 (IV) A COPY OF THE RECORDED IMAGE;

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

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

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

28 (VIII) A STATEMENT, IN ACCORDANCE WITH THE LOCAL LAW OR  
29 ORDINANCES OF THE COUNTY, INFORMING THE PERSON ALLEGED TO BE LIABLE  
30 UNDER THIS SECTION:

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

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

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

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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) IF THE MOTOR VEHICLE IS LOCATED IN MONTGOMERY COUNTY,  
39 THE COUNTY MAY IMMOBILIZE OR IMPOUND THE MOTOR VEHICLE.

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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.

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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.



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