

---

**By: Delegate Boston**

Introduced and read first time: February 17, 1997  
Assigned to: Commerce and Government Matters

---

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Vehicle Laws - Traffic Control Signal Monitoring System - Owner**  
3 **Liability**

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

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

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

2

1 (1995 Replacement Volume and 1996 Supplement)

2 BY repealing and reenacting, without amendments,

3 Article - Transportation

4 Section 11-168, 21-201, and 21-202(h)

5 Annotated Code of Maryland

6 (1992 Replacement Volume and 1996 Supplement)

7 BY adding to

8 Article - Transportation

9 Section 21-202.1

10 Annotated Code of Maryland

11 (1992 Replacement Volume and 1996 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article - Transportation

14 Section 26-305 and 26-401

15 Annotated Code of Maryland

16 (1992 Replacement Volume and 1996 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Courts and Judicial Proceedings**

20 4-401.

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

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

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

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

31 7-302.

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

3

1 transit fares, or pursuant to a statute pertaining to the failure to pay tolls, it shall be  
2 remitted to the respective local government, or to the State agency.

3 (2) THE DISTRICT COURT SHALL REMIT TO BALTIMORE CITY MONEY  
4 COLLECTED UNDER A CIVIL PENALTY IMPOSED UNDER § 21-202.1 OF THE  
5 TRANSPORTATION ARTICLE.

6 10-311.

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

12 **Article - Transportation**

13 11-168.

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

17 21-201.

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

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

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

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

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

37 (d) Unless the contrary is established by competent evidence, if a traffic control  
38 device is placed in accordance with the Maryland Vehicle Law and purports to meet the  
39 lawful requirements governing these devices, the device is presumed to meet the  
40 requirements of the Maryland Vehicle Law.

4

1 21-202.

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

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

4 (i) At a clearly marked stop line;

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

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

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

10 21-202.1.

11 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
12 INDICATED.

13 (2) "AGENCY" MEANS THE POLICE DEPARTMENT OF BALTIMORE CITY.

14 (3) "CITY" MEANS BALTIMORE CITY.

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

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

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

22 (I) TWO OR MORE PHOTOGRAPHS;

23 (II) TWO OR MORE MICROPHOTOGRAPHS;

24 (III) TWO OR MORE DIGITAL IMAGES; OR

25 (IV) VIDEOTAPE.

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

30 (B) THIS SECTION APPLIES ONLY TO A VIOLATION OF § 21-202(H) OF THIS  
31 SUBTITLE AT AN INTERSECTION IN THE CITY MONITORED BY A TRAFFIC CONTROL  
32 SIGNAL MONITORING SYSTEM.

33 (C) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A  
34 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER  
35 OF A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS

5

1 RECORDED BY A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM WHILE BEING  
2 OPERATED IN VIOLATION OF § 21-202(H) OF THIS SUBTITLE.

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

5 (II) THE CITY SHALL ESTABLISH BY LOCAL LAW OR ORDINANCE  
6 THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE TIME PERIOD IN WHICH  
7 THE CIVIL PENALTY MUST BE PAID.

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

11 (I) THE VIOLATION CHARGED;

12 (II) THE LOCATION OF THE INTERSECTION;

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

14 (IV) A COPY OF THE RECORDED IMAGE;

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

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

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

22 (VIII) A STATEMENT, IN ACCORDANCE WITH THE LOCAL LAW OR  
23 ORDINANCES OF THE CITY, INFORMING THE PERSON ALLEGED TO BE LIABLE  
24 UNDER THIS SECTION:

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

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

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

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

34 1. PAY THE CIVIL PENALTY TO THE DIRECTOR OF FINANCE  
35 OF THE CITY IN ACCORDANCE WITH THE INFORMATION ON THE CITATION; OR

36 2. ELECT TO STAND TRIAL FOR THE ALLEGED VIOLATION.

6

1 (II) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A  
2 VIOLATION:

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

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

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

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

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

18 4. ANY OTHER ISSUES AND EVIDENCE THAT THE COURT  
19 CONSIDERS PERTINENT.

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

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

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

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

33 (2) IF THE MOTOR VEHICLE IS LOCATED IN BALTIMORE CITY, THE CITY  
34 MAY IMMOBILIZE OR IMPOUND THE MOTOR VEHICLE.

35 (F) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS  
36 SECTION:

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

7

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

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

5 26-305.

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

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

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

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

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

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

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

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

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

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

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

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

8

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

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

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

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

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

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

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

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

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

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

31 26-401.

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

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