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**By: Senators Teitelbaum, Forehand, Kasemeyer, Kelley, and Sfikas**

Introduced and read first time: January 15, 1997

Assigned to: Judicial Proceedings

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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  
32 Annotated Code of Maryland  
33 (1995 Replacement Volume and 1996 Supplement)

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

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

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

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

18 **Article - Courts and Judicial Proceedings**

19 4-401.

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

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

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

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

30 7-302.

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

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1 (2) THE DISTRICT COURT SHALL REMIT TO THE POLITICAL  
2 SUBDIVISION MONEY COLLECTED UNDER A CIVIL PENALTY IMPOSED UNDER §  
3 21-202.1(C)(2)(III) OF THE TRANSPORTATION ARTICLE.

4 10-311.

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

10 **Article - Transportation**

11 11-168.

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

15 21-201.

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

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

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

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

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

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

39 21-202.

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

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

2 (i) At a clearly marked stop line;

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

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

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

8 21-202.1.

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
10 INDICATED.

11 (2) "AGENCY" MEANS A STATE LAW ENFORCEMENT AGENCY OR A LAW  
12 ENFORCEMENT AGENCY OF A POLITICAL SUBDIVISION THAT IS AUTHORIZED TO  
13 ISSUE CITATIONS FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL  
14 TRAFFIC LAWS OR REGULATIONS.

15 (3) (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 (4) "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 (5) "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 TO A VIOLATION OF § 21-202(H) OF THIS SUBTITLE  
31 AT AN INTERSECTION MONITORED BY A TRAFFIC CONTROL SIGNAL MONITORING  
32 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  
36 RECORDED BY A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM WHILE BEING  
37 OPERATED IN VIOLATION OF § 21-202(H) OF THIS SUBTITLE.

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

3 (II) IN THE CASE OF A CIVIL PENALTY IMPOSED BY THE  
4 ADMINISTRATION, THE ADMINISTRATION SHALL ESTABLISH BY REGULATION THE  
5 AMOUNT OF THE CIVIL PENALTY AND THE TIME PERIOD IN WHICH THE CIVIL  
6 PENALTY MUST BE PAID.

7 (III) IN THE CASE OF A CIVIL PENALTY IMPOSED BY A POLITICAL  
8 SUBDIVISION, THE POLITICAL SUBDIVISION SHALL ESTABLISH BY LOCAL LAW OR  
9 ORDINANCE THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE TIME PERIOD  
10 IN WHICH THE CIVIL PENALTY MUST BE PAID.

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

14 (I) THE VIOLATION CHARGED;

15 (II) THE LOCATION OF THE INTERSECTION;

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

17 (IV) A COPY OF THE RECORDED IMAGE;

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

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

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

25 (VIII) A STATEMENT, IN ACCORDANCE WITH REGULATIONS OF THE  
26 ADMINISTRATION, INFORMING THE PERSON ALLEGED TO BE LIABLE UNDER THIS  
27 SECTION:

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

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

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

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

37 1. PAY THE CIVIL PENALTY TO THE DISTRICT COURT IN  
38 ACCORDANCE WITH THE INFORMATION ON THE CITATION; OR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF §  
5 26-305 OF THIS ARTICLE; AND

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

8 26-305.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 26-401.

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

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

