
By: **Senator Della**

Introduced and read first time: January 20, 2000

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Traffic Control Signal Monitoring Systems - Funeral**
3 **Processions**

4 FOR the purpose of establishing a procedure for processing a citation issued for a
5 certain violation recorded by a traffic control signal monitoring system and for
6 which there is a defense that the vehicle of the person issued the citation was
7 part of a funeral procession at the time of the alleged violation; requiring the
8 citation issued to a person for a certain violation recorded by a traffic control
9 signal monitoring system to contain a form to be used by a person claiming a
10 defense that the vehicle of the person issued the citation was part of a funeral
11 procession at the time of the alleged violation; requiring certain items to be
12 listed on the form; requiring the District Court to dismiss a certain citation upon
13 receipt of a form certifying that a person claims as a defense to the charge
14 contained in the citation that the person's vehicle was part of a funeral
15 procession; providing that a person whose citation is dismissed under this Act
16 may not be required to appear in court concerning the citation; and generally
17 relating to traffic control monitoring systems and funeral processions.

18 BY repealing and reenacting, with amendments,
19 Article - Transportation
20 Section 21-202.1
21 Annotated Code of Maryland
22 (1999 Replacement Volume and 1999 Supplement)

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

25 **Article - Transportation**

26 21-202.1.

27 (a) (1) In this section the following words have the meanings indicated.

28 (2) "Agency" means:

1 (i) For a traffic control signal operated and maintained at an
2 intersection under the control of the State, the law enforcement agency primarily
3 responsible for traffic control at that intersection; or

4 (ii) For a traffic control signal operated and maintained at an
5 intersection under the control of a political subdivision, a law enforcement agency of
6 the political subdivision that is authorized to issue citations for a violation of the
7 Maryland Vehicle Law or of local traffic laws or regulations.

8 (3) (i) "Owner" means the registered owner of a motor vehicle or a
9 lessee of a motor vehicle under a lease of 6 months or more.

10 (ii) "Owner" does not include a motor vehicle rental or leasing
11 company or a holder of a special registration plate issued under Part III of Title 13,
12 Subtitle 9 of this article.

13 (4) "Recorded images" means images recorded by a traffic control signal
14 monitoring system:

15 (i) On:

- 16 1. Two or more photographs;
- 17 2. Two or more microphotographs;
- 18 3. Two or more electronic images;
- 19 4. Videotape; or
- 20 5. Any other medium; and

21 (ii) Showing the rear of a motor vehicle and, on at least one image
22 or portion of tape, clearly identifying the registration plate number of the motor
23 vehicle.

24 (5) "Traffic control signal monitoring system" means a device with one or
25 more motor vehicle sensors working in conjunction with a traffic control signal to
26 produce recorded images of motor vehicles entering an intersection against a red
27 signal indication.

28 (b) This section applies to a violation of § 21-202(h) of this subtitle at an
29 intersection monitored by a traffic control signal monitoring system.

30 (c) (1) Unless the driver of the motor vehicle received a citation from a
31 police officer at the time of the violation, the owner or, in accordance with subsection
32 (f)(5) of this section, the driver of a motor vehicle is subject to a civil penalty if the
33 motor vehicle is recorded by a traffic control signal monitoring system while being
34 operated in violation of § 21-202(h) of this subtitle.

35 (2) A civil penalty under this subsection may not exceed \$100.

1 (3) For purposes of this section, the District Court shall prescribe:

2 (i) A uniform citation form consistent with subsection (d)(1) of this
3 section and § 7-302 of the Courts and Judicial Proceedings Article; and

4 (ii) A civil penalty, which shall be indicated on the citation, to be
5 paid by persons who choose to prepay the civil penalty without appearing in District
6 Court AND WHO ARE NOT CLAIMING A DEFENSE IN ACCORDANCE WITH SUBSECTION
7 (F)(1)(I)2 OF THIS SECTION.

8 (d) (1) Subject to the provisions of paragraphs (2) through (4) of this
9 subsection, an agency shall mail to the owner liable under subsection (c) of this
10 section a citation which shall include:

11 (i) The name and address of the registered owner of the vehicle;

12 (ii) The registration number of the motor vehicle involved in the
13 violation;

14 (iii) The violation charged;

15 (iv) The location of the intersection;

16 (v) The date and time of the violation;

17 (vi) A copy of the recorded image;

18 (vii) The amount of the civil penalty imposed and the date by which
19 the civil penalty should be paid;

20 (viii) A signed statement by a technician employed by the agency
21 that, based on inspection of recorded images, the motor vehicle was being operated in
22 violation of § 21-202(h) of this subtitle;

23 (ix) A statement that recorded images are evidence of a violation of
24 § 21-202(h) of this subtitle; [and]

25 (x) Information advising the person alleged to be liable under this
26 section:

27 1. Of the manner and time in which liability as alleged in the
28 citation may be contested in the District Court; and

29 2. Warning that failure to pay the civil penalty or to contest
30 liability in a timely manner is an admission of liability and may result in refusal or
31 suspension of the motor vehicle registration[.]; AND

32 (XI) A FORM TO BE USED BY A PERSON CLAIMING A DEFENSE
33 UNDER SUBSECTION (F)(1)(I)2 OF THIS SECTION, WHICH SHALL INCLUDE:

1 1. A STATEMENT THAT AT THE TIME OF THE ALLEGED
2 VIOLATION THE VEHICLE BEING DRIVEN BY THE PERSON ALLEGED TO BE LIABLE
3 UNDER THIS SECTION WAS PASSING THROUGH THE INTERSECTION AS PART OF A
4 FUNERAL PROCESSION IN ACCORDANCE WITH § 21-207 OF THIS SUBTITLE;

5 2. THE NAME OF THE DECEASED;

6 3. THE NAME OF THE FUNERAL HOME HANDLING THE
7 ARRANGEMENTS FOR THE FUNERAL; AND

8 4. A STATEMENT THAT BY SIGNING THE FORM, THE PERSON
9 CLAIMING THE DEFENSE AFFIRMS UNDER PENALTY OF PERJURY THAT THE FACTS
10 INDICATED IN THE FORM ARE TRUE.

11 (2) The agency may mail a warning notice in lieu of a citation to the
12 owner liable under subsection (c) of this section.

13 (3) Except as provided in subsection (f)(5) of this section, a citation
14 issued under this section shall be mailed no later than 2 weeks after the alleged
15 violation.

16 (4) An agency may not mail a citation to a person who is not an owner
17 under subsection (a)(3)(ii) of this section.

18 (5) A person who receives a citation under paragraph (1) of this
19 subsection may:

20 (i) Pay the civil penalty, in accordance with instructions on the
21 citation, directly to the political subdivision or to the District Court; [or]

22 (ii) Elect to stand trial for the alleged violation[.]; OR

23 (III) RETURN TO THE DISTRICT COURT THE COMPLETED FORM
24 DESCRIBED IN PARAGRAPH (1)(XI) OF THIS SUBSECTION.

25 (e) (1) A certificate alleging that the violation of § 21-202(h) of this article
26 occurred, sworn to or affirmed by a duly authorized agent of the agency, based on
27 inspection of recorded images produced by a traffic control signal monitoring system
28 shall be evidence of the facts contained therein and shall be admissible in any
29 proceeding alleging a violation under this section.

30 (2) Adjudication of liability shall be based on a preponderance of
31 evidence.

32 (f) (1) The District Court may consider in defense of a violation:

33 (i) That the driver of the vehicle passed through the intersection in
34 violation of § 21-202(h) of this subtitle:

35 1. In order to yield the right-of-way to an emergency vehicle;
36 or

1 paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at the
2 time of the violation, the clerk of the court shall provide to the agency issuing the
3 citation a copy of any evidence substantiating who was operating the vehicle at the
4 time of the violation.

5 (ii) Upon the receipt of substantiating evidence from the District
6 Court under subparagraph (i) of this paragraph, an agency may issue a citation as
7 provided in subsection (d) of this section to the person that the evidence indicates was
8 operating the vehicle at the time of the violation.

9 (iii) A citation issued under subparagraph (ii) of this paragraph
10 shall be mailed no later than 2 weeks after receipt of the evidence from the District
11 Court.

12 (6) (I) UPON THE RECEIPT OF A PROPERLY COMPLETED FORM AS
13 DESCRIBED IN SUBSECTION (D)(1)(XI) OF THIS SECTION INDICATING THAT THE
14 PERSON ALLEGED TO BE LIABLE UNDER THIS SECTION CLAIMS A DEFENSE UNDER
15 SUBSECTION (F)(1)(I)2 OF THIS SECTION, THERE SHALL EXIST A REBUTTABLE
16 PRESUMPTION OF THE TRUTH OF THE CONTENTS OF THE FORM, AND, IN THE
17 ABSENCE OF EVIDENCE REBUTTING THE PRESUMPTION, THE DISTRICT COURT
18 SHALL DISMISS THE CITATION ISSUED TO THE PERSON.

19 (II) A PERSON WHOSE CITATION IS DISMISSED IN ACCORDANCE
20 WITH THIS PARAGRAPH MAY NOT BE REQUIRED TO APPEAR IN PERSON BEFORE THE
21 DISTRICT COURT REGARDING THE CITATION.

22 (g) If the civil penalty is not paid and the violation is not contested, the
23 Administration may refuse to register or reregister or may suspend the registration of
24 the motor vehicle.

25 (h) A violation for which a civil penalty is imposed under this section:

26 (1) Is not a moving violation for the purpose of assessing points under §
27 16-402 of this article and may not be recorded by the Administration on the driving
28 record of the owner or driver of the vehicle;

29 (2) May be treated as a parking violation for purposes of § 26-305 of this
30 article; and

31 (3) May not be considered in the provision of motor vehicle insurance
32 coverage.

33 (i) In consultation with local governments, the chief judge of the District
34 Court shall adopt procedures for the issuance of citations, the trial of civil violations,
35 and the collection of civil penalties under this section.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 2000.