

SENATE BILL 853

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2000 Regular Session
0lr2914
CF 0lr2913

By: **Senator Hafer**

Introduced and read first time: February 23, 2000

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Motorcycles - Failure to Pay Electronic Toll**

3 FOR the purpose of exempting certain motorcycle owners from liability to the
4 Maryland Transportation Authority for failure to pay an electronic toll under
5 certain circumstances; and generally relating to failure to pay electronic tolls.

6 BY repealing and reenacting, with amendments,
7 Article - Transportation
8 Section 21-1414
9 Annotated Code of Maryland
10 (1999 Replacement Volume and 1999 Supplement)

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

13 **Article - Transportation**

14 21-1414.

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

16 (2) "Electronic toll collection" means a system of collecting tolls or
17 charges that is capable of charging an account holder for the appropriate toll by
18 electronic transmission of information between a device on a motor vehicle and a
19 device in a toll lane at a toll collection facility.

20 (3) "Pay" means paying a toll by cash, by permitting a charge against a
21 valid account with the Maryland Transportation Authority, or by another means of
22 payment approved by the Authority at the time.

23 (4) "Video-monitoring system" means a motor vehicle sensor installed to
24 work in conjunction with a toll collection facility that automatically produces a
25 photograph, microphotograph, videotape, or other recorded image of the license plate
26 of a motor vehicle when the operator of the motor vehicle fails to pay a toll.

1 (b) (1) If the operator of a motor vehicle fails to pay the prescribed toll at any
2 highway or vehicular crossing where tolls are collected by means of electronic toll
3 collection, the registered owner of the motor vehicle shall be liable to the Maryland
4 Transportation Authority for payment of the toll and a civil penalty as provided for in
5 the regulations of the Maryland Transportation Authority.

6 (2) A registered owner of a vehicle shall not be liable for a civil penalty
7 imposed under this section if the operator of the vehicle has been convicted of failure
8 or refusal to pay a toll under § 21-1413 of this title for the same violation.

9 (c) (1) The Maryland Transportation Authority or its duly authorized agent
10 shall send a citation via first class mail, no later than 60 days after the alleged
11 violation, to each person alleged to be liable under this section as a registered owner.

12 (2) Personal service upon the registered owner shall not be required, and
13 a record of mailing kept in the ordinary course of business shall be admissible
14 evidence of the mailing of the citation.

15 (3) A citation shall contain:

16 (i) The name and address of the registered owner alleged to be
17 liable under this section;

18 (ii) The registration number of the motor vehicle involved in such
19 violation;

20 (iii) The location where such violation took place;

21 (iv) The date and time of such violation;

22 (v) The amount of the toll not paid;

23 (vi) The amount of the civil penalty; and

24 (vii) The date by which the toll and penalty must be paid.

25 (4) A citation shall also include:

26 (i) Information advising the person liable under this section of the
27 manner and the time in which liability alleged in the citation may be contested;

28 (ii) The statutory defenses described in subsection (f) of this section;
29 and

30 (iii) A warning that failure to pay the toll and civil penalty or to
31 contest liability in the manner and time prescribed is an admission of liability and a
32 waiver of available defenses, and may result in the entry of a default judgment or in
33 the refusal or suspension of the motor vehicle registration.

34 (5) A person receiving the citation for a violation under this section may:

1 (i) Pay the toll and the civil penalty directly to the Maryland
2 Transportation Authority; or

3 (ii) Elect to stand trial for the alleged violation.

4 (6) If the registered owner of a motor vehicle who is liable under this
5 section fails to pay the prescribed toll and civil penalty within 60 days after mailing of
6 the citation, the Maryland Transportation Authority or its duly authorized agent may:

7 (i) Collect the toll, the civil penalty, and administrative expenses
8 by civil action commenced in the district court for the jurisdiction in which the alleged
9 failure to pay a toll occurred; or

10 (ii) Notify the Administration of the failure to pay the toll and civil
11 penalty in accordance with § 27-110 of this article.

12 (d) A certificate alleging that a failure to pay a toll occurred, sworn to or
13 affirmed by a duly authorized agent of the Maryland Transportation Authority, based
14 upon inspection of photographs, videotape, or other electronically recorded images of
15 the license plate of a motor vehicle produced by an electronic toll collection
16 video-monitoring system shall be evidence of the facts contained therein and shall be
17 admissible in any proceeding alleging a violation under this section.

18 (e) Adjudication of liability under this section:

19 (1) Shall be based upon a preponderance of evidence;

20 (2) May not be deemed a conviction of a registered owner of a motor
21 vehicle under the Motor Vehicle Code;

22 (3) May not be made part of the registered owner's motor vehicle
23 operating record; and

24 (4) May not be considered in the provision of motor vehicle insurance
25 coverage.

26 (f) (1) If a person other than the registered owner of the motor vehicle is
27 adjudicated responsible for the failure to pay the toll, then the registered owner is not
28 liable under this section.

29 (2) If the registered owner is a lessor of motor vehicles, and at the time of
30 the failure to pay a toll the motor vehicle involved was in the possession of a lessee,
31 and the lessor within 30 days of the citation provides the Maryland Transportation
32 Authority or its duly authorized agent with a copy of the lease agreement identifying
33 the lessee, then the lessee shall be liable under this section.

34 (3) If the motor vehicle involved in a failure to pay a toll is operated
35 using a dealer or transporter registration plate, and at the time of the violation the
36 motor vehicle was under the custody and control of a person other than the dealer or
37 transporter, and if the dealer or transporter within 30 days of the citation identifies to

1 the Maryland Transportation Authority or its duly authorized agent the person who
2 had custody and control over the motor vehicle at the time of the violation, then that
3 person and not the dealer or transporter shall be liable under this section.

4 (4) If a motor vehicle is reported to a law enforcement agency as stolen at
5 the time of the failure to pay a toll, or within a reasonable period of time after the
6 registered owner becomes aware of the theft, then the registered owner of the motor
7 vehicle is not liable under this section.

8 (5) (i) If within 30 days of notice of a violation, a registered owner
9 provides to the Maryland Transportation Authority or its duly authorized agent
10 substantial evidence of the identity of the person who was operating the motor vehicle
11 at the time of the violation, then that person shall be subject to liability under this
12 section and shall be sent a citation under subsection (c) of this section.

13 (ii) If that person subsequently admits to or is adjudicated
14 responsible for failure to pay the toll, then the registered owner is not liable under
15 this section.

16 (6) IF THE MOTOR VEHICLE INVOLVED IN A FAILURE TO PAY A TOLL IS A
17 MOTORCYCLE AND AT THE TIME OF THE VIOLATION THE OWNER OF THE
18 MOTORCYCLE HAD A VALID ACCOUNT WITH THE MARYLAND TRANSPORTATION
19 AUTHORITY, AND HAS REGISTERED THE LICENSE PLATE OF THE MOTORCYCLE WITH
20 THE AUTHORITY, THEN THE INSPECTION BY THE AUTHORITY OF THE PHOTOGRAPHS,
21 VIDEOTAPE, OR OTHER ELECTRONICALLY RECORDED IMAGES OF THE MOTORCYCLE
22 PLATE PRODUCED BY AN ELECTRONIC TOLL COLLECTION VIDEO MONITORING
23 SYSTEM SHALL BE EVIDENCE OF THE FACT THAT THE OWNER OF THE MOTORCYCLE
24 HAS PAID THE TOLL, THE AUTHORITY SHALL DEDUCT THE AMOUNT OF THE TOLL
25 FROM THE APPROPRIATE ACCOUNT, AND THE REGISTERED OWNER OF THE
26 MOTORCYCLE IS NOT LIABLE UNDER THIS SECTION.

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