

HOUSE BILL 140

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SB 510/01 - JPR

2002 Regular Session
2lr1188
CF 2lr1187

By: **Delegate Marriott (Baltimore City Administration)**

Introduced and read first time: January 16, 2002

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Speed Monitoring Systems - Radar Cameras**

3 FOR the purpose of authorizing certain law enforcement agencies to mail a citation to
4 the owner of a motor vehicle that is recorded by a speed monitoring system to be
5 in violation of certain laws regarding the operation of a motor vehicle in excess
6 of certain speed limits; establishing the content of a citation; authorizing the
7 sending of a warning in lieu of a citation; authorizing reissuance of a citation to
8 a driver of a vehicle under certain circumstances; requiring a citation to be
9 mailed within a certain time period; requiring the District Court to prescribe a
10 certain citation form and a civil penalty to be indicated on the citation for
11 certain purposes; requiring the Chief Judge of the District Court to adopt
12 certain procedures; providing that the owner of the vehicle is responsible for
13 paying the civil penalty indicated on the citation under certain circumstances;
14 providing that persons receiving citations may elect to stand trial in the District
15 Court; establishing defenses that may be considered; authorizing vehicle owners
16 to submit a certain letter to the District Court in order to establish a certain
17 defense; imposing certain additional penalties and authorizing certain other
18 actions when an owner fails to pay the civil penalty, contest liability, or appear
19 for trial; prohibiting imposition of liability under this Act from being considered
20 a moving violation for certain purposes, or being recorded on the driving record
21 of the owner or driver, or being considered by an insurer for certain purposes;
22 providing for the admissibility and use of certain evidence; modifying the
23 jurisdiction of the District Court for certain purposes; providing for the handling
24 of certain court costs and penalties; defining certain terms; prohibiting the
25 custodian of recorded images produced by a speed monitoring system from
26 allowing inspection of the recorded images, subject to certain exceptions; and
27 generally relating to imposition of liability on the owner of a motor vehicle
28 recorded by a speed monitoring system violating certain laws regarding the
29 operation of a motor vehicle in excess of certain speed limits.

30 BY repealing and reenacting, with amendments,
31 Article - Courts and Judicial Proceedings
32 Section 4-401(13), 7-301(a), 7-302(e), and 10-311
33 Annotated Code of Maryland
34 (1998 Replacement Volume and 2001 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article - Insurance
3 Section 11-215(e) and 11-318(e)
4 Annotated Code of Maryland
5 (1997 Volume and 2001 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article - State Government
8 Section 10-616(o)
9 Annotated Code of Maryland
10 (1999 Replacement Volume and 2001 Supplement)

11 BY adding to
12 Article - Transportation
13 Section 21-809
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2001 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Transportation
18 Section 26-305(a) and 26-401
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2001 Supplement)

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

23 **Article - Courts and Judicial Proceedings**

24 4-401.

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

28 (13) A proceeding for a civil infraction under § 21-202.1 OR § 21-809 of the
29 Transportation Article;

30 7-301.

31 (a) The court costs in a traffic case, including parking and impounding cases
32 and cases under § 21-202.1 OR § 21-809 of the Transportation Article in which costs
33 are imposed, are \$20. Such costs shall also be applicable to those cases in which the
34 defendant elects to waive his right to trial and pay the fine or penalty deposit
35 established by the Chief Judge of the District Court by administrative regulation. In
36 an uncontested case under § 21-202.1 OR § 21-809 of the Transportation Article or

1 uncontested parking or impounding case in which the fines are paid directly to a
2 political subdivision or municipality, costs are \$2.00, which costs shall be paid to and
3 retained by the political subdivision or municipality. In an uncontested case in which
4 the fine is paid directly to an agency of State government authorized by law to
5 regulate parking of motor vehicles, the costs are \$2.00. The fine and the costs shall be
6 paid to the agency, which shall receive and account for these funds as in all other
7 cases involving sums due the State through a State agency.

8 7-302.

9 (e) (1) A citation issued pursuant to § 21-202.1 OR § 21-809 of the
10 Transportation Article shall provide that the person receiving the citation may elect to
11 stand trial by notifying the issuing agency of the person's intention to stand trial at
12 least 5 days prior to the date of payment as set forth in the citation. On receipt of the
13 notice to stand trial, the agency shall forward to the District Court having venue a
14 copy of the citation and a copy of the notice from the person who received the citation
15 indicating the person's intention to stand trial. On receipt thereof, the District Court
16 shall schedule the case for trial and notify the defendant of the trial date under
17 procedures adopted by the Chief Judge of the District Court.

18 (2) A citation issued as the result of a traffic control signal monitoring
19 system OR SPEED MONITORING SYSTEM controlled by a political subdivision shall
20 provide that, in an uncontested case, the penalty shall be paid directly to that political
21 subdivision. A citation issued as the result of a traffic control signal monitoring
22 system OR SPEED MONITORING SYSTEM controlled by a State agency shall provide
23 that the penalty shall be paid directly to the District Court.

24 (3) Civil penalties resulting from citations issued using traffic control
25 signal monitoring systems OR SPEED MONITORING SYSTEMS that are collected by the
26 District Court shall be collected in accordance with subsection (a) of this section and
27 distributed in accordance with § 12-118 of the Transportation Article.

28 10-311.

29 (A) A recorded image of a motor vehicle produced by a traffic control signal
30 monitoring system in accordance with § 21-202.1 of the Transportation Article is
31 admissible in a proceeding concerning a civil citation issued under that section for a
32 violation of § 21-202(h) of the Transportation Article without authentication.

33 (B) A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A SPEED
34 MONITORING SYSTEM IN ACCORDANCE WITH § 21-809 OF THE TRANSPORTATION
35 ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A CIVIL CITATION ISSUED
36 UNDER THAT SECTION FOR A VIOLATION OF TITLE 21, SUBTITLE 8 OF THE
37 TRANSPORTATION ARTICLE WITHOUT AUTHENTICATION.

38 (C) In any other judicial proceeding, a recorded image produced by a traffic
39 control signal monitoring system OR SPEED MONITORING SYSTEM is admissible as
40 otherwise provided by law.

1

Article - Insurance

2 11-215.

3 (e) For purposes of reclassifying an insured in a classification that entails a
4 higher premium, an insurer under an automobile insurance policy may not consider a
5 probation before judgment disposition of a motor vehicle law offense, a civil penalty
6 imposed pursuant to § 21-202.1 OR § 21-809 of the Transportation Article, or a first
7 offense of driving with an alcohol concentration of 0.10 or more under § 16-205.1 of
8 the Transportation Article on record with the Motor Vehicle Administration, as
9 provided in § 16-117(b) of the Transportation Article.

10 11-318.

11 (e) For purposes of reclassifying an insured in a classification that entails a
12 higher premium, an insurer under an automobile insurance policy may not consider a
13 probation before judgment disposition of a motor vehicle law offense, a civil penalty
14 imposed pursuant to § 21-202.1 OR § 21-809 of the Transportation Article, or a first
15 offense of driving with an alcohol concentration of 0.10 or more under § 16-205.1 of
16 the Transportation Article on record with the Motor Vehicle Administration, as
17 provided in § 16-117(b) of the Transportation Article.

18

Article - State Government

19 10-616.

20 (o) (1) In this subsection, "recorded images" has the meaning stated in §
21 21-202.1 OR § 21-809 of the Transportation Article.

22 (2) Except as provided in paragraph (3) of this subsection, a custodian of
23 recorded images produced by a traffic control signal monitoring system operated
24 under § 21-202.1 of the Transportation Article OR A SPEED MONITORING SYSTEM
25 OPERATED UNDER § 21-809 OF THE TRANSPORTATION ARTICLE shall deny inspection
26 of the recorded images.

27 (3) A custodian shall allow inspection of recorded images:

28 (i) as required in § 21-202.1 OR § 21-809 of the Transportation
29 Article;

30 (ii) by any person issued a citation under § 21-202.1 OR § 21-809 of
31 the Transportation Article, or an attorney of record for the person; or

32 (iii) by an employee or agent of a law enforcement agency in an
33 investigation or proceeding relating to the imposition of or indemnification from civil
34 liability pursuant to § 21-202.1 OR § 21-809 of the Transportation Article.

Article - Transportation

2 21-809.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

5 (2) "AGENCY" MEANS A LAW ENFORCEMENT AGENCY OF THE STATE OR
6 A POLITICAL SUBDIVISION THAT IS AUTHORIZED TO ISSUE CITATIONS FOR A
7 VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR
8 REGULATIONS.

9 (3) (I) "OWNER" MEANS THE REGISTERED OWNER OF A MOTOR
10 VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR
11 MORE.

12 (II) "OWNER" DOES NOT INCLUDE A MOTOR VEHICLE RENTAL OR
13 LEASING COMPANY OR A HOLDER OF A SPECIAL REGISTRATION PLATE ISSUED
14 UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.

15 (4) "RECORDED IMAGES" MEANS IMAGES RECORDED BY A SPEED
16 MONITORING SYSTEM:

17 (I) ON:

- 18 1. TWO OR MORE PHOTOGRAPHS;
- 19 2. TWO OR MORE MICROPHOTOGRAPHS;
- 20 3. TWO OR MORE ELECTRONIC IMAGES;
- 21 4. VIDEOTAPE; OR
- 22 5. ANY OTHER MEDIUM; AND

23 (II) SHOWING THE REAR OF A MOTOR VEHICLE AND, ON AT LEAST
24 ONE IMAGE OR PORTION OF TAPE, CLEARLY IDENTIFYING THE REGISTRATION PLATE
25 NUMBER OF THE MOTOR VEHICLE.

26 (5) "SPEED MONITORING SYSTEM" MEANS A DEVICE WITH ONE OR MORE
27 MOTOR VEHICLE SENSORS PRODUCING RECORDED IMAGES OF MOTOR VEHICLES
28 TRAVELING AT SPEEDS IN EXCESS OF POSTED SPEED LIMITS ON HIGHWAYS.

29 (B) THIS SECTION APPLIES TO A VIOLATION OF THIS SUBTITLE ON A
30 HIGHWAY MONITORED BY A SPEED MONITORING SYSTEM.

31 (C) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A
32 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER
33 OR, IN ACCORDANCE WITH SUBSECTION (F)(4) OF THIS SECTION, THE DRIVER OF A
34 MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS

1 RECORDED BY A SPEED MONITORING SYSTEM WHILE BEING OPERATED IN
2 VIOLATION OF THIS SUBTITLE.

3 (2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED \$100.

4 (3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT SHALL
5 PRESCRIBE:

6 (I) A UNIFORM CITATION FORM CONSISTENT WITH SUBSECTION
7 (D)(1) OF THIS SECTION AND § 7-302 OF THE COURTS AND JUDICIAL PROCEEDINGS
8 ARTICLE; AND

9 (II) A CIVIL PENALTY, WHICH SHALL BE INDICATED ON THE
10 CITATION, TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL PENALTY
11 WITHOUT APPEARING IN DISTRICT COURT.

12 (D) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (4) OF
13 THIS SUBSECTION, AN AGENCY SHALL MAIL TO THE OWNER LIABLE UNDER
14 SUBSECTION (C) OF THIS SECTION A CITATION WHICH SHALL INCLUDE:

15 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE
16 VEHICLE;

17 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE
18 INVOLVED IN THE VIOLATION;

19 (III) THE VIOLATION CHARGED;

20 (IV) THE LOCATION WHERE THE VIOLATION OCCURRED;

21 (V) THE DATE AND TIME OF THE VIOLATION;

22 (VI) A COPY OF THE RECORDED IMAGE;

23 (VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE DATE
24 BY WHICH THE CIVIL PENALTY SHOULD BE PAID;

25 (VIII) A SIGNED STATEMENT BY A TECHNICIAN EMPLOYED BY THE
26 AGENCY THAT, BASED ON INSPECTION OF RECORDED IMAGES, THE MOTOR VEHICLE
27 WAS BEING OPERATED IN VIOLATION OF THIS SUBTITLE;

28 (IX) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE OF A
29 VIOLATION OF THIS SUBTITLE; AND

30 (X) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE
31 UNDER THIS SECTION:

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

1 THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT ABOUT
2 THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN A TIMELY
3 MANNER.

4 (3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(II) OF
5 THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE
6 DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE PERSON AND MAILED
7 BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT:

8 (I) STATES THAT THE PERSON NAMED IN THE CITATION WAS NOT
9 OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION;

10 (II) PROVIDES THE NAME, ADDRESS, AND, IF POSSIBLE, THE
11 DRIVER'S LICENSE IDENTIFICATION NUMBER OF THE PERSON WHO WAS OPERATING
12 THE VEHICLE AT THE TIME OF THE VIOLATION; AND

13 (III) INCLUDES ANY OTHER CORROBORATING EVIDENCE.

14 (4) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED IN
15 THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION
16 OR RECEIVES EVIDENCE UNDER PARAGRAPH (3) OF THIS SUBSECTION IDENTIFYING
17 THE PERSON DRIVING THE VEHICLE AT THE TIME OF THE VIOLATION, THE CLERK OF
18 THE COURT SHALL PROVIDE TO THE AGENCY ISSUING THE CITATION A COPY OF ANY
19 EVIDENCE SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF
20 THE VIOLATION.

21 (II) UPON THE RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE
22 DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN AGENCY MAY
23 ISSUE A CITATION AS PROVIDED IN SUBSECTION (D) OF THIS SECTION TO THE
24 PERSON WHO THE EVIDENCE INDICATES WAS OPERATING THE VEHICLE AT THE
25 TIME OF THE VIOLATION.

26 (III) A CITATION ISSUED UNDER SUBPARAGRAPH (II) OF THIS
27 PARAGRAPH SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER RECEIPT OF THE
28 EVIDENCE FROM THE DISTRICT COURT.

29 (G) IF THE CIVIL PENALTY IS NOT PAID AND THE VIOLATION IS NOT
30 CONTESTED, THE ADMINISTRATION MAY REFUSE TO REGISTER OR REREGISTER OR
31 MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE.

32 (H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS
33 SECTION:

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

38 (2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF §
39 26-305 OF THIS ARTICLE; AND

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

3 (I) IN CONSULTATION WITH LOCAL GOVERNMENTS, THE CHIEF JUDGE OF
4 THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE ISSUANCE OF
5 CITATIONS, THE TRIAL OF CIVIL VIOLATIONS, AND THE COLLECTION OF CIVIL
6 PENALTIES UNDER THIS SECTION.

7 26-305.

8 (a) The Administration may not register or transfer the registration of any
9 vehicle involved in a parking violation under this subtitle, a violation under any
10 federal parking regulation that applies to property in this State under the jurisdiction
11 of the U.S. government, or a violation of § 21-202(h) of this article as determined
12 under § 21-202.1 of this article OR TITLE 21, SUBTITLE 8 OF THIS ARTICLE AS
13 DETERMINED UNDER § 21-809 OF THIS ARTICLE, if:

14 (1) It is notified by a political subdivision or authorized State agency
15 that a person cited for a violation under this subtitle or § 21-202.1 OR § 21-809 of this
16 article has failed to either:

17 (i) Pay the fine for the violation by the date specified in the
18 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
21 stand trial for the violation under this subtitle or under § 21-202.1 OR § 21-809 of this
22 article has failed to appear for trial; or

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

25 (i) Has failed to pay the fine for the violation by the date specified
26 in 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 26-401.

30 If a person is taken before a District Court commissioner or is given a traffic
31 citation or a civil citation under § 21-202.1 OR § 21-809 of this article containing a
32 notice to appear in court, the commissioner or court shall be one that sits within the
33 county in which the offense allegedly was committed.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2002.