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CHAPTER _____

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 ~~on a highway~~ in certain areas by a
5 speed monitoring system to be in violation of certain laws regarding the
6 operation of a motor vehicle in excess of certain speed limits; ~~establishing a~~
7 ~~process through which a local jurisdiction may request approval of the State~~
8 ~~Highway Administration to place a speed monitoring system in a certain~~
9 ~~location; requiring the State Highway Administration to approve or deny the~~
10 ~~request within a certain time; providing for the distribution of certain penalties;~~
11 ~~establishing the Homeland Security Fund to be financed by certain penalties;~~
12 ~~authorizing the money in the Fund to be used for certain purposes; requiring~~
13 ~~that certain loan requests include an explanation of the homeland security~~
14 ~~purposes for which the loan will be used; requiring certain recipients of certain~~
15 ~~funds to file a certain annual financial report; providing that certain recipients~~
16 ~~of certain funds are subject to certain audits; prohibiting the use of a speed~~
17 ~~monitoring system in a local jurisdiction unless authorized by the governing~~
18 ~~body by ordinance or resolution adopted after reasonable notice and a public~~
19 ~~hearing; requiring certain local ordinances or resolutions to provide for the~~
20 ~~issuance of warnings during a certain period for certain violations; requiring a~~
21 ~~local jurisdiction to publish a certain notice before placing a certain speed~~
22 ~~monitoring system; requiring a local jurisdiction to provide certain signage~~
23 ~~before placing a certain speed monitoring system; prohibiting the placement of a~~
24 ~~speed monitoring system in certain locations; requiring a speed monitoring~~
25 ~~system operator to receive certain training and to keep a certain log; requiring a~~

1 speed monitoring system to undergo a certain annual calibration check;
2 establishing the content of a citation; authorizing the sending of a warning in
3 lieu of a citation; authorizing reissuance of a citation to a driver of a vehicle
4 under certain circumstances; requiring a citation to be mailed within a certain
5 time period; requiring the District Court to prescribe a certain citation form and
6 a civil penalty to be indicated on the citation for certain purposes; requiring the
7 Chief Judge of the District Court to adopt certain procedures; providing that the
8 owner of the vehicle is responsible for paying the civil penalty indicated on the
9 citation under certain circumstances; providing that persons receiving citations
10 may elect to stand trial in the District Court; requiring an individual to notify
11 the local jurisdiction if the individual requests a speed monitoring system
12 operator to testify at trial; establishing defenses that may be considered;
13 authorizing vehicle owners to submit a certain letter to the District Court in
14 order to establish a certain defense; imposing certain additional penalties and
15 authorizing certain other actions when an owner fails to pay the civil penalty,
16 contest liability, or appear for trial; prohibiting imposition of liability under this
17 Act from being considered a moving violation for certain purposes, or being
18 recorded on the driving record of the owner or driver, or being considered by an
19 insurer for certain purposes; providing for the admissibility and use of certain
20 evidence; modifying the jurisdiction of the District Court for certain purposes;
21 providing for the handling of certain court costs and penalties; defining certain
22 terms; prohibiting the custodian of recorded images produced by a speed
23 monitoring system from allowing inspection of the recorded images, subject to
24 certain exceptions; correcting an obsolete reference; providing that the fees of
25 certain contractors may not be contingent on the number of citations issued or
26 paid under this Act; restricting the use of certain revenues generated by this Act;
27 providing for the application of this Act; providing that existing obligations or
28 contracts may not be impaired by this Act; providing for the termination of
29 certain provisions of this Act; and generally relating to imposition of liability on
30 the owner of a motor vehicle recorded by a speed monitoring system violating
31 certain laws regarding the operation of a motor vehicle in excess of certain speed
32 limits.

33 BY adding to

34 Article 41 - Governor - Executive and Administrative Departments
35 Section 4-501 to be under the new subtitle "Subtitle 5. Homeland Security
36 Fund"
37 Annotated Code of Maryland
38 (1997 Replacement Volume and 2002 Supplement)

39 BY repealing and reenacting, with amendments,
40 Article - Courts and Judicial Proceedings
41 Section 4-401(13), 7-301(a), 7-302(e), and 10-311
42 Annotated Code of Maryland
43 (2002 Replacement Volume)

44 BY repealing and reenacting, with amendments,

1 Article - Insurance
2 Section 11-215(e) and 11-318(e)
3 Annotated Code of Maryland
4 (1997 Volume and 2002 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article - State Government
7 Section 10-616(o)
8 Annotated Code of Maryland
9 (1999 Replacement Volume and 2002 Supplement)

10 BY adding to
11 Article - Transportation
12 Section 21-809
13 Annotated Code of Maryland
14 (2002 Replacement Volume)

15 BY repealing and reenacting, with amendments,
16 Article - Transportation
17 Section 26-305(a) and 26-401
18 Annotated Code of Maryland
19 (2002 Replacement Volume)

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

22 **Article 41 - Governor - Executive and Administrative Departments**

23 **SUBTITLE 5. HOMELAND SECURITY FUND.**

24 4-501.

25 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

27 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF STATE POLICE.

28 (3) "FUND" MEANS THE HOMELAND SECURITY FUND.

29 (4) (I) "HOMELAND SECURITY PURPOSE" MEANS A PURPOSE
30 RELATING TO:

31 1. THE DETECTION OF, PREPARATION FOR, PREVENTION OF,
32 PROTECTION AGAINST, OR RESPONSE TO THE THREAT OF A TERRORIST ATTACK; OR

33 2. THE RECOVERY FROM A TERRORIST ATTACK.

1 (II) "HOMELAND SECURITY PURPOSE" INCLUDES, TO THE EXTENT
2 RELATED TO A PURPOSE SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, ANY
3 OF THE FOLLOWING:

4 1. EMERGENCY FIRE AND RESCUE SERVICES;

5 2. ENSURING COMMUNICATION SYSTEM
6 INTEROPERABILITY;

7 3. SECURING PROTECTIVE CLOTHING FOR PUBLIC SAFETY
8 AND HEALTH PROVIDERS;

9 4. PROVIDING ALTERNATIVES TO THE USE OF VOLATILE
10 CHEMICALS FOR WATER AND WASTE WATER TREATMENT;

11 5. OVERTIME PAYMENT FOR PUBLIC SAFETY AND HEALTH
12 PROVIDERS;

13 6. ENHANCING SECURITY AT PUBLIC BUILDINGS AND
14 FACILITIES, SUCH AS WATER TREATMENT PLANTS;

15 7. TRAINING IN BIOTERRORISM RESPONSE AND HAZARDOUS
16 MATERIAL HANDLING; AND

17 8. PUBLIC EDUCATION.

18 (B) THERE IS A HOMELAND SECURITY FUND.

19 (C) THE PURPOSE OF THE FUND IS TO SUPPORT THE HOMELAND SECURITY
20 NEEDS OF COUNTIES, BALTIMORE CITY, AND MUNICIPAL CORPORATIONS.

21 (D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

22 (E) (1) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
23 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

24 (II) ANY BALANCE REMAINING IN THE FUND AT THE END OF EACH
25 FISCAL YEAR SHALL REVERT TO THE GENERAL FUND.

26 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE
27 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

28 (F) THE FUND CONSISTS OF:

29 (1) REVENUE DISTRIBUTED TO THE FUND FROM THE ENFORCEMENT OF
30 SPEED LIMIT LAWS UNDER § 21-809 OF THE TRANSPORTATION ARTICLE;

31 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

32 (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE
33 BENEFIT OF THE FUND.

1 (G) (1) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS
2 PARAGRAPH, EACH FISCAL YEAR THE DEPARTMENT SHALL DISTRIBUTE ALL OF THE
3 MONEY IN THE FUND TO THE LOW INTEREST REVOLVING LOAN ACCOUNT OF THE
4 VOLUNTEER COMPANY ASSISTANCE FUND ESTABLISHED UNDER TITLE 8, SUBTITLE 2
5 OF THE PUBLIC SAFETY ARTICLE.

6 (II) THE DEPARTMENT MAY NOT DISTRIBUTE:

7 1. MORE THAN \$5,000,000 IN ANY FISCAL YEAR TO THE LOW
8 INTEREST REVOLVING LOAN ACCOUNT UNDER THIS PARAGRAPH; OR

9 2. MORE THAN A CUMULATIVE TOTAL OF \$20,000,000 TO THE
10 LOW INTEREST REVOLVING LOAN ACCOUNT UNDER THIS PARAGRAPH.

11 (III) UP TO \$5,000,000 OF THE FUNDS DISTRIBUTED TO THE LOW
12 INTEREST REVOLVING LOAN ACCOUNT UNDER THIS PARAGRAPH MAY BE USED FOR
13 LOANS TO PROFESSIONAL FIRE DEPARTMENTS THAT DEMONSTRATE NEEDS
14 DIRECTLY RELATED TO HOMELAND SECURITY PURPOSES AS DEFINED UNDER
15 ARTICLE 41, § 4-501 OF THE CODE THIS SECTION.

16 (2) AFTER THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION
17 ARE MET, THE REMAINING MONEY IN THE FUND SHALL BE DISTRIBUTED
18 QUARTERLY TO BE USED ONLY FOR HOMELAND SECURITY PURPOSES AS FOLLOWS:

19 (I) 10% SHALL BE DISTRIBUTED TO THE DEPARTMENT; AND

20 (II) 1. SUBJECT TO SUB-SUBPARAGRAPH 2 OF THIS
21 SUBPARAGRAPH, THE REMAINDER SHALL BE DISTRIBUTED TO COUNTIES,
22 BALTIMORE CITY, AND MUNICIPAL CORPORATIONS IN THE SAME PROPORTION AS
23 GRANTS ARE DISTRIBUTED UNDER THE FORMULA FOR THE STATE AID FOR POLICE
24 PROTECTION FUND UNDER ARTICLE 88B, § 66 OF THE CODE IN THE PRECEDING
25 FISCAL YEAR, ADJUSTED TO INCLUDE BALTIMORE CITY AS A SUBDIVISION FOR THE
26 PURPOSE OF CALCULATING THE STATE AID FOR POLICE PROTECTION.

27 2. BALTIMORE CITY MAY NOT RECEIVE A DISTRIBUTION
28 UNDER THIS SUBPARAGRAPH IN AN AMOUNT GREATER THAN THAT DISTRIBUTED TO
29 PRINCE GEORGE'S COUNTY UNDER THIS SUBPARAGRAPH.

30 (3) THE DISTRIBUTIONS TO COUNTIES, BALTIMORE CITY, AND
31 MUNICIPAL CORPORATIONS MAY BE USED TO SUPPLEMENT AND MAY NOT
32 SUPPLANT EXISTING LOCAL EXPENDITURES FOR THE SAME PURPOSE.

33 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE
34 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

35 (2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO
36 THE GENERAL FUND OF THE STATE.

37 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
38 WITH THIS SECTION.

1 (J) THE DEPARTMENT SHALL ADOPT REGULATIONS TO:

2 (1) ADMINISTER THE FUND; AND

3 (2) IMPLEMENT THIS SECTION.

4 (K) (1) EACH RECIPIENT OF FUNDS UNDER SUBSECTION (G) OF THIS
5 SECTION:

6 (I) AFTER THE END OF EACH FISCAL YEAR, SHALL FILE WITH THE
7 DEPARTMENT OF LEGISLATIVE SERVICES A REPORT ON THE AMOUNT RECEIVED AND
8 HOW THE MONEY WAS USED; AND

9 (II) IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS
10 UNDER § 2-1220 OF THE STATE GOVERNMENT ARTICLE WITH REGARD TO THE USE OF
11 FUNDS RECEIVED UNDER THIS SECTION.

12 (2) THE DEPARTMENT MAY NOT DISTRIBUTE MONEY FROM THE
13 HOMELAND SECURITY FUND TO ANY RECIPIENT WHO FAILS TO FILE THE ANNUAL
14 REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

15 (3) EACH REQUEST FOR A LOAN FROM THE LOW INTEREST REVOLVING
16 LOAN ACCOUNT UNDER SUBSECTION (G)(1) OF THIS SECTION SHALL INCLUDE A
17 DETAILED STATEMENT OF THE HOMELAND SECURITY PURPOSES FOR WHICH THE
18 LOAN WILL BE USED.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
20 read as follows:

21 **Article - Courts and Judicial Proceedings**

22 4-401.

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

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

28 7-301.

29 (a) The court costs in a traffic case, including parking and impounding cases
30 and cases under § 21-202.1 OR § 21-809 of the Transportation Article in which costs
31 are imposed, are \$20. Such costs shall also be applicable to those cases in which the
32 defendant elects to waive his right to trial and pay the fine or penalty deposit
33 established by the Chief Judge of the District Court by administrative regulation. In
34 an uncontested case under § 21-202.1 OR § 21-809 of the Transportation Article or
35 uncontested parking or impounding case in which the fines are paid directly to a
36 political subdivision or municipality, costs are \$2.00, which costs shall be paid to and

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

6 7-302.

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

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

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

26 10-311.

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

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

36 (C) In any other judicial proceeding, a recorded image produced by a traffic
37 control signal monitoring system OR SPEED MONITORING SYSTEM is admissible as
38 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] 0.08 or more under §
8 16-205.1 of the Transportation Article on record with the Motor Vehicle
9 Administration, as 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] 0.08 or more under §
16 16-205.1 of the Transportation Article on record with the Motor Vehicle
17 Administration, as 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 IMAGE" MEANS AN IMAGE OF A PORTION OF A MOTOR
16 VEHICLE RECORDED BY A SPEED MONITORING SYSTEM:

17 (I) ON:

- 18 1. A PHOTOGRAPH;
- 19 2. A MICROPHOTOGRAPH;
- 20 3. AN ELECTRONIC IMAGE;
- 21 4. VIDEOTAPE; OR
- 22 5. ANY OTHER MEDIUM; AND

23 (II) CLEARLY IDENTIFYING:

- 24 1. THE REGISTRATION PLATE NUMBER OF THE MOTOR
25 VEHICLE; AND
- 26 2. A STATIONARY OBJECT NEAR THE MOTOR VEHICLE.

27 (5) "SPEED MONITORING SYSTEM" MEANS A DEVICE WITH ONE OR MORE
28 MOTOR VEHICLE SENSORS PRODUCING RECORDED IMAGES OF MOTOR VEHICLES
29 TRAVELING AT SPEEDS AT LEAST 10 MILES PER HOUR ABOVE THE POSTED SPEED
30 LIMIT.

31 (6) "SPEED MONITORING SYSTEM OPERATOR" MEANS AN INDIVIDUAL
32 WHO OPERATES A SPEED MONITORING SYSTEM.

1 (B) (1) (I) A SPEED MONITORING SYSTEM MAY NOT BE USED IN A LOCAL
 2 JURISDICTION UNDER THIS SECTION UNLESS ITS USE IS AUTHORIZED BY THE
 3 GOVERNING BODY OF THE LOCAL JURISDICTION BY ORDINANCE OR RESOLUTION
 4 ADOPTED AFTER REASONABLE NOTICE AND A PUBLIC HEARING.

5 (II) AN ORDINANCE OR RESOLUTION ADOPTED BY THE GOVERNING
 6 BODY OF A LOCAL JURISDICTION UNDER THIS PARAGRAPH SHALL PROVIDE THAT
 7 FOR A PERIOD OF AT LEAST 45 DAYS AFTER THE FIRST SPEED MONITORING SYSTEM
 8 IS PLACED IN THE LOCAL JURISDICTION, A VIOLATION RECORDED BY ANY SPEED
 9 MONITORING SYSTEM IN THE LOCAL JURISDICTION MAY BE ENFORCED ONLY BY
 10 THE ISSUANCE OF A WARNING.

11 (2) THIS SECTION APPLIES TO A VIOLATION OF THIS SUBTITLE
 12 RECORDED BY A SPEED MONITORING SYSTEM ~~WHICH THAT MEETS THE~~
 13 REQUIREMENTS OF THIS SUBSECTION AND HAS BEEN CALIBRATED TO ENSURE
 14 ACCURACY AND PLACED, IN ACCORDANCE WITH AN ORDINANCE ADOPTED UNDER
 15 PARAGRAPH (1) OF THIS SUBSECTION:

16 (I) ON A HIGHWAY IN A RESIDENTIAL DISTRICT AS DEFINED IN §
 17 21-101 OF THIS TITLE WITH A MAXIMUM POSTED SPEED LIMIT OF 35 MILES PER
 18 HOUR; OR

19 (II) IN A SCHOOL ZONE ESTABLISHED UNDER § 21-803.1 OF THIS
 20 SUBTITLE; ~~OR~~

21 (III) ~~IN A LOCATION APPROVED UNDER PARAGRAPH (2) OF THIS~~
 22 ~~SUBSECTION.~~

23 (2) (I) ~~A LOCAL JURISDICTION MAY REQUEST THE APPROVAL OF THE~~
 24 ~~STATE HIGHWAY ADMINISTRATION TO HAVE A SPEED MONITORING SYSTEM PLACED~~
 25 ~~IN A LOCATION OTHER THAN A LOCATION SPECIFIED IN PARAGRAPH (1)(I) OR (II) OF~~
 26 ~~THIS SUBSECTION.~~

27 (II) ~~WITHIN 30 DAYS OF RECEIVING A REQUEST UNDER~~
 28 ~~SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE STATE HIGHWAY ADMINISTRATION, IN~~
 29 ~~WRITING, SHALL:~~

30 1. ~~APPROVE THE REQUEST BASED ON THE LOCAL~~
 31 ~~JURISDICTION'S DEMONSTRATION OF NEED FOR THE SPEED MONITORING SYSTEM~~
 32 ~~AT THE LOCATION THAT IS THE SUBJECT OF THE REQUEST; OR~~

33 2. ~~DENY THE REQUEST, CITING THE REASONS FOR THE~~
 34 ~~DENIAL.~~

35 (3) BEFORE PLACING AN UNMANNED STATIONARY SPEED MONITORING
 36 SYSTEM, THE LOCAL JURISDICTION SHALL:

37 (I) PUBLISH NOTICE OF THE LOCATION OF THE SPEED
 38 MONITORING SYSTEM IN A NEWSPAPER IN GENERAL CIRCULATION IN THE
 39 JURISDICTION; AND

1 2. IS ADMISSIBLE AS EVIDENCE IN ANY COURT PROCEEDING
2 TO CONTEST LIABILITY ALLEGED IN A CITATION UNDER THIS SECTION.

3 (8) A RECORDED IMAGE CAPTURED BY A SPEED MONITORING SYSTEM
4 UNDER THIS SECTION MAY BE USED ONLY TO IDENTIFY VEHICLES VIOLATING THIS
5 SUBTITLE.

6 (C) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A
7 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER
8 OR, IN ACCORDANCE WITH SUBSECTION (F)(4) OF THIS SECTION, THE DRIVER OF A
9 MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS
10 RECORDED BY A SPEED MONITORING SYSTEM WHILE BEING OPERATED IN
11 VIOLATION OF THIS SUBTITLE.

12 (2) A CIVIL PENALTY UNDER THIS SUBSECTION ~~MAY NOT EXCEED \$100;~~

13 (I) MAY NOT EXCEED \$100; AND

14 (II) SHALL BE THE LOWER OF THE FINE SET BY THE DISTRICT
15 COURT IN THE PENALTY DEPOSIT SCHEDULE OR BY THE LOCAL JURISDICTION
16 UNDER THIS SECTION.

17 (3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT SHALL
18 PRESCRIBE:

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

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

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

28 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE
29 VEHICLE;

30 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE
31 INVOLVED IN THE VIOLATION;

32 (III) THE VIOLATION CHARGED;

33 (IV) THE LOCATION WHERE THE VIOLATION OCCURRED;

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

35 (VI) A COPY OF ~~THE~~ AT LEAST TWO SUCCESSIVE RECORDED IMAGE
36 IMAGES OF THE VEHICLE WITH A DATA BAR IMPRINTED ON EACH IMAGE THAT

1 INCLUDES INFORMATION SUCH AS THE RATE OF SPEED OF THE VEHICLE AND THE
2 DATE AND TIME THE IMAGE WAS RECORDED;

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

5 (VIII) A SIGNED STATEMENT BY A ~~DULY AUTHORIZED AGENT OF~~
6 POLICE OFFICER EMPLOYED BY THE AGENCY OR A DESIGNATED MUNICIPAL
7 OFFICIAL THAT, BASED ON INSPECTION OF RECORDED IMAGES, THE MOTOR
8 VEHICLE WAS BEING OPERATED IN VIOLATION OF THIS SUBTITLE;

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

11 (X) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE
12 UNDER THIS SECTION:

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

15 2. THAT FAILURE TO PAY THE CIVIL PENALTY OR TO
16 CONTEST LIABILITY IN A TIMELY MANNER IS AN ADMISSION OF LIABILITY AND MAY
17 RESULT IN REFUSAL OR SUSPENSION OF THE MOTOR VEHICLE REGISTRATION.

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

20 (3) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS SECTION, A
21 CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NO LATER THAN 2 WEEKS
22 AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS REGISTERED IN THIS STATE,
23 AND 30 DAYS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS REGISTERED IN
24 ANOTHER STATE.

25 (4) AN AGENCY MAY NOT MAIL A CITATION TO A PERSON WHO IS NOT AN
26 OWNER UNDER SUBSECTION (A)(3)(II) OF THIS SECTION.

27 (5) A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH (1) OF
28 THIS SUBSECTION MAY:

29 (I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH
30 INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE POLITICAL SUBDIVISION OR TO
31 THE DISTRICT COURT; OR

32 (II) ELECT TO STAND TRIAL FOR THE ALLEGED VIOLATION.

33 (6) A POLITICAL SUBDIVISION:

34 (I) MAY RETAIN A PORTION OF THE CIVIL PENALTIES COLLECTED
35 UNDER THIS SECTION TO COVER THE DOCUMENTED COSTS OF IMPLEMENTING AND
36 MAINTAINING SPEED MONITORING SYSTEMS;

1 (II) MAY RETAIN 33% OF THE CIVIL PENALTIES COLLECTED UNDER
2 THIS SECTION TO BE USED ONLY FOR HOMELAND SECURITY PURPOSES; AND

3 (III) SHALL REMIT THE REMAINDER TO THE HOMELAND SECURITY
4 FUND ESTABLISHED UNDER ARTICLE 41, § 4-501 OF THE CODE.

5 (E) (1) A CERTIFICATE ALLEGING THAT THE VIOLATION OF THIS SUBTITLE
6 OCCURRED AND THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION HAVE
7 BEEN SATISFIED, SWORN TO OR AFFIRMED BY A DULY AUTHORIZED AGENT OF
8 POLICE OFFICER EMPLOYED BY THE AGENCY OR A DESIGNATED MUNICIPAL
9 OFFICIAL, BASED ON INSPECTION OF RECORDED IMAGES PRODUCED BY A SPEED
10 MONITORING SYSTEM, SHALL BE EVIDENCE OF THE FACTS CONTAINED THEREIN
11 AND SHALL BE ADMISSIBLE IN ANY PROCEEDING ALLEGING A VIOLATION UNDER
12 THIS SECTION WITHOUT THE PRESENCE OR TESTIMONY OF A SPEED MONITORING
13 SYSTEM OPERATOR WHO PERFORMED THE REQUIREMENTS UNDER SUBSECTION (B)
14 OF THIS SECTION.

15 (2) (I) A CITATION ISSUED TO AN INDIVIDUAL UNDER THIS SECTION
16 SHALL CONTAIN NOTICE OF THE RIGHT TO HAVE A SPEED MONITORING SYSTEM
17 OPERATOR PRESENT TO TESTIFY AT TRIAL.

18 (II) IF AN INDIVIDUAL REQUESTS A SPEED MONITORING SYSTEM
19 OPERATOR TO BE PRESENT TO TESTIFY AT TRIAL, THE INDIVIDUAL SHALL NOTIFY
20 THE LOCAL JURISDICTION IN WRITING NO LATER THAN 20 DAYS BEFORE THE TRIAL.

21 (3) ADJUDICATION OF LIABILITY SHALL BE BASED ON A
22 PREPONDERANCE OF EVIDENCE.

23 (F) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A VIOLATION:

24 (I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THAT THE
25 MOTOR VEHICLE OR REGISTRATION PLATES OF THE MOTOR VEHICLE WERE STOLEN
26 BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL OR
27 POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION;

28 (II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EVIDENCE
29 THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT
30 THE TIME OF THE VIOLATION; AND

31 (III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT COURT
32 DEEMS PERTINENT.

33 (2) IN ORDER TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE
34 REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND
35 WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF
36 THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT ABOUT
37 THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN A TIMELY
38 MANNER.

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

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

7 ~~(II) PROVIDES THE NAME, ADDRESS, AND, IF POSSIBLE, THE~~
8 ~~DRIVER'S LICENSE IDENTIFICATION NUMBER OF THE PERSON WHO WAS OPERATING~~
9 ~~THE VEHICLE AT THE TIME OF THE VIOLATION; AND~~

10 ~~(III)~~ (II) INCLUDES ANY OTHER CORROBORATING EVIDENCE.

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

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

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

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

29 (H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS
30 SECTION:

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

35 (2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF §
36 26-305 OF THIS ARTICLE; AND

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

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

5 (J) IF A CONTRACTOR OPERATES A SPEED MONITORING SYSTEM ON BEHALF
6 OF A LOCAL JURISDICTION OR AGENCY, THE CONTRACTOR'S FEE MAY NOT BE
7 CONTINGENT ON THE NUMBER OF CITATIONS ISSUED OR PAID.

8 26-305.

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

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

18 (i) Pay the fine for the violation by the date specified in the
19 citation; or

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

21 (2) It is notified by the District Court that a person who has elected to
22 stand trial for the violation under this subtitle or under § 21-202.1 OR § 21-809 of this
23 article has failed to appear for trial; or

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

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

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

30 26-401.

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

35 SECTION ~~2~~. 3. AND BE IT FURTHER ENACTED, That:

1 (1) Beginning in fiscal year 2004 and each fiscal year thereafter, each local
2 jurisdiction shall use the revenues generated from the enforcement of speed limit
3 laws as authorized under this Act solely to increase local expenditures for related
4 public safety purposes, including pedestrian safety programs; and

5 (2) Related public safety expenditures required under this Section shall be
6 used to supplement and may not supplant existing local expenditures for the same
7 purpose.

8 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall be
9 construed to apply only prospectively and may not be applied or interpreted to have
10 any effect on or application to any contract awarded before the effective date of this
11 Act.

12 SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That an obligation or
13 contract right existing on the effective date of this Act may not be impaired in any
14 way by this Act.

15 SECTION ~~5~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take
16 effect October 1, 2003. ~~Sections 1 and 3~~ Section 1 of this Act and § 21-809(d)(6) of the
17 Transportation Article, as enacted by Section 2 of this Act, shall remain effective for a
18 period of 7 years and, at the end of October 1, 2010, with no further action required by
19 the General Assembly, ~~Sections 1 and 3~~ Section 1 of this Act and § 21-809(d)(6) of the
20 Transportation Article, as enacted by Section 2 of this Act, shall be abrogated and of
21 no further force and effect.