
By: **Delegate Kelly**

Introduced and read first time: February 7, 2003

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Traffic Control Signal Monitoring Systems - Collection of**
3 **Civil Penalties**

4 FOR the purpose of substituting the District Court for certain political subdivisions
5 as the entity required to collect a civil penalty for certain red light signal
6 violations recorded by a traffic control signal monitoring system; making certain
7 conforming and stylistic changes; and generally relating to the collection of civil
8 penalties for red light signal violations recorded by a traffic control signal
9 monitoring system.

10 BY repealing and reenacting, with amendments,
11 Article - Courts and Judicial Proceedings
12 Section 7-301(a) and 7-302(a) and (e)
13 Annotated Code of Maryland
14 (2002 Replacement Volume)

15 BY repealing and reenacting, without amendments,
16 Article - Transportation
17 Section 21-202(h)
18 Annotated Code of Maryland
19 (2002 Replacement Volume)

20 BY repealing and reenacting, with amendments,
21 Article - Transportation
22 Section 21-202.1
23 Annotated Code of Maryland
24 (2002 Replacement Volume)

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

1

Article - Courts and Judicial Proceedings

2 7-301.

3 (a) The court costs in a traffic case, including parking and impounding cases
4 and cases under § 21-202.1 of the Transportation Article in which costs are imposed,
5 are \$20. Such costs shall also be applicable to those cases in which the defendant
6 elects to waive his right to trial and pay the fine or penalty deposit established by the
7 Chief Judge of the District Court by administrative regulation. In an [uncontested
8 case under § 21-202.1 of the Transportation Article or] uncontested parking or
9 impounding case in which the fines are paid directly to a political subdivision or
10 municipality, costs are \$2.00, which costs shall be paid to and retained by the political
11 subdivision or municipality. In an uncontested case in which the fine is paid directly
12 to an agency of State government authorized by law to regulate parking of motor
13 vehicles, the costs are \$2.00. The fine and the costs shall be paid to the agency, which
14 shall receive and account for these funds as in all other cases involving sums due the
15 State through a State agency.

16 7-302.

17 (a) Except as provided in subsections (b) through [(e)] (D) of this section, the
18 clerks of the District Court shall:

19 (1) Collect costs, fines, forfeitures, or penalties imposed by the court; and

20 (2) Remit them to the State under a system agreed upon by the Chief
21 Judge of the District Court and the Comptroller.

22 (e) (1) A citation issued pursuant to § 21-202.1 of the Transportation Article
23 shall provide that the person receiving the citation may elect to stand trial by
24 notifying the issuing agency of the person's intention to stand trial at least 5 days
25 prior to the date of payment as set forth in the citation. On receipt of the notice to
26 stand trial, the agency shall forward to the District Court having venue a copy of the
27 citation and a copy of the notice from the person who received the citation indicating
28 the person's intention to stand trial. On receipt thereof, the District Court shall
29 schedule the case for trial and notify the defendant of the trial date under procedures
30 adopted by the Chief Judge of the District Court.

31 (2) [A citation issued as the result of a traffic control signal monitoring
32 system controlled by a political subdivision shall provide that, in an uncontested case,
33 the penalty shall be paid directly to that political subdivision.] A citation issued as
34 the result of a traffic control signal monitoring system [controlled by a State agency]
35 shall provide that the penalty shall be paid directly to the District Court.

36 (3) Civil penalties resulting from citations issued using traffic control
37 signal monitoring systems that are collected by the District Court shall be collected in
38 accordance with subsection (a) of this section and distributed in accordance with §
39 12-118 of the Transportation Article.

Article - Transportation

1

2 21-202.

3 (h) (1) Vehicular traffic facing a steady circular red signal alone:

4 (i) Shall stop at the near side of the intersection:

5 1. At a clearly marked stop line;

6 2. If there is no clearly marked stop line, before entering any
7 crosswalk; or8 3. If there is no crosswalk, before entering the intersection;
9 and10 (ii) Except as provided in subsections (i), (j), and (k) of this section,
11 shall remain stopped until a signal to proceed is shown.

12 (2) Vehicular traffic facing a steady red arrow signal:

13 (i) May not enter the intersection to make the movement indicated
14 by the arrow;15 (ii) Unless entering the intersection to make a movement permitted
16 by another signal, shall stop at the near side of the intersection:

17 1. At a clearly marked stop line;

18 2. If there is no clearly marked stop line, before entering any
19 crosswalk; or20 3. If there is no crosswalk, before entering the intersection;
21 and22 (iii) Except as provided in subsections (i), (j), and (k) of this section,
23 shall remain stopped until a signal permitting the movement is shown.

24 21-202.1.

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

26 (2) "Agency" means:

27 (i) For a traffic control signal operated and maintained at an
28 intersection under the control of the State, the law enforcement agency primarily
29 responsible for traffic control at that intersection; or30 (ii) For a traffic control signal operated and maintained at an
31 intersection under the control of a political subdivision, a law enforcement agency of

1 the political subdivision that is authorized to issue citations for a violation of the
2 Maryland Vehicle Law or of local traffic laws or regulations.

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

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

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

10 (i) On:

- 11 1. Two or more photographs;
- 12 2. Two or more microphotographs;
- 13 3. Two or more electronic images;
- 14 4. Videotape; or
- 15 5. Any other medium; and

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

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

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

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

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

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

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

1 (ii) A civil penalty, which shall be indicated on the citation, to be
2 paid by persons who choose to prepay the civil penalty without appearing in District
3 Court.

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

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

8 (ii) The registration number of the motor vehicle involved in the
9 violation;

10 (iii) The violation charged;

11 (iv) The location of the intersection;

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

13 (vi) A copy of the recorded image;

14 (vii) The amount of the civil penalty imposed and the date by which
15 the civil penalty should be paid BY PERSONS WHO CHOOSE TO PREPAY THE FINE
16 WITHOUT APPEARING IN DISTRICT COURT;

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

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

22 (x) Information advising the person alleged to be liable under this
23 section:

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

26 2. Warning that failure to pay the civil penalty or to contest
27 liability in a timely manner is an admission of liability and may result in refusal or
28 suspension of the motor vehicle registration.

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

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

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

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

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

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

6 (e) (1) A certificate alleging that the violation of § 21-202(h) of this article
7 occurred, sworn to or affirmed by a duly authorized agent of the agency, based on
8 inspection of recorded images produced by a traffic control signal monitoring system
9 shall be evidence of the facts contained [therein] IN THE CERTIFICATE and shall be
10 admissible in any proceeding alleging a violation under this section.

11 (2) Adjudication of liability shall be based on a preponderance of
12 evidence.

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

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

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

18 2. As part of a funeral procession in accordance with §
19 21-207 of this subtitle;

20 (ii) Subject to paragraph (2) of this subsection, that the motor
21 vehicle or registration plates of the motor vehicle were stolen before the violation
22 occurred and were not under the control or possession of the owner at the time of the
23 violation;

24 (iii) That under § 21-201 of this subtitle, this section is
25 unenforceable against the owner because at the time and place of the alleged
26 violation, the traffic control signal was not in proper position and legible enough to be
27 seen by an ordinarily observant individual;

28 (iv) Subject to paragraph (3) of this subsection, evidence that the
29 person named in the citation was not operating the vehicle at the time of the
30 violation; and

31 (v) Any other issues and evidence that the District Court deems
32 pertinent.

33 (2) In order to demonstrate that the motor vehicle or the registration
34 plates were stolen before the violation occurred and were not under the control or
35 possession of the owner at the time of the violation, the owner must submit proof that
36 a police report about the stolen motor vehicle or registration plates was filed in a
37 timely manner.

1 (3) To satisfy the evidentiary burden under paragraph (1)(iv) of this
2 subsection, the person named in the citation shall provide to the District Court
3 evidence to the satisfaction of the court of who was operating the vehicle at the time
4 of the violation, including, at a minimum, the operator's name and current address.

5 (4) (i) The provisions of this paragraph apply only to a citation that
6 involves a Class E (truck) vehicle with a registered gross weight of 26,001 pounds or
7 more, Class F (tractor) vehicle, Class G (trailer) vehicle operated in combination with
8 a Class F (tractor) vehicle, and Class P (passenger bus) vehicle.

9 (ii) To satisfy the evidentiary burden under paragraph (1)(iv) of this
10 subsection, the person named in a citation described under subparagraph (i) of this
11 paragraph may provide to the District Court a letter, sworn to or affirmed by the
12 person and mailed by certified mail, return receipt requested, that:

13 1. States that the person named in the citation was not
14 operating the vehicle at the time of the violation; and

15 2. Provides the name, address, and driver's license
16 identification number of the person who was operating the vehicle at the time of the
17 violation.

18 (5) (i) If the District Court finds that the person named in the citation
19 was not operating the vehicle at the time of the violation or receives evidence under
20 paragraph (4)(i)2 of this subsection identifying the person driving the vehicle at the
21 time of the violation, the clerk of the court shall provide to the agency issuing the
22 citation a copy of any evidence substantiating who was operating the vehicle at the
23 time of the violation.

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

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

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

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

35 (1) Is not a moving violation for the purpose of assessing points under §
36 16-402 of this article and may not be recorded by the Administration on the driving
37 record of the owner or driver of the vehicle;

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

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

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect October 1, 2003.