

SENATE BILL 193

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R5

2003 Regular Session
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By: ~~Senators Della and Harris, Harris, Forehand, Green, Haines, Jacobs,~~
Jimeno, and Mooney

Introduced and read first time: January 28, 2003

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

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CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - Traffic Control Signal Monitoring Systems - Yellow Signals**
3 **and Minimum Speed Thresholds**

4 FOR the purpose of requiring certain agencies primarily responsible for traffic control
5 at certain intersections with traffic control signal monitoring systems to ensure
6 that the length of the yellow light change interval, which warns that the traffic
7 control signal light will turn red, is set ~~for certain minimum times for certain~~
8 ~~posted approach speeds~~ in accordance with regulations adopted by the State
9 Highway Administration consistent with certain standards or guidelines
10 established by the Federal Highway Administration; establishing a certain
11 minimum speed threshold below which recorded images of motor vehicles
12 entering an intersection against a red signal indication will not be produced;
13 requiring the State Highway Administration to adopt certain regulations by a
14 certain date; and generally relating to the establishment of ~~minimum certain~~
15 time intervals for the display of yellow signals and minimum speed thresholds
16 for the production of recorded images of motor vehicles entering intersections
17 against a red signal.

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

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

1 **Article - Transportation**

2 21-202.1.

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

4 (2) "Agency" means:

5 (i) For a traffic control signal operated and maintained at an
6 intersection under the control of the State, the law enforcement agency primarily
7 responsible for traffic control at that intersection; or8 (ii) For a traffic control signal operated and maintained at an
9 intersection under the control of a political subdivision, a law enforcement agency of
10 the political subdivision that is authorized to issue citations for a violation of the
11 Maryland Vehicle Law or of local traffic laws or regulations.12 (3) (i) "Owner" means the registered owner of a motor vehicle or a
13 lessee of a motor vehicle under a lease of 6 months or more.14 (ii) "Owner" does not include a motor vehicle rental or leasing
15 company or a holder of a special registration plate issued under Part III of Title 13,
16 Subtitle 9 of this article.17 (4) "Recorded images" means images recorded by a traffic control signal
18 monitoring system:

19 (i) On:

- 20 1. Two or more photographs;
-
- 21 2. Two or more microphotographs;
-
- 22 3. Two or more electronic images;
-
- 23 4. Videotape; or
-
- 24 5. Any other medium; and

25 (ii) Showing the rear of a motor vehicle and, on at least one image
26 or portion of tape, clearly identifying the registration plate number of the motor
27 vehicle.28 (5) "Traffic control signal monitoring system" means a device with one or
29 more motor vehicle sensors working in conjunction with a traffic control signal to
30 produce recorded images of motor vehicles entering an intersection against a red
31 signal indication.32 (B) THE AGENCY PRIMARILY RESPONSIBLE FOR TRAFFIC CONTROL AT AN
33 INTERSECTION MONITORED BY A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM
34 SHALL ENSURE THAT THE LENGTH OF TIME THAT A TRAFFIC CONTROL SIGNAL

1 DISPLAYS A YELLOW LIGHT BEFORE CHANGING TO A RED SIGNAL INDICATION IS SET
2 ~~FOR THE FOLLOWING MINIMUM TIME PERIODS: IN ACCORDANCE WITH~~
3 ~~REGULATIONS ADOPTED BY THE STATE HIGHWAY ADMINISTRATION CONSISTENT~~
4 ~~WITH STANDARDS OR GUIDELINES ESTABLISHED BY THE FEDERAL HIGHWAY~~
5 ~~ADMINISTRATION.~~

6 (1) ~~WHERE THE POSTED APPROACH SPEED IS 25 MILES PER HOUR OR~~
7 ~~LESS, NOT LESS THAN 3.0 SECONDS;~~

8 (2) ~~WHERE THE POSTED APPROACH SPEED IS 30 MILES PER HOUR, NOT~~
9 ~~LESS THAN 3.2 SECONDS;~~

10 (3) ~~WHERE THE POSTED APPROACH SPEED IS 35 MILES PER HOUR, NOT~~
11 ~~LESS THAN 3.6 SECONDS;~~

12 (4) ~~WHERE THE POSTED APPROACH SPEED IS 40 MILES PER HOUR, NOT~~
13 ~~LESS THAN 3.9 SECONDS;~~

14 (5) ~~WHERE THE POSTED APPROACH SPEED IS 45 MILES PER HOUR, NOT~~
15 ~~LESS THAN 4.3 SECONDS;~~

16 (6) ~~WHERE THE POSTED APPROACH SPEED IS 50 MILES PER HOUR, NOT~~
17 ~~LESS THAN 4.7 SECONDS;~~

18 (7) ~~WHERE THE POSTED APPROACH SPEED IS 55 MILES PER HOUR, NOT~~
19 ~~LESS THAN 5.0 SECONDS;~~

20 (8) ~~WHERE THE POSTED APPROACH SPEED IS 60 MILES PER HOUR, NOT~~
21 ~~LESS THAN 5.4 SECONDS; AND~~

22 (9) ~~WHERE THE POSTED APPROACH SPEED IS 65 MILES PER HOUR, NOT~~
23 ~~LESS THAN 5.8 SECONDS.~~

24 (C) THE AGENCY PRIMARILY RESPONSIBLE FOR ~~TRAFFIC CONTROL AT AN~~
25 ~~INTERSECTION MONITORED BY~~ A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM
26 SHALL ENSURE THAT THE MINIMUM SPEED THRESHOLD, BELOW WHICH A
27 RECORDED IMAGE OF A MOTOR VEHICLE ENTERING AN INTERSECTION AGAINST A
28 RED SIGNAL INDICATION IS NOT PRODUCED, IS SET FOR NO MORE THAN 12 MILES
29 PER HOUR.

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

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

37 (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)] (F)(1)
3 of this 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.

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

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

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

13 (iii) The violation charged;

14 (iv) The location of the intersection;

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

16 (vi) A copy of the recorded image;

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

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

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

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

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

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

31 (2) The agency may mail a warning notice in lieu of a citation to the
32 owner liable under subsection [(c)] (E) of this section.

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

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

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

8 (i) Pay the civil penalty, in accordance with instructions on the
9 citation, directly to the political subdivision or to the District Court; or

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

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

16 (2) Adjudication of liability shall be based on a preponderance of
17 evidence.

18 [(f)] (H) (1) The District Court may consider in defense of a violation:

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

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

23 2. As part of a funeral procession in accordance with §
24 21-207 of this subtitle;

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

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

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

1 (v) Any other issues and evidence that the District Court deems
2 pertinent.

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

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

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

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

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

22 2. Provides the name, address, and driver's license
23 identification number of the person who was operating the vehicle at the time of the
24 violation.

25 (5) (i) If the District Court finds that the person named in the citation
26 was not operating the vehicle at the time of the violation or receives evidence under
27 paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at the
28 time of the violation, the clerk of the court shall provide to the agency issuing the
29 citation a copy of any evidence substantiating who was operating the vehicle at the
30 time of the violation.

31 (ii) Upon the receipt of substantiating evidence from the District
32 Court under subparagraph (i) of this paragraph, an agency may issue a citation as
33 provided in subsection [(d)] (F) of this section to the person that the evidence
34 indicates was operating the vehicle at the time of the violation.

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

38 [(g)] (I) If the civil penalty is not paid and the violation is not contested, the
39 Administration may refuse to register or reregister or may suspend the registration of
40 the motor vehicle.

1 [(h)] (J) A violation for which a civil penalty is imposed under this section:

2 (1) Is not a moving violation for the purpose of assessing points under §
3 16-402 of this article and may not be recorded by the Administration on the driving
4 record of the owner or driver of the vehicle;

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

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

9 [(i)] (K) In consultation with local governments, the chief judge of the District
10 Court shall adopt procedures for the issuance of citations, the trial of civil violations,
11 and the collection of civil penalties under this section.

12 SECTION 2. AND BE IT FURTHER ENACTED, That the State Highway
13 Administration shall adopt regulations carrying out the provisions of § 21-202.1(b) of
14 the Transportation Article of the Annotated Code of Maryland as provided in Section
15 1 of this Act by October 1, 2003.

16 SECTION 2-3. AND BE IT FURTHER ENACTED, That this Act shall take
17 effect October 1, 2003.