

SENATE BILL 455

Unofficial Copy  
R5

2003 Regular Session  
(3r1672)

*ENROLLED BILL*  
-- Judicial Proceedings/Environmental Matters --

Introduced by **Senator Forehand**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

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; *providing for the*  
7 *distribution of certain penalties; establishing the Homeland Security Fund to be*  
8 *financed by certain penalties; authorizing the money in the Fund to be used for*  
9 *certain purposes; requiring that certain loan requests include an explanation of*  
10 *the homeland security purposes for which the loan will be used; requiring certain*  
11 *recipients of certain funds to file a certain annual financial report; providing*  
12 *that certain recipients of certain funds are subject to certain audits; establishing*  
13 ~~a process through which a local jurisdiction may request approval of the State~~  
14 ~~Highway Administration to place a speed monitoring system in a certain~~  
15 ~~location; requiring the State Highway Administration to approve or deny the~~  
16 ~~request within a certain time; requiring prohibiting the use of a speed~~  
17 ~~monitoring system in a local jurisdiction to be unless authorized by the~~

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

41 BY adding to

42 Article 41 - Governor - Executive and Administrative Departments  
43 Section 4-501 to be under the new subtitle "Subtitle 5. Homeland Security Fund"  
44 Annotated Code of Maryland  
45 (1997 Replacement Volume and 2002 Supplement)

46 BY repealing and reenacting, with amendments,

1 Article - Courts and Judicial Proceedings  
 2 Section 4-401(13), 7-301(a), 7-302(e), and 10-311  
 3 Annotated Code of Maryland  
 4 (2002 Replacement Volume)

5 BY repealing and reenacting, with amendments,  
 6 Article - Insurance  
 7 Section 11-215(e) and 11-318(e)  
 8 Annotated Code of Maryland  
 9 (1997 Volume and 2002 Supplement)

10 BY repealing and reenacting, with amendments,  
 11 Article - State Government  
 12 Section 10-616(o)  
 13 Annotated Code of Maryland  
 14 (1999 Replacement Volume and 2002 Supplement)

15 BY adding to  
 16 Article - Transportation  
 17 Section 21-809  
 18 Annotated Code of Maryland  
 19 (2002 Replacement Volume)

20 BY repealing and reenacting, with amendments,  
 21 Article - Transportation  
 22 Section 26-305(a) and 26-401  
 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:

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

28 *SUBTITLE 5. HOMELAND SECURITY FUND.*

29 *4-501.*

30 *(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS*  
 31 *INDICATED.*

32 *(2) "DEPARTMENT" MEANS THE DEPARTMENT OF STATE POLICE.*

33 *(3) "FUND" MEANS THE HOMELAND SECURITY FUND.*

- 1           (4)     (I)     "HOMELAND SECURITY PURPOSE" MEANS A PURPOSE  
2 RELATING TO:
- 3                            1.     THE DETECTION OF, PREPARATION FOR, PREVENTION OF,  
4 PROTECTION AGAINST, OR RESPONSE TO THE THREAT OF A TERRORIST ATTACK; OR
- 5                            2.     THE RECOVERY FROM A TERRORIST ATTACK.
- 6                            (II)    "HOMELAND SECURITY PURPOSE" INCLUDES, TO THE EXTENT  
7 RELATED TO A PURPOSE SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, ANY  
8 OF THE FOLLOWING:
- 9                            1.     EMERGENCY FIRE AND RESCUE SERVICES;
- 10                           2.     ENSURING COMMUNICATION SYSTEM  
11 INTEROPERABILITY;
- 12                           3.     SECURING PROTECTIVE CLOTHING FOR PUBLIC SAFETY  
13 AND HEALTH PROVIDERS;
- 14                           4.     PROVIDING ALTERNATIVES TO THE USE OF VOLATILE  
15 CHEMICALS FOR WATER AND WASTE WATER TREATMENT;
- 16                           5.     OVERTIME PAYMENT FOR PUBLIC SAFETY AND HEALTH  
17 PROVIDERS;
- 18                           6.     ENHANCING SECURITY AT PUBLIC BUILDINGS AND  
19 FACILITIES, SUCH AS WATER TREATMENT PLANTS;
- 20                           7.     TRAINING IN BIOTERRORISM RESPONSE AND  
21 HAZARDOUS MATERIAL HANDLING; AND
- 22                           8.     PUBLIC EDUCATION.
- 23     (B)     THERE IS A HOMELAND SECURITY FUND.
- 24     (C)     THE PURPOSE OF THE FUND IS TO SUPPORT THE HOMELAND SECURITY  
25 NEEDS OF COUNTIES, BALTIMORE CITY, AND MUNICIPAL CORPORATIONS.
- 26     (D)     THE DEPARTMENT SHALL ADMINISTER THE FUND.
- 27     (E)     (1)     (I)     THE FUND IS A SPECIAL, NONLAPSING FUND ~~THAT IS NOT~~  
28 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.
- 29                           (II)    ANY BALANCE REMAINING IN THE FUND AT THE END OF EACH  
30 FISCAL YEAR SHALL REVERT TO THE GENERAL FUND.
- 31                           (2)     THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE  
32 COMPTROLLER SHALL ACCOUNT FOR THE FUND.
- 33     (F)     THE FUND CONSISTS OF:

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

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

4 (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE  
5 BENEFIT OF THE FUND.

6 (G) (1) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS  
7 PARAGRAPH, EACH FISCAL YEAR THE DEPARTMENT SHALL DISTRIBUTE ALL OF THE  
8 MONEY IN THE FUND TO THE LOW INTEREST REVOLVING LOAN ACCOUNT OF THE  
9 VOLUNTEER COMPANY ASSISTANCE FUND ESTABLISHED UNDER TITLE 8, SUBTITLE  
10 2 OF THE PUBLIC SAFETY ARTICLE.

11 (II) THE DEPARTMENT MAY NOT DISTRIBUTE:

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

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

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

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

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

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

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

36 (3) THE DISTRIBUTIONS TO COUNTIES, BALTIMORE CITY, AND  
37 MUNICIPAL CORPORATIONS MAY BE USED TO SUPPLEMENT AND MAY NOT  
38 SUPLANT EXISTING LOCAL EXPENDITURES FOR THE SAME PURPOSE.

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

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

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

7 (J) THE DEPARTMENT SHALL ADOPT REGULATIONS TO:

8 (1) ADMINISTER THE FUND; AND

9 (2) IMPLEMENT THIS SECTION.

10 (K) (1) EACH RECIPIENT OF FUNDS UNDER SUBSECTION (G) OF THIS  
 11 SECTION:

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

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

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

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

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

27 **Article - Courts and Judicial Proceedings**

28 4-401.

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

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

1 7-301.

2 (a) The court costs in a traffic case, including parking and impounding cases  
3 and cases under § 21-202.1 OR § 21-809 of the Transportation Article in which costs  
4 are imposed, are \$20. Such costs shall also be applicable to those cases in which the  
5 defendant elects to waive his right to trial and pay the fine or penalty deposit  
6 established by the Chief Judge of the District Court by administrative regulation. In  
7 an uncontested case under § 21-202.1 OR § 21-809 of the Transportation Article or  
8 uncontested parking or impounding case in which the fines are paid directly to a  
9 political subdivision or municipality, costs are \$2.00, which costs shall be paid to and  
10 retained by the political subdivision or municipality. In an uncontested case in which  
11 the fine is paid directly to an agency of State government authorized by law to  
12 regulate parking of motor vehicles, the costs are \$2.00. The fine and the costs shall be  
13 paid to the agency, which shall receive and account for these funds as in all other  
14 cases involving sums due the State through a State agency.

15 7-302.

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

25 (2) A citation issued as the result of a traffic control signal monitoring  
26 system OR SPEED MONITORING SYSTEM controlled by a political subdivision shall  
27 provide that, in an uncontested case, the penalty shall be paid directly to that political  
28 subdivision. A citation issued as the result of a traffic control signal monitoring  
29 system OR SPEED MONITORING SYSTEM controlled by a State agency shall provide  
30 that the penalty shall be paid directly to the District Court.

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

35 10-311.

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

40 (B) A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A SPEED  
41 MONITORING SYSTEM IN ACCORDANCE WITH § 21-809 OF THE TRANSPORTATION  
42 ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A CIVIL CITATION ISSUED

1 UNDER THAT SECTION FOR A VIOLATION OF TITLE 21, SUBTITLE 8 OF THE  
2 TRANSPORTATION ARTICLE WITHOUT AUTHENTICATION.

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

6 **Article - Insurance**

7 11-215.

8 (e) For purposes of reclassifying an insured in a classification that entails a  
9 higher premium, an insurer under an automobile insurance policy may not consider a  
10 probation before judgment disposition of a motor vehicle law offense, a civil penalty  
11 imposed pursuant to § 21-202.1 OR § 21-809 of the Transportation Article, or a first  
12 offense of driving with an alcohol concentration of [0.10] 0.08 or more under §  
13 16-205.1 of the Transportation Article on record with the Motor Vehicle  
14 Administration, as provided in § 16-117(b) of the Transportation Article.

15 11-318.

16 (e) For purposes of reclassifying an insured in a classification that entails a  
17 higher premium, an insurer under an automobile insurance policy may not consider a  
18 probation before judgment disposition of a motor vehicle law offense, a civil penalty  
19 imposed pursuant to § 21-202.1 OR § 21-809 of the Transportation Article, or a first  
20 offense of driving with an alcohol concentration of [0.10] 0.08 or more under §  
21 16-205.1 of the Transportation Article on record with the Motor Vehicle  
22 Administration, as provided in § 16-117(b) of the Transportation Article.

23 **Article - State Government**

24 10-616.

25 (o) (1) In this subsection, "recorded images" has the meaning stated in §  
26 21-202.1 OR § 21-809 of the Transportation Article.

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

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

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

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



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

4 **Article - Transportation**

5 21-809.

6 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
7 INDICATED.

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

12 (3) (I) "OWNER" MEANS THE REGISTERED OWNER OF A MOTOR  
13 VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR  
14 MORE.

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

18 (4) "RECORDED IMAGE" MEANS AN IMAGE OF A PORTION OF A MOTOR  
19 VEHICLE RECORDED BY A SPEED MONITORING SYSTEM:

20 (I) ON:

- 21 1. A PHOTOGRAPH;
- 22 2. A MICROPHOTOGRAPH;
- 23 3. AN ELECTRONIC IMAGE;
- 24 4. VIDEOTAPE; OR
- 25 5. ANY OTHER MEDIUM; AND

26 (II) CLEARLY IDENTIFYING:

- 27 1. THE REGISTRATION PLATE NUMBER OF THE MOTOR  
28 VEHICLE; AND
- 29 2. A STATIONARY OBJECT NEAR THE MOTOR VEHICLE.

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

1           (6)     "SPEED MONITORING SYSTEM OPERATOR" MEANS AN INDIVIDUAL  
 2 WHO OPERATES A SPEED MONITORING SYSTEM.

3     (B)     (1)     ~~(I)     THE GOVERNING BODY OF A LOCAL JURISDICTION SHALL~~  
 4 ~~AUTHORIZE, BY ORDINANCE OR RESOLUTION, THE USE OF A SPEED MONITORING~~  
 5 ~~SYSTEM WITHIN THE JURISDICTION IN ACCORDANCE WITH THIS SECTION. A SPEED~~  
 6 ~~MONITORING SYSTEM MAY NOT BE USED IN A LOCAL JURISDICTION UNDER THIS~~  
 7 ~~SECTION UNLESS ITS USE IS AUTHORIZED BY THE GOVERNING BODY OF THE LOCAL~~  
 8 ~~JURISDICTION BY ORDINANCE OR RESOLUTION ADOPTED AFTER REASONABLE~~  
 9 ~~NOTICE AND A PUBLIC HEARING.~~

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

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

21           (I)     ON A HIGHWAY IN A RESIDENTIAL DISTRICT AS DEFINED IN §  
 22 21-101 OF THIS TITLE WITH A MAXIMUM POSTED SPEED LIMIT OF 35 MILES PER  
 23 HOUR; ~~OR~~

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

26           ~~(III)    IN A LOCATION APPROVED UNDER PARAGRAPH (2) OF THIS~~  
 27 ~~SUBSECTION.~~

28           ~~(2)     (†)     A LOCAL JURISDICTION MAY REQUEST THE APPROVAL OF THE~~  
 29 ~~STATE HIGHWAY ADMINISTRATION TO HAVE A SPEED MONITORING SYSTEM PLACED~~  
 30 ~~IN A LOCATION OTHER THAN A LOCATION SPECIFIED IN PARAGRAPH (1)(I) OR (II) OF~~  
 31 ~~THIS SUBSECTION.~~

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

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

38                     2.     DENY THE REQUEST, CITING THE REASONS FOR THE  
 39 DENIAL.

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

3                    (I)     PUBLISH NOTICE OF THE LOCATION OF THE SPEED  
4 MONITORING SYSTEM IN A NEWSPAPER IN GENERAL CIRCULATION IN THE  
5 JURISDICTION; AND

6                    (II)    ENSURE THAT EACH SIGN THAT DESIGNATES A SCHOOL ZONE  
7 INDICATES THAT SPEED MONITORING SYSTEMS ARE IN USE IN SCHOOL ZONES.

8           (4)     WHEN DETERMINING AN APPROPRIATE LOCATION FOR THE  
9 PLACEMENT OF A SPEED MONITORING SYSTEM IN A RESIDENTIAL DISTRICT, AN  
10 AGENCY MAY NOT PLACE A CAMERA WITHIN 100 FEET FROM:

11                   (I)     THE BOTTOM OF A HILL OR STEEP DECLINE; OR

12                   (II)    A SIGN INDICATING A CHANGE IN THE POSTED SPEED LIMIT.

13           (5)     (I)     A SPEED MONITORING SYSTEM OPERATOR SHALL RECEIVE  
14 TRAINING TO SET UP AND OPERATE THE SPEED MONITORING SYSTEM BY A  
15 MANUFACTURER OF SPEED MONITORING SYSTEMS.

16                   (II)    THE MANUFACTURER SHALL ISSUE A SIGNED CERTIFICATE TO  
17 THE SPEED MONITORING SYSTEM OPERATOR UPON COMPLETION OF THE TRAINING.

18                   (III)   THE CERTIFICATE OF TRAINING IS ADMISSIBLE AS EVIDENCE  
19 IN ANY COURT PROCEEDING TO CONTEST LIABILITY ALLEGED IN A CITATION UNDER  
20 THIS SECTION.

21           (6)     (I)     A SPEED MONITORING SYSTEM OPERATOR SHALL FILL OUT  
22 AND SIGN AT SETUP AND BREAKDOWN A LOG:

23                            1.     FOR A STATIONARY UNIT, DAILY; AND

24                            2.     FOR A MOBILE UNIT, EACH TIME THE SPEED MONITORING  
25 SYSTEM IS RELOCATED.

26                   (II)    THE LOG REQUIRED UNDER THIS PARAGRAPH SHALL:

27                            1.     INCLUDE A STATEMENT THAT THE SPEED MONITORING  
28 SYSTEM OPERATOR SUCCESSFULLY PERFORMED THE MANUFACTURER'S SPECIFIED  
29 SELF-TEST INCLUDING A CALIBRATION CHECK;

30                            2.     BE KEPT ON FILE; AND

31                            3.     IS ADMISSIBLE AS EVIDENCE IN ANY COURT PROCEEDING  
32 TO CONTEST LIABILITY ALLEGED IN A CITATION UNDER THIS SECTION.

33           (7)     (I)     A SPEED MONITORING SYSTEM SHALL UNDERGO AN ANNUAL  
34 CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION  
35 LABORATORY.

1                   (II)    THE INDEPENDENT CALIBRATION LABORATORY SHALL ISSUE A  
2 SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL CALIBRATION CHECK  
3 THAT:

4                   1.    SHALL BE KEPT ON FILE; AND

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

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

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

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

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

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

21               (3)    FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT SHALL  
22 PRESCRIBE:

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

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

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

32                   (I)    THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE  
33 VEHICLE;

34                   (II)   THE REGISTRATION NUMBER OF THE MOTOR VEHICLE  
35 INVOLVED IN THE VIOLATION;

36                   (III)   THE VIOLATION CHARGED;

1 (IV) THE LOCATION WHERE THE VIOLATION OCCURRED;

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

3 (VI) A COPY OF ~~THE~~ AT LEAST TWO SUCCESSIVE RECORDED IMAGE  
4 IMAGES OF THE VEHICLE WITH A DATA BAR IMPRINTED ON EACH IMAGE THAT  
5 INCLUDES INFORMATION SUCH AS THE RATE OF SPEED OF THE VEHICLE AND THE  
6 DATE AND TIME THE IMAGE WAS RECORDED;

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

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

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

15 (X) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE  
16 UNDER THIS SECTION:

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

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

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

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

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

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

33 (I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH  
34 INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE POLITICAL SUBDIVISION OR TO  
35 THE DISTRICT COURT; OR

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

1           (6)     A POLITICAL SUBDIVISION:

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

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

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

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

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

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

26                     (3)     ADJUDICATION OF LIABILITY SHALL BE BASED ON A  
27 PREPONDERANCE OF EVIDENCE.

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

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

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

36                     (III)     ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT COURT  
37 DEEMS PERTINENT.

1 (2) IN ORDER TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE  
2 REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND  
3 WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF  
4 THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT ABOUT  
5 THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN A TIMELY  
6 MANNER.

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

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

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

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

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

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

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

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

35 (H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS  
36 SECTION:

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

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

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

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

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

12 26-305.

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

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

22 (i) Pay the fine for the violation by the date specified in the  
23 citation; or

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

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

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

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

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

34 26-401.

35 If a person is taken before a District Court commissioner or is given a traffic  
36 citation or a civil citation under § 21-202.1 OR § 21-809 of this article containing a



1 notice to appear in court, the commissioner or court shall be one that sits within the  
2 county in which the offense allegedly was committed.

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

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

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

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

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

18 SECTION ~~5~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take  
19 effect October 1, 2003. Section 1 of this Act and ~~§ 21-809(D)(6)~~ § 21-809(d)(6) of the  
20 Transportation Article, as enacted by Section 2 of this Act, shall remain effective for a  
21 period of 7 years and, at the end of ~~October 1~~ September 30, 2010, with no further  
22 action required by the General Assembly. Section 1 of this Act and ~~§ 21-809(D)(6)~~ §  
23 21-809(d)(6) of the Transportation Article, as enacted by Section 2 of this Act, shall be  
24 abrogated and of no further force and effect.