

SENATE BILL 455

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SB 565/02 - JPR

2003 Regular Session  
3r1672  
CF 3r1671

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By: **Senator Forehand**

Introduced and read first time: January 31, 2003  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted with floor amendments  
Read second time: March 24, 2003

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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; requiring prohibiting the use of a speed~~  
11 ~~monitoring system in a local jurisdiction to be unless authorized by the~~  
12 ~~governing body by ordinance or resolution adopted after reasonable notice and a~~  
13 ~~public hearing; requiring a local jurisdiction to publish a certain notice before~~  
14 ~~placing a certain speed monitoring system; prohibiting the placement of a speed~~  
15 ~~monitoring system in certain locations; requiring a speed monitoring system~~  
16 ~~operator to receive certain training and to keep a certain log; requiring a speed~~  
17 ~~monitoring system to undergo a certain annual calibration check; establishing~~  
18 the content of a citation; authorizing the sending of a warning in lieu of a  
19 citation; authorizing reissuance of a citation to a driver of a vehicle under  
20 certain circumstances; requiring a citation to be mailed within a certain time  
21 period; requiring the District Court to prescribe a certain citation form and a  
22 civil penalty to be indicated on the citation for certain purposes; requiring the  
23 Chief Judge of the District Court to adopt certain procedures; providing that the  
24 owner of the vehicle is responsible for paying the civil penalty indicated on the  
25 citation under certain circumstances; providing that persons receiving citations  
26 may elect to stand trial in the District Court; requiring an individual to notify  
27 the court and the local jurisdiction if the individual requests a speed monitoring  
28 system operator to testify at trial; establishing defenses that may be considered;

1 authorizing vehicle owners to submit a certain letter to the District Court in  
2 order to establish a certain defense; imposing certain additional penalties and  
3 authorizing certain other actions when an owner fails to pay the civil penalty,  
4 contest liability, or appear for trial; prohibiting imposition of liability under this  
5 Act from being considered a moving violation for certain purposes, or being  
6 recorded on the driving record of the owner or driver, or being considered by an  
7 insurer for certain purposes; providing for the admissibility and use of certain  
8 evidence; modifying the jurisdiction of the District Court for certain purposes;  
9 providing for the handling of certain court costs and penalties; defining certain  
10 terms; prohibiting the custodian of recorded images produced by a speed  
11 monitoring system from allowing inspection of the recorded images, subject to  
12 certain exceptions; correcting an obsolete reference; providing that the fees of  
13 certain contractors may not be contingent on the number of citations issued or  
14 paid under this Act; restricting the use of certain revenues generated by this Act;  
15 providing for the application of this Act; providing that existing obligations or  
16 contracts may not be impaired by this Act; and generally relating to imposition  
17 of liability on the owner of a motor vehicle recorded by a speed monitoring  
18 system violating certain laws regarding the operation of a motor vehicle in  
19 excess of certain speed limits.

20 BY repealing and reenacting, with amendments,  
21 Article - Courts and Judicial Proceedings  
22 Section 4-401(13), 7-301(a), 7-302(e), and 10-311  
23 Annotated Code of Maryland  
24 (2002 Replacement Volume)

25 BY repealing and reenacting, with amendments,  
26 Article - Insurance  
27 Section 11-215(e) and 11-318(e)  
28 Annotated Code of Maryland  
29 (1997 Volume and 2002 Supplement)

30 BY repealing and reenacting, with amendments,  
31 Article - State Government  
32 Section 10-616(o)  
33 Annotated Code of Maryland  
34 (1999 Replacement Volume and 2002 Supplement)

35 BY adding to  
36 Article - Transportation  
37 Section 21-809  
38 Annotated Code of Maryland  
39 (2002 Replacement Volume)

40 BY repealing and reenacting, with amendments,

1 Article - Transportation  
2 Section 26-305(a) and 26-401  
3 Annotated Code of Maryland  
4 (2002 Replacement Volume)

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

7 **Article - Courts and Judicial Proceedings**

8 4-401.

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

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

14 7-301.

15 (a) The court costs in a traffic case, including parking and impounding cases  
16 and cases under § 21-202.1 OR § 21-809 of the Transportation Article in which costs  
17 are imposed, are \$20. Such costs shall also be applicable to those cases in which the  
18 defendant elects to waive his right to trial and pay the fine or penalty deposit  
19 established by the Chief Judge of the District Court by administrative regulation. In  
20 an uncontested case under § 21-202.1 OR § 21-809 of the Transportation Article or  
21 uncontested parking or impounding case in which the fines are paid directly to a  
22 political subdivision or municipality, costs are \$2.00, which costs shall be paid to and  
23 retained by the political subdivision or municipality. In an uncontested case in which  
24 the fine is paid directly to an agency of State government authorized by law to  
25 regulate parking of motor vehicles, the costs are \$2.00. The fine and the costs shall be  
26 paid to the agency, which shall receive and account for these funds as in all other  
27 cases involving sums due the State through a State agency.

28 7-302.

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

38 (2) A citation issued as the result of a traffic control signal monitoring  
39 system OR SPEED MONITORING SYSTEM controlled by a political subdivision shall

1 provide that, in an uncontested case, the penalty shall be paid directly to that political  
2 subdivision. A citation issued as the result of a traffic control signal monitoring  
3 system OR SPEED MONITORING SYSTEM controlled by a State agency shall provide  
4 that the penalty shall be paid directly to the District Court.

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

9 10-311.

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

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

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

22

#### Article - Insurance

23 11-215.

24 (e) For purposes of reclassifying an insured in a classification that entails a  
25 higher premium, an insurer under an automobile insurance policy may not consider a  
26 probation before judgment disposition of a motor vehicle law offense, a civil penalty  
27 imposed pursuant to § 21-202.1 OR § 21-809 of the Transportation Article, or a first  
28 offense of driving with an alcohol concentration of [0.10] 0.08 or more under §  
29 16-205.1 of the Transportation Article on record with the Motor Vehicle  
30 Administration, as provided in § 16-117(b) of the Transportation Article.

31 11-318.

32 (e) For purposes of reclassifying an insured in a classification that entails a  
33 higher premium, an insurer under an automobile insurance policy may not consider a  
34 probation before judgment disposition of a motor vehicle law offense, a civil penalty  
35 imposed pursuant to § 21-202.1 OR § 21-809 of the Transportation Article, or a first  
36 offense of driving with an alcohol concentration of [0.10] 0.08 or more under §  
37 16-205.1 of the Transportation Article on record with the Motor Vehicle  
38 Administration, as provided in § 16-117(b) of the Transportation Article.

**Article - State Government**

10-616.

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

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

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

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

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

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

**Article - Transportation**

21-809.

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

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

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

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

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

(I) ON:

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

6 (II) CLEARLY IDENTIFYING;

7 1. THE REGISTRATION PLATE NUMBER OF THE MOTOR  
8 VEHICLE; AND

9 2. A STATIONARY OBJECT NEAR THE MOTOR VEHICLE.

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

14 (6) "SPEED MONITORING SYSTEM OPERATOR" MEANS AN INDIVIDUAL  
15 WHO OPERATES A SPEED MONITORING SYSTEM.

16 (B) (1) THE GOVERNING BODY OF A LOCAL JURISDICTION SHALL  
17 AUTHORIZE, BY ORDINANCE OR RESOLUTION, THE USE OF A SPEED MONITORING  
18 SYSTEM WITHIN THE JURISDICTION IN ACCORDANCE WITH THIS SECTION. A SPEED  
19 MONITORING SYSTEM MAY NOT BE USED IN A LOCAL JURISDICTION UNDER THIS  
20 SECTION UNLESS ITS USE IS AUTHORIZED BY THE GOVERNING BODY OF THE LOCAL  
21 JURISDICTION BY ORDINANCE OR RESOLUTION ADOPTED AFTER REASONABLE  
22 NOTICE AND A PUBLIC HEARING.

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

28 (I) ON A HIGHWAY IN A RESIDENTIAL DISTRICT AS DEFINED IN §  
29 21-101 OF THIS TITLE WITH A MAXIMUM POSTED SPEED LIMIT OF 35 MILES PER  
30 HOUR; OR

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

33 ~~(III) IN A LOCATION APPROVED UNDER PARAGRAPH (2) OF THIS~~  
34 ~~SUBSECTION.~~

35 (2) (f) ~~A LOCAL JURISDICTION MAY REQUEST THE APPROVAL OF THE~~  
36 ~~STATE HIGHWAY ADMINISTRATION TO HAVE A SPEED MONITORING SYSTEM PLACED~~

~~1 IN A LOCATION OTHER THAN A LOCATION SPECIFIED IN PARAGRAPH (1)(I) OR (II) OF  
2 THIS SUBSECTION.~~

3 (H) ~~WITHIN 30 DAYS OF RECEIVING A REQUEST UNDER  
4 SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE STATE HIGHWAY ADMINISTRATION, IN  
5 WRITING, SHALL:~~

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

9 2. ~~DENY THE REQUEST, CITING THE REASONS FOR THE  
10 DENIAL.~~

11 (3) BEFORE PLACING AN UNMANNED STATIONARY SPEED MONITORING  
12 SYSTEM, THE LOCAL JURISDICTION SHALL PUBLISH NOTICE OF THE LOCATION IN A  
13 NEWSPAPER IN GENERAL CIRCULATION IN THE JURISDICTION.

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

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

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

19 (5) (I) A SPEED MONITORING SYSTEM OPERATOR SHALL RECEIVE  
20 TRAINING TO SET UP AND OPERATE THE SPEED MONITORING SYSTEM BY A  
21 MANUFACTURER OF SPEED MONITORING SYSTEMS.

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

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

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

29 1. FOR A STATIONARY UNIT, DAILY; AND

30 2. FOR A MOBILE UNIT, EACH TIME THE SPEED MONITORING  
31 SYSTEM IS RELOCATED.

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

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

1 2. BE KEPT ON FILE; AND  
 2 3. IS ADMISSIBLE AS EVIDENCE IN ANY COURT PROCEEDING  
 3 TO CONTEST LIABILITY ALLEGED IN A CITATION UNDER THIS SECTION.

4 (7) (I) A SPEED MONITORING SYSTEM SHALL UNDERGO AN ANNUAL  
 5 CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION  
 6 LABORATORY.

7 (II) THE INDEPENDENT CALIBRATION LABORATORY SHALL ISSUE A  
 8 SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL CALIBRATION CHECK  
 9 THAT:

10 1. SHALL BE KEPT ON FILE; AND

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

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

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

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

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

24 (3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT SHALL  
 25 PRESCRIBE:

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

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

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

35 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE  
 36 VEHICLE;



1 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE  
2 INVOLVED IN THE VIOLATION;

3 (III) THE VIOLATION CHARGED;

4 (IV) THE LOCATION WHERE THE VIOLATION OCCURRED;

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

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

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

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

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

18 (X) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE  
19 UNDER THIS SECTION:

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

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

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

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

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

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

1 (I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH  
2 INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE POLITICAL SUBDIVISION OR TO  
3 THE DISTRICT COURT; OR

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

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 COURT AND THE LOCAL JURISDICTION IN WRITING NO LATER THAN 20 DAYS  
21 BEFORE THE TRIAL.

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

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

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

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

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

34 (2) IN ORDER TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE  
35 REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND  
36 WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF  
37 THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT ABOUT  
38 THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN A TIMELY  
39 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. 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. 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. AND BE IT FURTHER ENACTED, That an obligation or contract  
13 right existing on the effective date of this Act may not be impaired in any way by this  
14 Act.

15 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2003.