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By: **Delegates Burns, Jones, and Nathan-Pulliam**  
Introduced and read first time: February 5, 2004  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County - Speed Monitoring Systems - Liberty Road, Route 26**

3 FOR the purpose of requiring Baltimore County to place speed monitoring systems on  
4 that portion of Liberty Road, Route 26, that is within the boundaries of  
5 Baltimore County; requiring Baltimore County to place signs that provide a  
6 certain notice on Liberty Road, Route 26, at certain locations; providing that an  
7 owner or driver of a motor vehicle that is recorded by a speed monitoring system  
8 committing a certain violation is subject to a civil penalty; providing that a  
9 driver of a motor vehicle may be sent a citation under certain circumstances;  
10 establishing certain defenses that the District Court may consider for a violation  
11 recorded by a speed monitoring system; providing that the evidentiary burdens  
12 for proving a certain defense are the same as those for certain provisions  
13 relating to traffic control signal monitoring systems; providing a certain civil  
14 penalty; providing that, for certain purposes, State laws applicable to traffic  
15 control signal monitoring systems shall be applicable to speed monitoring  
16 systems; providing that a certain violation is not a moving violation for certain  
17 purposes; providing that a certain violation may be treated as a parking  
18 violation for certain purposes; providing that a certain violation may not be  
19 considered in the provision of motor vehicle insurance coverage; providing that  
20 certain provisions only apply to the portion of Liberty Road, Route 26, that is  
21 within Baltimore County; defining certain terms; providing for the distribution  
22 of revenues generated by this Act after certain costs are deducted; providing for  
23 the termination of certain provisions of this Act; providing for the effective date  
24 of certain provisions of this Act; making certain provisions of this Act subject to  
25 a certain contingency; providing for the termination of this Act; and generally  
26 relating to speed monitoring systems on Liberty Road, Route 26, in Baltimore  
27 County.

28 BY adding to  
29 Article - Transportation  
30 Section 21-809  
31 Annotated Code of Maryland  
32 (2002 Replacement Volume and 2003 Supplement)

33 BY repealing and reenacting, with amendments,

1 Article - Health - General  
2 Section 19-130(c)  
3 Annotated Code of Maryland  
4 (2000 Replacement Volume and 2003 Supplement)

5 BY repealing and reenacting, with amendments,  
6 Article - Transportation  
7 Section 13-955(c)  
8 Annotated Code of Maryland  
9 (2002 Replacement Volume and 2003 Supplement)

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

12 **Article - Transportation**

13 21-809.

14 (A) THIS SECTION APPLIES ONLY TO THAT PORTION OF LIBERTY ROAD, ROUTE  
15 26, THAT IS WITHIN THE BOUNDARIES OF BALTIMORE COUNTY.

16 (B) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
17 INDICATED.

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

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

24 (3) "RECORDED IMAGES" MEANS IMAGES RECORDED BY A SPEED  
25 MONITORING SYSTEM:

26 (I) ON:

- 27 1. TWO OR MORE PHOTOGRAPHS;
- 28 2. TWO OR MORE MICROPHOTOGRAPHS;
- 29 3. TWO OR MORE ELECTRONIC IMAGES;
- 30 4. VIDEOTAPE; OR
- 31 5. ANY OTHER MEDIUM; AND

1 (II) SHOWING THE REAR OF A MOTOR VEHICLE AND, ON AT LEAST  
2 ONE IMAGE OR PORTION OF TAPE, CLEARLY IDENTIFYING THE REGISTRATION PLATE  
3 NUMBER OF THE MOTOR VEHICLE.

4 (4) "SPEED MONITORING SYSTEM" MEANS A DEVICE WITH ONE OR MORE  
5 MOTOR VEHICLE SENSORS PRODUCING RECORDED IMAGES OF MOTOR VEHICLES  
6 TRAVELING AT SPEEDS IN EXCESS OF POSTED SPEED LIMITS.

7 (C) BALTIMORE COUNTY SHALL PLACE NO MORE THAN TWO SPEED  
8 MONITORING SYSTEMS ON THAT PORTION OF LIBERTY ROAD, ROUTE 26, WITHIN THE  
9 BOUNDARIES OF BALTIMORE COUNTY.

10 (D) (1) BALTIMORE COUNTY SHALL POST SIGNS ON LIBERTY ROAD, ROUTE  
11 26, THAT INCLUDE THE NOTICE "SPEED MONITORING CAMERAS IN OPERATION".

12 (2) THE SIGNS SHALL BE POSTED:

13 (I) AT THE POINTS WHERE LIBERTY ROAD, ROUTE 26, CROSSES  
14 FROM NEIGHBORING JURISDICTIONS INTO BALTIMORE COUNTY; AND

15 (II) AT REGULAR INTERVALS OF AT LEAST ONE SIGN PER MILE OF  
16 ROAD ALONG LIBERTY ROAD, ROUTE 26, WITHIN THE BOUNDARIES OF BALTIMORE  
17 COUNTY.

18 (E) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A  
19 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER  
20 OR, IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, THE DRIVER OF A  
21 MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS  
22 RECORDED BY A SPEED MONITORING SYSTEM WHILE BEING OPERATED IN  
23 VIOLATION OF THIS SUBTITLE.

24 (2) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED IN  
25 THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION  
26 OR IT RECEIVES EVIDENCE IDENTIFYING THE PERSON DRIVING THE VEHICLE AT  
27 THE TIME OF THE VIOLATION, THE CLERK OF THE COURT SHALL PROVIDE TO THE  
28 AGENCY ISSUING THE CITATION A COPY OF ANY EVIDENCE SUBSTANTIATING WHO  
29 WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

30 (II) UPON RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE  
31 DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN AGENCY MAY  
32 ISSUE A CITATION TO THE PERSON THAT THE EVIDENCE INDICATES WAS OPERATING  
33 THE VEHICLE AT THE TIME OF THE VIOLATION.

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

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

1 (I) THAT THE MOTOR VEHICLE OR REGISTRATION PLATES WERE  
2 STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL  
3 OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION;

4 (II) THAT THE PERSON NAMED IN THE CITATION WAS NOT  
5 OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; OR

6 (III) ANY OTHER DEFENSE THAT THE DISTRICT COURT CONSIDERS  
7 RELEVANT.

8 (2) THE EVIDENTIARY BURDENS FOR PROVING THE DEFENSE LISTED IN  
9 PARAGRAPH (1) OF THIS SUBSECTION SHALL BE THE SAME AS THOSE FOR A DEFENSE  
10 UNDER § 21-202.1 OF THIS TITLE.

11 (3) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED \$100.

12 (G) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE PROVISIONS OF  
13 STATE LAW APPLICABLE TO THE FOLLOWING MATTERS CONCERNING TRAFFIC  
14 CONTROL SIGNAL MONITORING SYSTEMS DESCRIBED UNDER § 21-202.1 OF THIS  
15 TITLE SHALL APPLY IN THE SAME MANNER TO THESE MATTERS WITH RESPECT TO  
16 SPEED MONITORING SYSTEMS UNDER THIS SECTION:

17 (1) ADMISSIBILITY OF RECORDED IMAGES;

18 (2) THE IMPACT OF A CITATION ON INSURANCE;

19 (3) COURT COSTS;

20 (4) DEFENSES;

21 (5) EVIDENCE;

22 (6) THE FAILURE TO PAY A PENALTY OR CONTEST A VIOLATION;

23 (7) THE FORM, ISSUANCE, AND ADJUDICATION OF CITATIONS;

24 (8) THE INSPECTION OF RECORDED IMAGES UNDER § 10-616 OF THE  
25 STATE GOVERNMENT ARTICLE; AND

26 (9) THE REGISTRATION AND TRANSFER OF A VEHICLE TO WHICH A  
27 CITATION HAS BEEN ISSUED.

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

30 (1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING  
31 POINTS UNDER § 16-402 OF THIS ARTICLE AND MAY NOT BE RECORDED BY THE  
32 ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OR DRIVER OF THE  
33 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 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
6 read as follows:

7 **Article - Health - General**

8 19-130.

9 (c) The Fund consists of [motor]:

10 (1) MOTOR vehicle registration surcharges paid into the Fund in  
11 accordance with § 13-954(b)(2) of the Transportation Article; AND

12 (2) MONEY DISTRIBUTED TO THE FUND FROM REVENUE GENERATED  
13 FROM THE ENFORCEMENT OF SPEED LIMIT LAWS UNDER § 21-809 OF THE  
14 TRANSPORTATION ARTICLE.

15 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
16 read as follows:

17 **Article - Transportation**

18 13-955.

19 (c) The Fund consists of:

20 (1) Registration surcharges collected under § 13-954 of this subtitle;  
21 [and]

22 (2) All funds, including charges for accident scene transports and  
23 interhospital transfers of patients, generated by an entity specified in subsection (e)  
24 of this section that is a unit of State government; AND

25 (3) MONEY DISTRIBUTED TO THE FUND FROM REVENUE GENERATED  
26 FROM THE ENFORCEMENT OF SPEED LIMIT LAWS UNDER § 21-809 OF THIS ARTICLE.

27 SECTION 4. AND BE IT FURTHER ENACTED, That:

28 (a) Baltimore County shall use the revenues generated from the enforcement  
29 of speed limit laws and paid to Baltimore County under this Act to reimburse any  
30 costs incurred under this Act by an entity that installs, operates, or maintains signs  
31 and cameras and processes recorded images and citations.

1 (b) After making the distribution required under subsection (a) of this section,  
2 Baltimore County shall distribute the remaining revenue to the Maryland Trauma  
3 Physician Services Fund established under § 19-130 of the Health - General Article.

4 SECTION 5. AND BE IT FURTHER ENACTED, That:

5 (a) Baltimore County shall use the revenues generated from the enforcement  
6 of speed limit laws and paid to Baltimore County under this Act to reimburse any  
7 costs incurred under this Act by an entity that installs, operates, or maintains signs  
8 and cameras and processes recorded images and citations.

9 (b) After making the distribution required under subsection (a) of this section,  
10 Baltimore County shall distribute the remaining revenue to the Maryland Emergency  
11 Medical System Operations Fund established under § 13-955 of the Transportation  
12 Article.

13 SECTION 6. AND BE IT FURTHER ENACTED, That Sections 3 and 5 of this  
14 Act shall take effect on the taking effect of the termination provision specified in  
15 Section 9, of Chapter 385 of the Acts of the General Assembly of 2003. If that  
16 termination provision takes effect, Sections 2 and 4 of this Act shall be abrogated and  
17 of no further force and effect. This Act may not be interpreted to have any effect on  
18 that termination provision.

19 SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in  
20 Section 6 of this Act, this Act shall take effect October 1, 2004. It shall remain  
21 effective for a period of 3 years and, at the end of September 30, 2007, with no further  
22 action required by the General Assembly, this Act shall be abrogated and of no further  
23 force and effect.