

SENATE BILL 861

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2004 Regular Session  
4lr2749  
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By: **Senators Forehand, Britt, Currie, Exum, Garagiola, Giannetti, Grosfeld,  
Kramer, Lawlah, Miller, Pinsky, Ruben, and Teitelbaum**

Introduced and read first time: February 23, 2004

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County and Prince George's County - Vehicle Laws - Speed**  
3 **Monitoring Systems - Radar Cameras**

4 FOR the purpose of authorizing the placement of certain speed monitoring systems on  
5 certain highways in Montgomery County and Prince George's County; requiring  
6 a certain speed monitoring system operator to complete certain training;  
7 requiring a speed monitoring system to undergo certain calibration; providing  
8 that certain persons recorded by a speed monitoring system while operating a  
9 motor vehicle in violation of certain speed limit laws are subject to certain  
10 penalties; requiring certain local police departments to mail a citation to the  
11 owner of a motor vehicle that is recorded by a speed monitoring system in the  
12 county to be in violation of certain laws regarding the operation of a motor  
13 vehicle in excess of certain speed limits; establishing a certain maximum fine for  
14 a violation of this Act; requiring a citation to include certain information;  
15 authorizing the local police department to send a warning instead of a citation;  
16 authorizing the local police department to reissue a citation to the driver of a  
17 vehicle under certain circumstances; requiring certain citations to be mailed  
18 within certain time periods; requiring the District Court to prescribe a certain  
19 citation form and a civil penalty to be indicated on the citation; establishing the  
20 standard of proof in a trial for a violation of this Act; requiring the Chief Judge  
21 of the District Court, in consultation with certain county agencies, to adopt  
22 certain procedures; authorizing persons receiving citations to have the speed  
23 monitoring system operator be present and testify at trial; providing that  
24 certain persons are 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; establishing defenses that the  
27 District Court may consider; authorizing vehicle owners to submit a certain  
28 letter to the District Court to establish a certain defense; authorizing the  
29 Administration to impose certain penalties if the person cited for violating this  
30 Act fails to pay the civil penalty or contest liability; prohibiting imposition of  
31 liability under this Act from being considered for certain purposes; providing for  
32 the admissibility and use of certain evidence; modifying the jurisdiction of the  
33 District Court to include certain proceedings; providing for the handling of  
34 certain court costs and penalties; defining certain terms; clarifying certain

language; prohibiting the custodian of recorded images produced by a speed monitoring system from allowing inspection of the recorded images, subject to certain exceptions; providing that the fees of certain contractors may not be contingent on the number of citations issued under this Act; restricting the use of certain revenues generated by this Act; providing for the application of this Act; providing that existing obligations or contracts may not be impaired by this Act; requiring Montgomery County and Prince George's County to report to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to imposition of liability on certain persons recorded by a speed monitoring system violating certain laws regarding the operation of a motor vehicle in excess of certain speed limits.

BY repealing and reenacting, with amendments,  
Article - Courts and Judicial Proceedings  
Section 4-401(13), 7-301(a), 7-302(e), and 10-311  
Annotated Code of Maryland  
(2002 Replacement Volume and 2003 Supplement)

BY repealing and reenacting, with amendments,  
Article - Insurance  
Section 11-215(e) and 11-318(e)  
Annotated Code of Maryland  
(2003 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article - State Government  
Section 10-616(o)  
Annotated Code of Maryland  
(1999 Replacement Volume and 2003 Supplement)

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

BY repealing and reenacting, with amendments,  
Article - Transportation  
Section 26-305(a) and 26-401  
Annotated Code of Maryland  
(2002 Replacement Volume and 2003 Supplement)

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

1                                   **Article - Courts and Judicial Proceedings**

2 4-401.

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

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

8 7-301.

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

22 7-302.

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

32               (2)     A citation issued as the result of a traffic control signal monitoring  
33 system OR SPEED MONITORING SYSTEM controlled by a political subdivision shall  
34 provide that, in an uncontested case, the penalty shall be paid directly to that political  
35 subdivision. A citation issued as the result of a traffic control signal monitoring  
36 system controlled by a State agency OR A SPEED MONITORING SYSTEM, IN A CASE  
37 CONTESTED IN DISTRICT COURT, shall provide that the penalty shall be paid directly  
38 to the District Court.

39               (3)     Civil penalties resulting from citations issued using traffic control  
40 signal monitoring systems OR SPEED MONITORING SYSTEMS that are collected by the

1 District Court shall be collected in accordance with subsection (a) of this section and  
2 distributed in accordance with § 12-118 of the Transportation Article.

3 10-311.

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

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

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

16 **Article - Insurance**

17 11-215.

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

25 11-318.

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

33 **Article - State Government**

34 10-616.

35 (o) (1) In this subsection, "recorded images" has the meaning stated in §  
36 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) "LOCAL POLICE DEPARTMENT" MEANS:

(I) THE MONTGOMERY COUNTY DEPARTMENT OF POLICE;

(II) THE PRINCE GEORGE'S COUNTY DEPARTMENT OF POLICE; AND

(III) THE POLICE DEPARTMENT OF ANY MUNICIPAL CORPORATION IN MONTGOMERY COUNTY OR PRINCE GEORGE'S COUNTY.

(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:

1. A MOTOR VEHICLE RENTAL OR LEASING COMPANY; OR

2. A HOLDER OF A SPECIAL REGISTRATION PLATE ISSUED UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.

(4) "RECORDED IMAGE" MEANS AN IMAGE RECORDED BY A SPEED MONITORING SYSTEM:

(I) ON:

1. A PHOTOGRAPH;

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

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

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

12 (6) "SPEED MONITORING SYSTEM OPERATOR" MEANS AN INDIVIDUAL  
13 WHO OPERATES A SPEED MONITORING SYSTEM.

14 (B) (1) THIS SECTION APPLIES TO A VIOLATION OF THIS SUBTITLE THAT  
15 OCCURS IN MONTGOMERY COUNTY OR PRINCE GEORGE'S COUNTY RECORDED BY A  
16 SPEED MONITORING SYSTEM THAT MEETS THE REQUIREMENTS OF THIS  
17 SUBSECTION AND HAS BEEN PLACED:

18 (I) ON A HIGHWAY IN A RESIDENTIAL DISTRICT AS DEFINED IN §  
19 21-101 OF THIS TITLE:

20 1. WITH A MAXIMUM POSTED SPEED LIMIT OF 35 MILES PER  
21 HOUR; AND

22 2. WHICH HAS A SPEED LIMIT THAT WAS ESTABLISHED  
23 USING GENERALLY ACCEPTED TRAFFIC ENGINEERING PRACTICES; OR

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

26 (2) (I) A SPEED MONITORING SYSTEM OPERATOR SHALL COMPLETE  
27 TRAINING BY A MANUFACTURER OF SPEED MONITORING SYSTEMS IN THE  
28 PROCEDURES FOR SETTING UP AND OPERATING THE SPEED MONITORING SYSTEM.

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

31 (III) THE CERTIFICATE OF TRAINING SHALL BE ADMITTED AS  
32 EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION OF THIS SECTION.

33 (3) A SPEED MONITORING SYSTEM OPERATOR SHALL FILL OUT AND  
34 SIGN A DAILY SET-UP LOG FOR A SPEED MONITORING SYSTEM THAT:

1 (I) STATES THAT THE SPEED MONITORING SYSTEM OPERATOR  
2 SUCCESSFULLY PERFORMED THE MANUFACTURER-SPECIFIED SELF TEST OF THE  
3 SPEED MONITORING SYSTEM PRIOR TO PRODUCING A RECORDED IMAGE;

4 (II) SHALL BE KEPT ON FILE; AND

5 (III) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT  
6 PROCEEDING FOR A VIOLATION OF THIS SECTION.

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

10 (II) THE INDEPENDENT CALIBRATION LABORATORY SHALL ISSUE A  
11 SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL CALIBRATION CHECK  
12 THAT:

13 1. SHALL BE KEPT ON FILE; AND

14 2. SHALL BE ADMITTED AS EVIDENCE IN ANY COURT  
15 PROCEEDING FOR A VIOLATION OF THIS SECTION.

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

22 (2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED \$100.

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

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

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

30 (D) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (4) OF  
31 THIS SUBSECTION, THE LOCAL POLICE DEPARTMENT SHALL MAIL TO THE OWNER  
32 LIABLE UNDER SUBSECTION (C) OF THIS SECTION A CITATION THAT SHALL INCLUDE:

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

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

- 1 (III) THE VIOLATION CHARGED;
- 2 (IV) THE LOCATION WHERE THE VIOLATION OCCURRED;
- 3 (V) THE DATE AND TIME OF THE VIOLATION;
- 4 (VI) A COPY OF THE RECORDED IMAGE;
- 5 (VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE DATE  
6 BY WHICH THE CIVIL PENALTY SHOULD BE PAID;
- 7 (VIII) A SIGNED STATEMENT BY A DULY AUTHORIZED AGENT OF THE  
8 LOCAL POLICE DEPARTMENT THAT, BASED ON INSPECTION OF RECORDED IMAGES,  
9 THE MOTOR VEHICLE WAS BEING OPERATED IN VIOLATION OF THIS SUBTITLE;
- 10 (IX) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE OF A  
11 VIOLATION OF THIS SUBTITLE;
- 12 (X) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE  
13 UNDER THIS SECTION OF THE MANNER AND TIME IN WHICH LIABILITY AS ALLEGED  
14 IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND
- 15 (XI) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE  
16 UNDER THIS SECTION THAT FAILURE TO PAY THE CIVIL PENALTY OR TO CONTEST  
17 LIABILITY IN A TIMELY MANNER:
- 18 1. IS AN ADMISSION OF LIABILITY;
- 19 2. MAY RESULT IN THE REFUSAL TO REGISTER THE MOTOR  
20 VEHICLE; AND
- 21 3. MAY RESULT IN THE SUSPENSION OF THE MOTOR  
22 VEHICLE REGISTRATION.
- 23 (2) THE LOCAL POLICE DEPARTMENT MAY MAIL A WARNING NOTICE  
24 INSTEAD OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION (C) OF THIS  
25 SECTION.
- 26 (3) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS SECTION, THE  
27 LOCAL POLICE DEPARTMENT MAY NOT MAIL A CITATION TO A PERSON WHO IS NOT  
28 AN OWNER UNDER SUBSECTION (A)(3) OF THIS SECTION.
- 29 (4) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS SECTION, A  
30 CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NO LATER THAN 2 WEEKS  
31 AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS REGISTERED IN THIS STATE,  
32 AND 30 DAYS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS REGISTERED IN  
33 ANOTHER STATE.
- 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 MONTGOMERY COUNTY  
3 DEPARTMENT OF FINANCE OR THE PRINCE GEORGE'S COUNTY REVENUE AUTHORITY  
4 OFFICE; OR

5 (II) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR THE  
6 ALLEGED VIOLATION.

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

16 (2) IF A PERSON WHO RECEIVED A CITATION UNDER SUBSECTION (D) OF  
17 THIS SECTION DESIRES THE SPEED MONITORING SYSTEM OPERATOR TO BE PRESENT  
18 AND TESTIFY AT TRIAL, THE PERSON SHALL NOTIFY THE COURT AND THE STATE IN  
19 WRITING NO LATER THAN 20 DAYS BEFORE TRIAL.

20 (3) ADJUDICATION OF LIABILITY SHALL BE BASED ON A  
21 PREPONDERANCE OF EVIDENCE.

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

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

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

30 (III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT COURT  
31 DEEMS PERTINENT.

32 (2) IN ORDER TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE  
33 REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND  
34 WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF  
35 THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT  
36 REGARDING THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN  
37 A TIMELY MANNER.

38 (3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(II) OF  
39 THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE

1 DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE PERSON AND MAILED  
2 BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT:

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

5 (II) PROVIDES THE NAME, ADDRESS, AND, IF POSSIBLE, THE  
6 DRIVER'S LICENSE IDENTIFICATION NUMBER OF THE PERSON WHO WAS OPERATING  
7 THE VEHICLE AT THE TIME OF THE VIOLATION; AND

8 (III) INCLUDES ANY OTHER CORROBORATING EVIDENCE.

9 (4) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED IN  
10 THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION  
11 OR RECEIVES EVIDENCE UNDER PARAGRAPH (3) OF THIS SUBSECTION IDENTIFYING  
12 THE PERSON DRIVING THE VEHICLE AT THE TIME OF THE VIOLATION, THE CLERK OF  
13 THE COURT SHALL PROVIDE TO THE LOCAL POLICE DEPARTMENT A COPY OF ANY  
14 EVIDENCE SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF  
15 THE VIOLATION.

16 (II) ON RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE  
17 DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE LOCAL  
18 POLICE DEPARTMENT MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (D) OF  
19 THIS SECTION TO THE PERSON WHO THE EVIDENCE INDICATES WAS OPERATING THE  
20 VEHICLE AT THE TIME OF THE VIOLATION.

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

24 (G) IF A PERSON LIABLE UNDER THIS SECTION DOES NOT PAY THE CIVIL  
25 PENALTY OR CONTEST THE VIOLATION, THE ADMINISTRATION:

26 (1) MAY REFUSE TO REGISTER OR REREGISTER THE REGISTRATION OF  
27 THE MOTOR VEHICLE CITED FOR THE VIOLATION; OR

28 (2) MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE CITED  
29 FOR THE VIOLATION.

30 (H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS  
31 SECTION:

32 (1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING  
33 POINTS UNDER § 16-402 OF THIS ARTICLE;

34 (2) MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE DRIVING  
35 RECORD OF THE OWNER OR DRIVER OF THE VEHICLE;

36 (3) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF §  
37 26-305 OF THIS ARTICLE; AND

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

3 (I) IN CONSULTATION WITH THE MONTGOMERY COUNTY DEPARTMENT OF  
4 FINANCE, THE PRINCE GEORGE'S COUNTY REVENUE AUTHORITY OFFICE, AND THE  
5 LOCAL POLICE DEPARTMENTS, THE CHIEF JUDGE OF THE DISTRICT COURT SHALL  
6 ADOPT PROCEDURES FOR THE ISSUANCE OF CITATIONS, THE TRIAL OF CIVIL  
7 VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES UNDER THIS SECTION.

8 (J) IF A CONTRACTOR OPERATES A SPEED MONITORING SYSTEM ON BEHALF  
9 OF MONTGOMERY COUNTY OR PRINCE GEORGE'S COUNTY, THE CONTRACTOR'S FEE  
10 MAY NOT BE CONTINGENT ON THE NUMBER OF CITATIONS ISSUED OR PAID.

11 26-305.

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

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

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

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

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

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

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

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

33 26-401.

34 If a person is taken before a District Court commissioner or is given a traffic  
35 citation or a civil citation under § 21-202.1 OR § 21-809 of this article containing a  
36 notice to appear in court, the commissioner or court shall be one that sits within the  
37 county in which the offense allegedly was committed.

1       SECTION 2. AND BE IT FURTHER ENACTED, That:

2               (1)       Beginning in fiscal year 2005 and each fiscal year thereafter,  
3 Montgomery County and Prince George's County shall use the revenues generated  
4 from the enforcement of speed limit laws as authorized under this Act solely to  
5 increase local expenditures for related public safety purposes, including pedestrian  
6 safety programs; and

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

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

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

17       SECTION 5. AND BE IT FURTHER ENACTED, That the Montgomery County  
18 and Prince George's County Councils shall report to the General Assembly on or  
19 before December 31, 2008, in accordance with § 2-1246 of the State Government  
20 Article, on the effectiveness of speed monitoring systems in their jurisdictions.

21       SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2004. It shall remain effective for a period of 5 years and, at the end of  
23 September 30, 2009, with no further action required by the General Assembly, this  
24 Act shall be abrogated and of no further force and effect.