

SENATE BILL 861

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

Introduced and read first time: February 23, 2004

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 27, 2004

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: April 3, 2004

CHAPTER _____

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

may elect to stand trial in the District Court; establishing defenses that the District Court may consider; authorizing vehicle owners to submit a certain letter to the District Court to establish a certain defense; authorizing the Administration to impose certain penalties if the person cited for violating this Act fails to pay the civil penalty or contest liability; prohibiting imposition of liability under this Act from being considered for certain purposes; providing for the admissibility and use of certain evidence; modifying the jurisdiction of the District Court to include certain proceedings; providing for the handling of 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,

1 Article - Transportation
2 Section 26-305(a) and 26-401
3 Annotated Code of Maryland
4 (2002 Replacement Volume and 2003 Supplement)

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 controlled by a State agency OR A SPEED MONITORING SYSTEM, IN A CASE
4 CONTESTED IN DISTRICT COURT, shall provide that the penalty shall be paid directly
5 to the District Court.

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

10 10-311.

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

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

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

23 **Article - Insurance**

24 11-215.

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

32 11-318.

33 (e) For purposes of reclassifying an insured in a classification that entails a
34 higher premium, an insurer under an automobile insurance policy may not consider a
35 probation before judgment disposition of a motor vehicle law offense, a civil penalty
36 imposed pursuant to § 21-202.1 OR § 21-809 of the Transportation Article, or a first
37 offense of driving with an alcohol concentration of 0.08 or more under § 16-205.1 of
38 the Transportation Article on record with the Motor Vehicle Administration, as
39 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) "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.

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

3 (I) ON:

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

9 (II) SHOWING THE REAR OF A MOTOR VEHICLE, A STATIONARY
10 OBJECT NEAR THE MOTOR VEHICLE, AND, ON AT LEAST ONE IMAGE OR PORTION OF
11 TAPE, CLEARLY IDENTIFYING THE REGISTRATION PLATE NUMBER OF THE MOTOR
12 VEHICLE.

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

17 (6) "SPEED MONITORING SYSTEM OPERATOR" MEANS AN INDIVIDUAL
18 WHO OPERATES A SPEED MONITORING SYSTEM.

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

23 (I) ON A HIGHWAY IN A RESIDENTIAL DISTRICT AS DEFINED IN §
24 21-101 OF THIS TITLE:

- 25 1. WITH A MAXIMUM POSTED SPEED LIMIT OF 35 MILES PER
26 HOUR; AND
- 27 2. WHICH HAS A SPEED LIMIT THAT WAS ESTABLISHED
28 USING GENERALLY ACCEPTED TRAFFIC ENGINEERING PRACTICES; OR

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

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

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

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

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

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

8 (II) SHALL BE KEPT ON FILE; AND

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

11 (4) (I) A SPEED MONITORING SYSTEM SHALL UNDERGO AN ANNUAL
12 CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION
13 LABORATORY.

14 (II) THE INDEPENDENT CALIBRATION LABORATORY SHALL ISSUE A
15 SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL CALIBRATION CHECK
16 THAT:

17 1. SHALL BE KEPT ON FILE; AND

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

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

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

27 (3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT SHALL
28 PRESCRIBE:

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

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

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

1 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE
2 VEHICLE;

3 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE
4 INVOLVED IN THE VIOLATION;

5 (III) THE VIOLATION CHARGED;

6 (IV) THE LOCATION WHERE THE VIOLATION OCCURRED;

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

8 (VI) ~~A COPY OF THE RECORDED IMAGE~~

9 1. IF THE SPEED MONITORING SYSTEM WAS ATTENDED BY A
10 SPEED MONITORING SYSTEM OPERATOR AT THE TIME THAT THE VIOLATION
11 OCCURRED, AT LEAST ONE RECORDED IMAGE OF THE VEHICLE WITH A DATA BAR
12 IMPRINTED ON EACH IMAGE THAT INCLUDES INFORMATION SUCH AS THE RATE OF
13 SPEED OF THE VEHICLE AND THE DATE AND TIME THE IMAGE WAS RECORDED; OR

14 2. IF THE SPEED MONITORING SYSTEM WAS UNATTENDED
15 AT THE TIME THAT THE VIOLATION OCCURRED, AT LEAST TWO SUCCESSIVE
16 RECORDED IMAGES OF THE VEHICLE WITH A DATA BAR IMPRINTED ON EACH IMAGE
17 THAT INCLUDES INFORMATION SUCH AS THE RATE OF SPEED OF THE VEHICLE AND
18 THE DATE AND TIME THE IMAGE WAS RECORDED;

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

21 (VIII) ~~A SIGNED STATEMENT BY A DULY AUTHORIZED AGENT OF~~
22 ~~POLICE OFFICER EMPLOYED BY THE LOCAL POLICE DEPARTMENT OR A DESIGNATED~~
23 ~~MUNICIPAL OFFICIAL~~ THAT, BASED ON INSPECTION OF RECORDED IMAGES, THE
24 MOTOR VEHICLE WAS BEING OPERATED IN VIOLATION OF THIS SUBTITLE;

25 (IX) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE OF A
26 VIOLATION OF THIS SUBTITLE;

27 (X) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE
28 UNDER THIS SECTION OF THE MANNER AND TIME IN WHICH LIABILITY AS ALLEGED
29 IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND

30 (XI) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE
31 UNDER THIS SECTION THAT FAILURE TO PAY THE CIVIL PENALTY OR TO CONTEST
32 LIABILITY IN A TIMELY MANNER:

33 1. IS AN ADMISSION OF LIABILITY;

34 2. MAY RESULT IN THE REFUSAL TO REGISTER THE MOTOR
35 VEHICLE; AND

1 3. MAY RESULT IN THE SUSPENSION OF THE MOTOR
2 VEHICLE REGISTRATION.

3 (2) THE LOCAL POLICE DEPARTMENT MAY MAIL A WARNING NOTICE
4 INSTEAD OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION (C) OF THIS
5 SECTION.

6 (3) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS SECTION, THE
7 LOCAL POLICE DEPARTMENT MAY NOT MAIL A CITATION TO A PERSON WHO IS NOT
8 AN OWNER UNDER SUBSECTION (A)(3) OF THIS SECTION.

9 (4) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS SECTION, A
10 CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NO LATER THAN 2 WEEKS
11 AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS REGISTERED IN THIS STATE,
12 AND 30 DAYS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS REGISTERED IN
13 ANOTHER STATE.

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

16 (I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH
17 INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE MONTGOMERY COUNTY
18 DEPARTMENT OF FINANCE OR THE PRINCE GEORGE'S COUNTY REVENUE AUTHORITY
19 OFFICE; OR

20 (II) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR THE
21 ALLEGED VIOLATION.

22 (E) (1) A CERTIFICATE ALLEGING THAT THE VIOLATION OF THIS SUBTITLE
23 OCCURRED AND THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION
24 HAVE BEEN SATISFIED, SWORN TO, OR AFFIRMED BY A ~~DULY AUTHORIZED AGENT OF~~
25 POLICE OFFICER EMPLOYED BY THE LOCAL POLICE DEPARTMENT OR A DESIGNATED
26 MUNICIPAL OFFICIAL, BASED ON INSPECTION OF RECORDED IMAGES PRODUCED BY
27 A SPEED MONITORING SYSTEM, SHALL BE EVIDENCE OF THE FACTS CONTAINED IN
28 THE CERTIFICATE AND SHALL BE ADMISSIBLE IN A PROCEEDING ALLEGING A
29 VIOLATION UNDER THIS SECTION WITHOUT THE PRESENCE OR TESTIMONY OF THE
30 SPEED MONITORING SYSTEM OPERATOR WHO PERFORMED THE REQUIREMENTS
31 UNDER SUBSECTION (B) OF THIS SECTION.

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

36 (3) ADJUDICATION OF LIABILITY SHALL BE BASED ON A
37 PREPONDERANCE OF EVIDENCE.

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

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

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

8 (III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT COURT
9 DEEMS PERTINENT.

10 (2) IN ORDER TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE
11 REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND
12 WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF
13 THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT
14 REGARDING THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN
15 A TIMELY MANNER.

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

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

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

25 (III) INCLUDES ANY OTHER CORROBORATING EVIDENCE.

26 (4) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED IN
27 THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION
28 OR RECEIVES EVIDENCE UNDER PARAGRAPH (3) OF THIS SUBSECTION IDENTIFYING
29 THE PERSON DRIVING THE VEHICLE AT THE TIME OF THE VIOLATION, THE CLERK OF
30 THE COURT SHALL PROVIDE TO THE LOCAL POLICE DEPARTMENT A COPY OF ANY
31 EVIDENCE SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF
32 THE VIOLATION.

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

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

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

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

5 (2) MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE CITED
6 FOR THE VIOLATION.

7 (H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS
8 SECTION:

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

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

13 (3) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF §
14 26-305 OF THIS ARTICLE; AND

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

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

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

25 26-305.

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

32 (1) It is notified by a political subdivision or authorized State agency
33 that [a] THE person cited for [a] THE violation under this subtitle or § 21-202.1 OR
34 § 21-809 of this article has failed to either:

35 (i) Pay the fine for the violation by the date specified in the
36 citation; or

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

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

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

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

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

11 26-401.

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

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

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

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

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

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

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

36 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 2004. It shall remain effective for a period of 5 years and, at the end of

- 1 September 30, 2009, with no further action required by the General Assembly, this
- 2 Act shall be abrogated and of no further force and effect.