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By: **Montgomery County Delegation**  
 Introduced and read first time: February 1, 2005  
 Assigned to: Environmental Matters

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Committee Report: Favorable  
 House action: Adopted  
 Read second time: March 23, 2005

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CHAPTER\_\_\_\_\_

1 AN ACT concerning

2 **Montgomery County - Vehicle Laws - Speed Monitoring Systems**  
 3 **MC 513-05**

4 FOR the purpose of authorizing the placement of certain speed monitoring systems on  
 5 certain highways in Montgomery County; requiring a certain speed monitoring  
 6 system operator to complete certain training; requiring a speed monitoring  
 7 system to undergo certain calibration; providing that certain persons recorded  
 8 by a speed monitoring system while operating a motor vehicle in violation of  
 9 certain speed limit laws are subject to certain penalties; requiring certain local  
 10 police departments in Montgomery County to mail a citation to the owner of a  
 11 motor vehicle that is recorded by a speed monitoring system in the county to be  
 12 in violation of certain laws regarding the operation of a motor vehicle in excess  
 13 of certain speed limits; establishing a certain maximum fine for a violation of  
 14 law enforced by means of a speed monitoring system under this Act; requiring a  
 15 citation to include certain information; authorizing the local police department  
 16 to send a warning instead of a citation; authorizing the local police department  
 17 to reissue a citation to the driver of a vehicle under certain circumstances;  
 18 requiring certain citations to be mailed within certain time periods; requiring  
 19 the District Court to prescribe a certain citation form and a civil penalty to be  
 20 indicated on the citation; establishing the standard of proof in a trial for a  
 21 violation of law enforced by means of a speed monitoring system under this Act;  
 22 requiring the Chief Judge of the District Court, in consultation with certain  
 23 county agencies, to adopt certain procedures; authorizing persons receiving  
 24 citations to have the speed monitoring system operator be present and testify at  
 25 trial; providing that certain persons are responsible for paying the civil penalty  
 26 indicated on the citation under certain circumstances; providing that persons  
 27 receiving citations may elect to stand trial in the District Court; establishing

1 defenses that the District Court may consider; authorizing vehicle owners to  
2 submit a certain letter to the District Court to establish a certain defense;  
3 authorizing the Motor Vehicle Administration to impose certain penalties if the  
4 person cited under this Act fails to pay the civil penalty or contest liability;  
5 prohibiting imposition of liability under this Act from being considered for  
6 certain purposes; providing for the admissibility and use of certain evidence;  
7 modifying the jurisdiction of the District Court to include certain proceedings;  
8 providing for the handling of certain court costs and penalties; defining certain  
9 terms; clarifying certain language; prohibiting the custodian of recorded images  
10 produced by a speed monitoring system from allowing inspection of the recorded  
11 images, subject to certain exceptions; providing that the fees of certain  
12 contractors may not be contingent on the number of citations issued under this  
13 Act; restricting the use of certain revenues generated by this Act; providing for  
14 the application of this Act; providing that existing obligations or contracts may  
15 not be impaired by this Act; requiring Montgomery County to report to the  
16 General Assembly on or before a certain date; and generally relating to  
17 imposition of liability on certain persons recorded by speed monitoring systems  
18 violating certain laws regarding the operation of motor vehicles in excess of  
19 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 and 2004 Supplement)

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 (2003 Replacement Volume and 2004 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 2004 Supplement)

35 BY adding to  
36 Article - Transportation  
37 Section 21-809  
38 Annotated Code of Maryland  
39 (2002 Replacement Volume and 2004 Supplement)

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 and 2004 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; AND

(II) THE POLICE DEPARTMENT OF ANY MUNICIPAL CORPORATION IN MONTGOMERY 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 AND, ON AT LEAST  
10 ONE IMAGE OR PORTION OF TAPE, CLEARLY IDENTIFYING THE REGISTRATION PLATE  
11 NUMBER OF THE MOTOR VEHICLE.

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

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

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

21 (I) ON A HIGHWAY IN A RESIDENTIAL DISTRICT AS DEFINED IN §  
22 21-101 OF THIS TITLE:

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

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

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

32 (II) THE MANUFACTURER SHALL ISSUE A SIGNED CERTIFICATE TO  
33 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 WHICH:

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,

1 LIABLE UNDER SUBSECTION (C) OF THIS SECTION, A CITATION THAT SHALL  
2 INCLUDE:

3 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE  
4 VEHICLE;

5 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE  
6 INVOLVED IN THE VIOLATION;

7 (III) THE VIOLATION CHARGED;

8 (IV) THE LOCATION WHERE THE VIOLATION OCCURRED;

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

10 (VI) A COPY OF THE RECORDED IMAGE;

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

13 (VIII) A SIGNED STATEMENT BY A DULY AUTHORIZED AGENT OF THE  
14 LOCAL POLICE DEPARTMENT THAT, BASED ON INSPECTION OF RECORDED IMAGES,  
15 THE MOTOR 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;

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

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

24 1. IS AN ADMISSION OF LIABILITY;

25 2. MAY RESULT IN THE REFUSAL BY THE ADMINISTRATION  
26 TO REGISTER THE MOTOR VEHICLE; AND

27 3. MAY RESULT IN THE SUSPENSION OF THE MOTOR  
28 VEHICLE REGISTRATION.

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

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



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

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

8                   (I)     PAY THE CIVIL PENALTY, IN ACCORDANCE WITH  
9 INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE MONTGOMERY COUNTY  
10 DEPARTMENT OF FINANCE; OR

11                   (II)    ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR THE  
12 ALLEGED VIOLATION.

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

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

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

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

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

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

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

38           (2)     IN ORDER TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE  
39 REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND

1 WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF  
2 THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT  
3 REGARDING THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN  
4 A TIMELY MANNER.

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

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

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

14 (III) INCLUDES ANY OTHER CORROBORATING EVIDENCE.

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

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

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

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

32 (1) MAY REFUSE TO REGISTER OR REREGISTER THE MOTOR VEHICLE  
33 CITED FOR THE VIOLATION; OR

34 (2) MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE CITED  
35 FOR THE VIOLATION.

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

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

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

5 (3) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF §  
6 26-305 OF THIS ARTICLE; AND

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

9 (I) IN CONSULTATION WITH THE MONTGOMERY COUNTY DEPARTMENT OF  
10 FINANCE AND THE LOCAL POLICE DEPARTMENTS, THE CHIEF JUDGE OF THE  
11 DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE ISSUANCE OF CITATIONS,  
12 THE TRIAL OF CIVIL VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES UNDER  
13 THIS SECTION.

14 (J) IF A CONTRACTOR OPERATES A SPEED MONITORING SYSTEM ON BEHALF  
15 OF MONTGOMERY COUNTY, THE CONTRACTOR'S FEE MAY NOT BE CONTINGENT ON  
16 THE NUMBER OF CITATIONS ISSUED OR PAID.

17 26-305.

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

24 (1) It is notified by a political subdivision or authorized State agency  
25 that [a] THE person cited for [a] THE violation under this subtitle or § 21-202.1 OR  
26 § 21-809 of this article has failed to either:

27 (i) Pay the fine for the violation by the date specified in the  
28 citation; or

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

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

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

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

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

3 26-401.

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

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

9 (1) Beginning in fiscal year 2006 and each fiscal year thereafter,  
10 Montgomery County shall use the revenues generated from the enforcement of speed  
11 limit laws as authorized under this Act solely to increase local expenditures for  
12 related public safety purposes, including pedestrian safety programs; and

13 (2) Related public safety expenditures required under this section shall  
14 be used to supplement and may not supplant existing local expenditures for the same  
15 purpose.

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

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

23 SECTION 5. AND BE IT FURTHER ENACTED, That the Montgomery County  
24 Council shall report to the General Assembly on or before December 31, 2009, in  
25 accordance with § 2-1246 of the State Government Article, on the effectiveness of  
26 speed monitoring systems in Montgomery County.

27 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2005.