
By: **Delegate Burns**

Introduced and read first time: February 7, 2005

Assigned to: Environmental Matters

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 this Act; and generally relating to speed monitoring systems
24 on Liberty Road, Route 26, in Baltimore County.

25 BY repealing and reenacting, with amendments,
26 Article - Health - General
27 Section 19-130(c)
28 Annotated Code of Maryland
29 (2000 Replacement Volume and 2004 Supplement)

30 BY adding to
31 Article - Transportation
32 Section 21-809

1 Annotated Code of Maryland
2 (2002 Replacement Volume and 2004 Supplement)

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

5 **Article - Health - General**

6 19-130.

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

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

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

13 **Article - Transportation**

14 21-809.

15 (A) THIS SECTION APPLIES ONLY TO THAT PORTION OF LIBERTY ROAD, ROUTE
16 26, THAT IS WITHIN THE BOUNDARIES OF BALTIMORE COUNTY.

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

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

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

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

27 (I) ON:

- 28 1. TWO OR MORE PHOTOGRAPHS;
- 29 2. TWO OR MORE MICROPHOTOGRAPHS;
- 30 3. TWO OR MORE ELECTRONIC IMAGES;
- 31 4. VIDEOTAPE; OR

1 5. ANY OTHER MEDIUM; AND

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

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

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

11 (D) (1) BALTIMORE COUNTY SHALL POST SIGNS ON LIBERTY ROAD, ROUTE
12 26, THAT INCLUDE THE NOTICE "SPEED MONITORING CAMERAS IN OPERATION".

13 (2) THE SIGNS SHALL BE POSTED:

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

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

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

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

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

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

38 (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:

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

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

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2005. It shall remain effective for a period of 3 years and, at the end of
15 September 30, 2008, with no further action required by the General Assembly, this
16 Act shall be abrogated and of no further force and effect.