

(PRE-FILED)

By: **Delegate Smigiel**

Requested: October 4, 2005

Introduced and read first time: January 11, 2006

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Traffic Control Signal Monitoring Systems - Repeal**

3 FOR the purpose of repealing certain provisions of law relating to the recording, by a
4 traffic control signal monitoring system, of a violation of the requirement that a
5 vehicle stop at a steady red signal; providing for the continued application of
6 certain provisions of law relating to certain violations recorded by a traffic
7 control signal monitoring system before the effective date of this Act; making
8 conforming changes; and generally relating to traffic control signal monitoring
9 systems.

10 BY repealing and reenacting, with amendments,
11 Article - Transportation
12 Section 13-411.1(a), 26-305(a), and 26-401
13 Annotated Code of Maryland
14 (2002 Replacement Volume and 2005 Supplement)

15 BY repealing
16 Article - Transportation
17 Section 21-202.1
18 Annotated Code of Maryland
19 (2002 Replacement Volume and 2005 Supplement)

20 BY repealing
21 Article - Courts and Judicial Proceedings
22 Section 4-401(13), 7-302(e), and 10-311
23 Annotated Code of Maryland
24 (2002 Replacement Volume and 2005 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - Courts and Judicial Proceedings
27 Section 7-301(a) and 7-302(a)
28 Annotated Code of Maryland

1 (2002 Replacement Volume and 2005 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Insurance

4 Section 11-215(e) and 11-318(e)

5 Annotated Code of Maryland

6 (2003 Replacement Volume and 2005 Supplement)

7 BY repealing

8 Article - State Government

9 Section 10-616(o)

10 Annotated Code of Maryland

11 (2004 Replacement Volume and 2005 Supplement)

12 BY renumbering

13 Article - Courts and Judicial Proceedings

14 Section 4-401(14) through (17), respectively

15 to be Section 4-401(13) through (16), respectively

16 Annotated Code of Maryland

17 (2002 Replacement Volume and 2005 Supplement)

18 BY renumbering

19 Article - State Government

20 Section 10-616(p) through (t), respectively

21 to be Section 10-616(o) through (s), respectively

22 Annotated Code of Maryland

23 (2004 Replacement Volume and 2005 Supplement)

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

26 **Article - Transportation**

27 13-411.1.

28 (a) In this section, "registration plate cover" means any tinted, colored,
29 painted, marked, clear, or illuminated object that is designed to[:

30 (1) Cover] COVER any of the characters of a vehicle's registration plate[;

31 or

32 (2) Distort a recorded image of any of the characters of a vehicle's
33 registration plate recorded by a traffic control signal monitoring system under §
34 21-202.1 of this title].

1 [21-202.1.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) "Agency" means:

4 (i) For a traffic control signal operated and maintained at an
5 intersection under the control of the State, the law enforcement agency primarily
6 responsible for traffic control at that intersection; or

7 (ii) For a traffic control signal operated and maintained at an
8 intersection under the control of a political subdivision, a law enforcement agency of
9 the political subdivision that is authorized to issue citations for a violation of the
10 Maryland Vehicle Law or of local traffic laws or regulations.

11 (3) (i) "Owner" means the registered owner of a motor vehicle or a
12 lessee of a motor vehicle under a lease of 6 months or more.

13 (ii) "Owner" does not include a motor vehicle rental or leasing
14 company or a holder of a special registration plate issued under Part III of Title 13,
15 Subtitle 9 of this article.

16 (4) "Recorded images" means images recorded by a traffic control signal
17 monitoring system:

18 (i) On:

- 19 1. Two or more photographs;
- 20 2. Two or more microphotographs;
- 21 3. Two or more electronic images;
- 22 4. Videotape; or
- 23 5. Any other medium; and

24 (ii) Showing the rear of a motor vehicle and, on at least one image
25 or portion of tape, clearly identifying the registration plate number of the motor
26 vehicle.

27 (5) "Traffic control signal monitoring system" means a device with one or
28 more motor vehicle sensors working in conjunction with a traffic control signal to
29 produce recorded images of motor vehicles entering an intersection against a red
30 signal indication.

31 (b) The agency primarily responsible for traffic control at an intersection
32 monitored by a traffic control signal monitoring system shall ensure that the length of
33 time that a traffic control signal displays a yellow light before changing to a red signal
34 indication is set in accordance with regulations adopted by the State Highway

1 Administration consistent with standards or guidelines established by the Federal
2 Highway Administration.

3 (c) This section applies to a violation of § 21-202(h) of this subtitle at an
4 intersection monitored by a traffic control signal monitoring system.

5 (d) (1) Unless the driver of the motor vehicle received a citation from a
6 police officer at the time of the violation, the owner or, in accordance with subsection
7 (g)(5) of this section, the driver of a motor vehicle is subject to a civil penalty if the
8 motor vehicle is recorded by a traffic control signal monitoring system while being
9 operated in violation of § 21-202(h) of this subtitle.

10 (2) A civil penalty under this subsection may not exceed \$100.

11 (3) For purposes of this section, the District Court shall prescribe:

12 (i) A uniform citation form consistent with subsection (e)(1) of this
13 section and § 7-302 of the Courts and Judicial Proceedings Article; and

14 (ii) A civil penalty, which shall be indicated on the citation, to be
15 paid by persons who choose to prepay the civil penalty without appearing in District
16 Court.

17 (e) (1) Subject to the provisions of paragraphs (2) through (4) of this
18 subsection, an agency shall mail to the owner liable under subsection (d) of this
19 section a citation which shall include:

20 (i) The name and address of the registered owner of the vehicle;

21 (ii) The registration number of the motor vehicle involved in the
22 violation;

23 (iii) The violation charged;

24 (iv) The location of the intersection;

25 (v) The date and time of the violation;

26 (vi) A copy of the recorded image;

27 (vii) The amount of the civil penalty imposed and the date by which
28 the civil penalty should be paid;

29 (viii) A signed statement by a technician employed by the agency
30 that, based on inspection of recorded images, the motor vehicle was being operated in
31 violation of § 21-202(h) of this subtitle;

32 (ix) A statement that recorded images are evidence of a violation of
33 § 21-202(h) of this subtitle; and

1 (x) Information advising the person alleged to be liable under this
2 section:

3 1. Of the manner and time in which liability as alleged in the
4 citation may be contested in the District Court; and

5 2. Warning that failure to pay the civil penalty or to contest
6 liability in a timely manner is an admission of liability and may result in refusal or
7 suspension of the motor vehicle registration.

8 (2) The agency may mail a warning notice in lieu of a citation to the
9 owner liable under subsection (d) of this section.

10 (3) Except as provided in subsection (g)(5) of this section, a citation
11 issued under this section shall be mailed no later than 2 weeks after the alleged
12 violation.

13 (4) An agency may not mail a citation to a person who is not an owner
14 under subsection (a)(3)(ii) of this section.

15 (5) A person who receives a citation under paragraph (1) of this
16 subsection may:

17 (i) Pay the civil penalty, in accordance with instructions on the
18 citation, directly to the political subdivision or to the District Court; or

19 (ii) Elect to stand trial for the alleged violation.

20 (f) (1) A certificate alleging that the violation of § 21-202(h) of this article
21 occurred, sworn to or affirmed by a duly authorized agent of the agency, based on
22 inspection of recorded images produced by a traffic control signal monitoring system
23 shall be evidence of the facts contained therein and shall be admissible in any
24 proceeding alleging a violation under this section.

25 (2) Adjudication of liability shall be based on a preponderance of
26 evidence.

27 (g) (1) The District Court may consider in defense of a violation:

28 (i) That the driver of the vehicle passed through the intersection in
29 violation of § 21-202(h) of this subtitle:

30 1. In order to yield the right-of-way to an emergency vehicle;
31 or

32 2. As part of a funeral procession in accordance with §
33 21-207 of this subtitle;

34 (ii) Subject to paragraph (2) of this subsection, that the motor
35 vehicle or registration plates of the motor vehicle were stolen before the violation

1 occurred and were not under the control or possession of the owner at the time of the
2 violation;

3 (iii) That under § 21-201 of this subtitle, this section is
4 unenforceable against the owner because at the time and place of the alleged
5 violation, the traffic control signal was not in proper position and legible enough to be
6 seen by an ordinarily observant individual;

7 (iv) Subject to paragraph (3) of this subsection, evidence that the
8 person named in the citation was not operating the vehicle at the time of the
9 violation; and

10 (v) Any other issues and evidence that the District Court deems
11 pertinent.

12 (2) In order to demonstrate that the motor vehicle or the registration
13 plates were stolen before the violation occurred and were not under the control or
14 possession of the owner at the time of the violation, the owner must submit proof that
15 a police report about the stolen motor vehicle or registration plates was filed in a
16 timely manner.

17 (3) To satisfy the evidentiary burden under paragraph (1)(iv) of this
18 subsection, the person named in the citation shall provide to the District Court
19 evidence to the satisfaction of the court of who was operating the vehicle at the time
20 of the violation, including, at a minimum, the operator's name and current address.

21 (4) (i) The provisions of this paragraph apply only to a citation that
22 involves a Class E (truck) vehicle with a registered gross weight of 26,001 pounds or
23 more, Class F (tractor) vehicle, Class G (trailer) vehicle operated in combination with
24 a Class F (tractor) vehicle, and Class P (passenger bus) vehicle.

25 (ii) To satisfy the evidentiary burden under paragraph (1)(iv) of this
26 subsection, the person named in a citation described under subparagraph (i) of this
27 paragraph may provide to the District Court a letter, sworn to or affirmed by the
28 person and mailed by certified mail, return receipt requested, that:

29 1. States that the person named in the citation was not
30 operating the vehicle at the time of the violation; and

31 2. Provides the name, address, and driver's license
32 identification number of the person who was operating the vehicle at the time of the
33 violation.

34 (5) (i) If the District Court finds that the person named in the citation
35 was not operating the vehicle at the time of the violation or receives evidence under
36 paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at the
37 time of the violation, the clerk of the court shall provide to the agency issuing the
38 citation a copy of any evidence substantiating who was operating the vehicle at the
39 time of the violation.

1 (ii) Upon the receipt of substantiating evidence from the District
2 Court under subparagraph (i) of this paragraph, an agency may issue a citation as
3 provided in subsection (e) of this section to the person that the evidence indicates was
4 operating the vehicle at the time of the violation.

5 (iii) A citation issued under subparagraph (ii) of this paragraph
6 shall be mailed no later than 2 weeks after receipt of the evidence from the District
7 Court.

8 (h) If the civil penalty is not paid and the violation is not contested, the
9 Administration may refuse to register or reregister or may suspend the registration of
10 the motor vehicle.

11 (i) A violation for which a civil penalty is imposed under this section:

12 (1) Is not a moving violation for the purpose of assessing points under §
13 16-402 of this article and may not be recorded by the Administration on the driving
14 record of the owner or driver of the vehicle;

15 (2) May be treated as a parking violation for purposes of § 26-305 of this
16 article; and

17 (3) May not be considered in the provision of motor vehicle insurance
18 coverage.

19 (j) In consultation with local governments, the chief judge of the District
20 Court shall adopt procedures for the issuance of citations, the trial of civil violations,
21 and the collection of civil penalties under this section.]

22 26-305.

23 (a) The Administration may not register or transfer the registration of any
24 vehicle involved in a parking violation under this subtitle[,] OR a violation under any
25 federal parking regulation that applies to property in this State under the jurisdiction
26 of the U.S. government[, or a violation of § 21-202(h) of this article as determined
27 under § 21-202.1 of this article], if:

28 (1) It is notified by a political subdivision or authorized State agency
29 that a person cited for a violation under this subtitle [or § 21-202.1 of this article]
30 has failed to either:

31 (i) Pay the fine for the violation by the date specified in the
32 citation; or

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

34 (2) It is notified by the District Court that a person who has elected to
35 stand trial for the violation under this subtitle [or under § 21-202.1 of this article]
36 has failed to appear for trial; or

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

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

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

7 26-401.

8 If a person is taken before a District Court commissioner or is given a traffic
9 citation [or a civil citation under § 21-202.1 of this article] containing a notice to
10 appear in court, the commissioner or court shall be one that sits within the county in
11 which the offense allegedly was committed.

12 **Article - Courts and Judicial Proceedings**

13 4-401.

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

17 [(13) A proceeding for a civil infraction under § 21-202.1 of the
18 Transportation Article;]

19 7-301.

20 (a) The court costs in a traffic case, including parking and impounding cases
21 [and cases under § 21-202.1 of the Transportation Article] in which costs are
22 imposed, are \$22.50. Such costs shall also be applicable to those cases in which the
23 defendant elects to waive his right to trial and pay the fine or penalty deposit
24 established by the Chief Judge of the District Court by administrative regulation. In
25 an [uncontested case under § 21-202.1 of the Transportation Article or] uncontested
26 parking or impounding case in which the fines are paid directly to a political
27 subdivision or municipality, costs are \$2.00, which costs shall be paid to and retained
28 by the political subdivision or municipality. In an uncontested case in which the fine
29 is paid directly to an agency of State government authorized by law to regulate
30 parking of motor vehicles, the costs are \$2.00. The fine and the costs shall be paid to
31 the agency, which shall receive and account for these funds as in all other cases
32 involving sums due the State through a State agency.

33 7-302.

34 (a) Except as provided in subsections (b) through [(e)] (D) of this section, the
35 clerks of the District Court shall:

36 (1) Collect costs, fines, forfeitures, or penalties imposed by the court; and

1 (2) Remit them to the State under a system agreed upon by the Chief
2 Judge of the District Court and the Comptroller.

3 [(e) (1) A citation issued pursuant to § 21-202.1 of the Transportation Article
4 shall provide that the person receiving the citation may elect to stand trial by
5 notifying the issuing agency of the person's intention to stand trial at least 5 days
6 prior to the date of payment as set forth in the citation. On receipt of the notice to
7 stand trial, the agency shall forward to the District Court having venue a copy of the
8 citation and a copy of the notice from the person who received the citation indicating
9 the person's intention to stand trial. On receipt thereof, the District Court shall
10 schedule the case for trial and notify the defendant of the trial date under procedures
11 adopted by the Chief Judge of the District Court.

12 (2) A citation issued as the result of a traffic control signal monitoring
13 system controlled by a political subdivision shall provide that, in an uncontested case,
14 the penalty shall be paid directly to that political subdivision. A citation issued as the
15 result of a traffic control signal monitoring system controlled by a State agency shall
16 provide that the penalty shall be paid directly to the District Court.

17 (3) Civil penalties resulting from citations issued using traffic control
18 signal monitoring systems that are collected by the District Court shall be collected in
19 accordance with subsection (a) of this section and distributed in accordance with §
20 12-118 of the Transportation Article.]

21 [10-311.

22 A recorded image of a motor vehicle produced by a traffic control signal
23 monitoring system in accordance with § 21-202.1 of the Transportation Article is
24 admissible in a proceeding concerning a civil citation issued under that section for a
25 violation of § 21-202(h) of the Transportation Article without authentication. In any
26 other judicial proceeding, a recorded image produced by a traffic control signal
27 monitoring system is admissible as otherwise provided by law.]

28 **Article - Insurance**

29 11-215.

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

37 11-318.

38 (e) For purposes of reclassifying an insured in a classification that entails a
39 higher premium, an insurer under an automobile insurance policy may not consider a
40 probation before judgment disposition of a motor vehicle law offense[, a civil penalty

1 imposed pursuant to § 21-202.1 of the Transportation Article,] or a first offense of
2 driving with an alcohol concentration of 0.08 or more under § 16-205.1 of the
3 Transportation Article on record with the Motor Vehicle Administration, as provided
4 in § 16-117(b) of the Transportation Article.

5

Article - State Government

6 10-616.

7 [(o) (1) In this subsection, "recorded images" has the meaning stated in §
8 21-202.1 of the Transportation Article.

9 (2) Except as provided in paragraph (3) of this subsection, a custodian of
10 recorded images produced by a traffic control signal monitoring system operated
11 under § 21-202.1 of the Transportation Article shall deny inspection of the recorded
12 images.

13 (3) A custodian shall allow inspection of recorded images:

14 (i) as required in § 21-202.1 of the Transportation Article;

15 (ii) by any person issued a citation under § 21-202.1 of the
16 Transportation Article, or an attorney of record for the person; or

17 (iii) by an employee or agent of a law enforcement agency in an
18 investigation or proceeding relating to the imposition of or indemnification from civil
19 liability pursuant to § 21-202.1 of the Transportation Article.]

20 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 4-401(14)
21 through (17), respectively, of Article - Courts and Judicial Proceedings of the
22 Annotated Code of Maryland be renumbered to be Section(s) 4-401(13) through (16),
23 respectively.

24 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 10-616(p)
25 through (t), respectively, of Article - State Government of the Annotated Code of
26 Maryland be renumbered to be Section(s) 10-616(o) through (s), respectively.

27 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall be
28 construed to apply only prospectively and that, for a civil infraction under § 21-202.1
29 of the Transportation Article occurring before the effective date of this Act, all laws in
30 effect on September 30, 2006, relating to the civil infraction shall continue to apply.

31 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2006.