
By: **Delegates Burns, Barkley, James, Kach, and Nathan-Pulliam**

Introduced and read first time: February 8, 2006

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Baltimore County - Speed Monitoring Systems - Liberty**
3 **Road**

4 FOR the purpose of authorizing the placement of certain speed monitoring systems on
5 a certain highway in Baltimore County; making certain provisions of law
6 concerning the enforcement of speed limit laws with certain speed monitoring
7 systems applicable in Baltimore County; authorizing a person who receives a
8 citation under this Act to pay the civil penalty to the Baltimore County Office of
9 Budget and Finance or elect to stand trial; requiring the Baltimore County
10 Office of Budget and Finance, in consultation with local police departments and
11 the Chief Judge of the District Court, to adopt procedures for the issuance of
12 citations, trial of civil violations, and the collection of civil penalties under this
13 Act; altering a certain definition; providing for the distribution of revenues
14 generated by this Act after certain costs are deducted; providing for the
15 application of this Act; providing that existing obligations or contracts may not
16 be impaired by this Act; requiring Baltimore County to report to the General
17 Assembly on or before a certain date; and generally relating to imposition of
18 liability, in Baltimore County, on certain persons recorded by speed monitoring
19 systems violating certain laws regarding the operation of motor vehicles in
20 excess of certain speed limits.

21 BY repealing and reenacting, with amendments,
22 Article - Health - General
23 Section 19-130(c)
24 Annotated Code of Maryland
25 (2005 Replacement Volume and 2005 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article - Transportation
28 Section 21-809
29 Annotated Code of Maryland
30 (2002 Replacement Volume and 2005 Supplement)
31 (As enacted by Chapter 15 of the Acts of the General Assembly of 2006)

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

3 **Article - Health - General**

4 19-130.

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

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

8 (2) MONEY DISTRIBUTED TO THE FUND FROM REVENUE GENERATED
9 FROM THE ENFORCEMENT OF SPEED LIMIT LAWS IN BALTIMORE COUNTY UNDER §
10 21-809 OF THE TRANSPORTATION ARTICLE.

11 **Article - Transportation**

12 21-809.

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

14 (2) "Local police department" means:

15 (i) The Montgomery County Department of Police; [and]

16 (ii) The police department of any municipal corporation in
17 Montgomery County;

18 (III) THE BALTIMORE COUNTY POLICE DEPARTMENT; OR

19 (IV) THE POLICE DEPARTMENT OF ANY MUNICIPAL CORPORATION
20 IN BALTIMORE COUNTY.

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

23 (ii) "Owner" does not include:

24 1. A motor vehicle rental or leasing company; or

25 2. A holder of a special registration plate issued under Title
26 13, Subtitle 9, Part III of this article.

27 (4) "Recorded image" means an image recorded by a speed monitoring
28 system:

29 (i) On:

30 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:

- 6 1. The rear of a motor vehicle;
- 7 2. At least two time-stamped images of the motor vehicle
8 that include the same stationary object near the motor vehicle; and
- 9 3. On at least one image or portion of tape, a clear
10 identification of the registration plate number of the motor vehicle.

11 (5) "Speed monitoring system" means a device with one or more motor
12 vehicle sensors producing recorded images of motor vehicles traveling at speeds at
13 least 10 miles per hour above the posted speed limit.

14 (6) "Speed monitoring system operator" means an individual who
15 operates a speed monitoring system.

16 (b) (1) This section applies to a violation of this subtitle that occurs [in]:

17 (I) IN Montgomery County recorded by a speed monitoring system
18 that meets the requirements of this subsection and has been placed:

19 [(i)] 1. On a highway in a residential district as defined in §
20 21-101 of this title:

21 [1.] A. With a maximum posted speed limit of 35 miles per
22 hour; and

23 [2.] B. That has a speed limit that was established using
24 generally accepted traffic engineering practices; or

25 [(ii)] 2. In a school zone established under § 21-803.1 of this
26 subtitle; OR

27 (II) ON THAT PORTION OF LIBERTY ROAD, ROUTE 26, THAT IS
28 WITHIN THE BOUNDARIES OF BALTIMORE COUNTY AND IS RECORDED BY A SPEED
29 MONITORING SYSTEM THAT MEETS THE REQUIREMENTS OF THIS SUBSECTION.

30 (2) (i) A speed monitoring system operator shall complete training by
31 a manufacturer of speed monitoring systems in the procedures for setting up and
32 operating the speed monitoring system.

1 (ii) The manufacturer shall issue a signed certificate to the speed
2 monitoring system operator upon completion of the training.

3 (iii) The certificate of training shall be admitted as evidence in any
4 court proceeding for a violation of this section.

5 (3) A speed monitoring system operator shall fill out and sign a daily
6 set-up log for a speed monitoring system that:

7 (i) States that the speed monitoring system operator successfully
8 performed the manufacturer-specified self-test of the speed monitoring system prior
9 to producing a recorded image;

10 (ii) Shall be kept on file; and

11 (iii) Shall be admitted as evidence in any court proceeding for a
12 violation of this section.

13 (4) (i) A speed monitoring system shall undergo an annual calibration
14 check performed by an independent calibration laboratory.

15 (ii) The independent calibration laboratory shall issue a signed
16 certificate of calibration after the annual calibration check, which:

17 1. Shall be kept on file; and

18 2. Shall be admitted as evidence in any court proceeding for
19 a violation of this section.

20 (c) (1) Unless the driver of the motor vehicle received a citation from a
21 police officer at the time of the violation, the owner or, in accordance with subsection
22 (f)(4) of this section, the driver of a motor vehicle is subject to a civil penalty if the
23 motor vehicle is recorded by a speed monitoring system while being operated in
24 violation of this subtitle.

25 (2) A civil penalty under this subsection may not exceed \$40.

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

27 (i) A uniform citation form consistent with subsection (d)(1) of this
28 section and § 7-302 of the Courts Article; and

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

32 (d) (1) Subject to the provisions of paragraphs (2) through (4) of this
33 subsection, the local police department shall mail to the owner, liable under
34 subsection (c) of this section, a citation that shall include:

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

- 1 (ii) The registration number of the motor vehicle involved in the
2 violation;
- 3 (iii) The violation charged;
- 4 (iv) The location where the violation occurred;
- 5 (v) The date and time of the violation;
- 6 (vi) A copy of the recorded image;
- 7 (vii) The amount of the civil penalty imposed and the date by which
8 the civil penalty should be paid;
- 9 (viii) A signed statement by a duly authorized agent of the local police
10 department that, based on inspection of recorded images, the motor vehicle was being
11 operated in violation of this subtitle;
- 12 (ix) A statement that recorded images are evidence of a violation of
13 this subtitle;
- 14 (x) Information advising the person alleged to be liable under this
15 section of the manner and time in which liability as alleged in the citation may be
16 contested in the District Court; and
- 17 (xi) Information advising the person alleged to be liable under this
18 section that failure to pay the civil penalty or to contest liability in a timely manner:
- 19 1. Is an admission of liability;
- 20 2. May result in the refusal by the Administration to register
21 the motor vehicle; and
- 22 3. May result in the suspension of the motor vehicle
23 registration.
- 24 (2) The local police department may mail a warning notice instead of a
25 citation to the owner liable under subsection (c) of this section.
- 26 (3) Except as provided in subsection (f)(4) of this section, the local police
27 department may not mail a citation to a person who is not an owner.
- 28 (4) Except as provided in subsection (f)(4) of this section, a citation
29 issued under this section shall be mailed no later than 2 weeks after the alleged
30 violation if the vehicle is registered in this State, and 30 days after the alleged
31 violation if the vehicle is registered in another state.
- 32 (5) A person who receives a citation under paragraph (1) of this
33 subsection may:

1 (i) Pay the civil penalty, in accordance with instructions on the
2 citation, directly to the Montgomery County Department of Finance OR THE
3 BALTIMORE COUNTY OFFICE OF BUDGET AND FINANCE; or

4 (ii) Elect to stand trial in the District Court for the alleged
5 violation.

6 (e) (1) A certificate alleging that the violation of this subtitle occurred and
7 the requirements under subsection (b) of this section have been satisfied, sworn to, or
8 affirmed by a duly authorized agent of the local police department, based on
9 inspection of recorded images produced by a speed monitoring system, shall be
10 evidence of the facts contained in the certificate and shall be admissible in a
11 proceeding alleging a violation under this section without the presence or testimony
12 of the speed monitoring system operator who performed the requirements under
13 subsection (b) of this section.

14 (2) If a person who received a citation under subsection (d) of this section
15 desires the speed monitoring system operator to be present and testify at trial, the
16 person shall notify the court and the State in writing no later than 20 days before
17 trial.

18 (3) Adjudication of liability shall be based on a preponderance of
19 evidence.

20 (f) (1) The District Court may consider in defense of a violation:

21 (i) Subject to paragraph (2) of this subsection, that the motor
22 vehicle or the registration plates of the motor vehicle were stolen before the violation
23 occurred and were not under the control or possession of the owner at the time of the
24 violation;

25 (ii) Subject to paragraph (3) of this subsection, evidence that the
26 person named in the citation was not operating the vehicle at the time of the
27 violation; and

28 (iii) Any other issues and evidence that the District Court deems
29 pertinent.

30 (2) In order to demonstrate that the motor vehicle or the registration
31 plates were stolen before the violation occurred and were not under the control or
32 possession of the owner at the time of the violation, the owner shall submit proof that
33 a police report regarding the stolen motor vehicle or registration plates was filed in a
34 timely manner.

35 (3) To satisfy the evidentiary burden under paragraph (1)(ii) of this
36 subsection, the person named in the citation shall provide to the District Court a
37 letter, sworn to or affirmed by the person and mailed by certified mail, return receipt
38 requested, that:

1 (i) States that the person named in the citation was not operating
2 the vehicle at the time of the violation;

3 (ii) Provides the name, address, and, if possible, the driver's license
4 identification number of the person who was operating the vehicle at the time of the
5 violation; and

6 (iii) Includes any other corroborating evidence.

7 (4) (i) If the District Court finds that the person named in the citation
8 was not operating the vehicle at the time of the violation or receives evidence under
9 paragraph (3) of this subsection identifying the person driving the vehicle at the time
10 of the violation, the clerk of the court shall provide to the local police department a
11 copy of any evidence substantiating who was operating the vehicle at the time of the
12 violation.

13 (ii) On receipt of substantiating evidence from the District Court
14 under subparagraph (i) of this paragraph, the local police department may issue a
15 citation as provided in subsection (d) of this section to the person who the evidence
16 indicates was operating the vehicle at the time of the violation.

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

20 (g) If a person liable under this section does not pay the civil penalty or
21 contest the violation, the Administration:

22 (1) May refuse to register or reregister the motor vehicle cited for the
23 violation; or

24 (2) May suspend the registration of the motor vehicle cited for the
25 violation.

26 (h) A violation for which a civil penalty is imposed under this section:

27 (1) Is not a moving violation for the purpose of assessing points under §
28 16-402 of this article;

29 (2) May not be recorded by the Administration on the driving record of
30 the owner or driver of the vehicle;

31 (3) May be treated as a parking violation for purposes of § 26-305 of this
32 article; and

33 (4) May not be considered in the provision of motor vehicle insurance
34 coverage.

35 (i) In consultation with the Montgomery County Department of Finance OR
36 THE BALTIMORE COUNTY OFFICE OF BUDGET AND FINANCE and the local police

1 departments, the Chief Judge of the District Court shall adopt procedures for the
2 issuance of citations, the trial of civil violations, and the collection of civil penalties
3 under this section.

4 (j) If a contractor operates a speed monitoring system on behalf of
5 Montgomery County OR BALTIMORE COUNTY, the contractor's fee may not be
6 contingent on the number of citations issued or paid.

7 SECTION 2. AND BE IT FURTHER ENACTED, That Baltimore County shall
8 use the revenues generated from the enforcement of speed limit laws and paid to
9 Baltimore County under this Act to reimburse any costs incurred under this Act by an
10 entity that installs, operates, or maintains signs and cameras and processes recorded
11 images and citations.

12 SECTION 3. AND BE IT FURTHER ENACTED, That, after making the
13 distribution required under Section 2 of this Act, Baltimore County shall distribute
14 the remaining revenue to the Maryland Trauma Physician Services Fund established
15 under § 19-130 of the Health - General Article.

16 SECTION 4. 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 5. 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 6. AND BE IT FURTHER ENACTED, That the Baltimore County
24 Council shall report to the General Assembly on or before December 31, 2010, in
25 accordance with § 2-1246 of the State Government Article, on the effectiveness of
26 speed monitoring systems in Baltimore County.

27 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2006.