

HOUSE BILL 177

R5
SB 455/03 – JPR

8lr0728

By: **Delegate Aumann**

Introduced and read first time: January 21, 2008

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Speed Monitoring Systems – Radar Cameras**

3 FOR the purpose of authorizing certain law enforcement agencies to mail a citation to
4 the owner of a motor vehicle that is recorded in certain areas by a speed
5 monitoring system to be in violation of certain laws regarding the operation of a
6 motor vehicle in excess of certain speed limits; providing for the distribution of
7 certain penalties; establishing the Homeland Security Fund to be financed by
8 certain penalties; authorizing the money in the Fund to be used for certain
9 purposes; requiring that certain loan requests include an explanation of the
10 homeland security purposes for which the loan will be used; requiring certain
11 recipients of certain funds to file a certain annual financial report; providing
12 that certain recipients of certain funds are subject to certain audits; prohibiting
13 the use of a speed monitoring system in a local jurisdiction unless authorized by
14 the governing body by ordinance or resolution adopted after reasonable notice
15 and a public hearing; clarifying the authority of Montgomery County to
16 establish a speed monitoring system program; requiring certain local ordinances
17 or resolutions to provide for the issuance of warnings during a certain period for
18 certain violations; requiring a local jurisdiction to publish a certain notice before
19 placing a certain speed monitoring system; requiring a local jurisdiction to
20 provide certain signage before placing a certain speed monitoring system;
21 prohibiting the placement of a speed monitoring system in certain locations;
22 requiring a speed monitoring system operator to receive certain training and to
23 keep a certain log; requiring a speed monitoring system to undergo a certain
24 annual calibration check; establishing the content of a citation; authorizing the
25 sending of a warning instead of a citation; authorizing reissuance of a citation to
26 a driver of a vehicle under certain circumstances; requiring a citation to be
27 mailed within a certain time period; requiring the District Court to prescribe a
28 certain citation form and a civil penalty to be indicated on the citation for
29 certain purposes; requiring the Chief Judge of the District Court to adopt
30 certain procedures; providing that the owner of the vehicle is responsible for
31 paying the civil penalty indicated on the citation under certain circumstances;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 providing that persons receiving citations may elect to stand trial in the District
2 Court; requiring an individual to notify the local jurisdiction if the individual
3 requests a speed monitoring system operator to testify at trial; establishing
4 defenses that may be considered; authorizing vehicle owners to submit a certain
5 letter to the District Court in order to establish a certain defense; imposing
6 certain additional penalties and authorizing certain other actions when an
7 owner fails to pay the civil penalty, contest liability, or appear for trial;
8 prohibiting imposition of liability under this Act from being considered a moving
9 violation for certain purposes, being recorded on the driving record of the owner
10 or driver, or being considered by an insurer for certain purposes; providing for
11 the admissibility and use of certain evidence; modifying the jurisdiction of the
12 District Court for certain purposes; providing for the handling of certain court
13 costs and penalties; defining certain terms; prohibiting the custodian of
14 recorded images produced by a speed monitoring system from allowing
15 inspection of the recorded images, subject to certain exceptions; making a
16 certain stylistic change; providing that the fees of certain contractors may not
17 be contingent on the number of citations issued or paid under this Act;
18 restricting the use of certain revenues generated by this Act; providing for the
19 application of this Act; providing that existing obligations or contract rights may
20 not be impaired by this Act; providing for the termination of certain provisions
21 of this Act; and generally relating to imposition of liability on the owner of a
22 motor vehicle recorded by a speed monitoring system violating certain laws
23 regarding the operation of a motor vehicle in excess of certain speed limits.

24 BY adding to

25 Article 41 – Governor – Executive and Administrative Departments
26 Section 4–501 to be under the new subtitle “Subtitle 5. Homeland Security
27 Fund”
28 Annotated Code of Maryland
29 (2003 Replacement Volume and 2007 Supplement)

30 BY repealing and reenacting, with amendments,

31 Article – Courts and Judicial Proceedings
32 Section 4–401(13), 7–301(a), 7–302(e), and 10–311
33 Annotated Code of Maryland
34 (2006 Replacement Volume and 2007 Supplement)

35 BY repealing and reenacting, with amendments,

36 Article – Insurance
37 Section 11–215(e) and 11–318(e)
38 Annotated Code of Maryland
39 (2003 Replacement Volume and 2007 Supplement)

40 BY repealing and reenacting, with amendments,

41 Article – State Government
42 Section 10–616(o)
43 Annotated Code of Maryland
44 (2004 Replacement Volume and 2007 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article – Transportation
3 Section 21–809(b)(1), 26–305(a), and 26–401
4 Annotated Code of Maryland
5 (2006 Replacement Volume and 2007 Supplement)

6 BY adding to
7 Article – Transportation
8 Section 21–810
9 Annotated Code of Maryland
10 (2006 Replacement Volume and 2007 Supplement)

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

13 **Article 41 – Governor – Executive and Administrative Departments**

14 **SUBTITLE 5. HOMELAND SECURITY FUND.**

15 **4–501.**

16 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
17 MEANINGS INDICATED.

18 (2) “DEPARTMENT” MEANS THE DEPARTMENT OF STATE
19 POLICE.

20 (3) “FUND” MEANS THE HOMELAND SECURITY FUND.

21 (4) (I) “HOMELAND SECURITY PURPOSE” MEANS A PURPOSE
22 RELATING TO:

23 1. THE DETECTION OF, PREPARATION FOR,
24 PREVENTION OF, PROTECTION AGAINST, OR RESPONSE TO THE THREAT OF A
25 TERRORIST ATTACK; OR

26 2. THE RECOVERY FROM A TERRORIST ATTACK.

27 (II) “HOMELAND SECURITY PURPOSE” INCLUDES, TO THE
28 EXTENT RELATED TO A PURPOSE SPECIFIED IN SUBPARAGRAPH (I) OF THIS
29 PARAGRAPH, ANY OF THE FOLLOWING:

30 1. EMERGENCY FIRE AND RESCUE SERVICES;

1 **2. ENSURING COMMUNICATION SYSTEM**
2 **INTEROPERABILITY;**

3 **3. SECURING PROTECTIVE CLOTHING FOR PUBLIC**
4 **SAFETY AND HEALTH PROVIDERS;**

5 **4. PROVIDING ALTERNATIVES TO THE USE OF**
6 **VOLATILE CHEMICALS FOR WATER AND WASTEWATER TREATMENT;**

7 **5. OVERTIME PAYMENT FOR PUBLIC SAFETY AND**
8 **HEALTH PROVIDERS;**

9 **6. ENHANCING SECURITY AT PUBLIC BUILDINGS**
10 **AND FACILITIES, SUCH AS WATER TREATMENT PLANTS;**

11 **7. TRAINING IN BIOTERRORISM RESPONSE AND**
12 **HAZARDOUS MATERIAL HANDLING; AND**

13 **8. PUBLIC EDUCATION.**

14 **(B) THERE IS A HOMELAND SECURITY FUND.**

15 **(C) THE PURPOSE OF THE FUND IS TO SUPPORT THE HOMELAND**
16 **SECURITY NEEDS OF COUNTIES, BALTIMORE CITY, AND MUNICIPAL**
17 **CORPORATIONS.**

18 **(D) THE DEPARTMENT SHALL ADMINISTER THE FUND.**

19 **(E) (1) (I) THE FUND IS A SPECIAL, NONLAPSING FUND.**

20 **(II) ANY BALANCE REMAINING IN THE FUND AT THE END OF**
21 **EACH FISCAL YEAR SHALL REVERT TO THE GENERAL FUND.**

22 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY**
23 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

24 **(F) THE FUND CONSISTS OF:**

25 **(1) REVENUE DISTRIBUTED TO THE FUND FROM THE**
26 **ENFORCEMENT OF SPEED LIMIT LAWS UNDER § 21-810 OF THE**
27 **TRANSPORTATION ARTICLE;**

28 **(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**
29 **AND**

1 **(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**
2 **FOR THE BENEFIT OF THE FUND.**

3 **(G) (1) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS**
4 **PARAGRAPH, EACH FISCAL YEAR THE DEPARTMENT SHALL DISTRIBUTE ALL OF**
5 **THE MONEY IN THE FUND TO THE LOW INTEREST REVOLVING LOAN ACCOUNT**
6 **OF THE VOLUNTEER COMPANY ASSISTANCE FUND ESTABLISHED UNDER TITLE**
7 **8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE.**

8 **(II) THE DEPARTMENT MAY NOT DISTRIBUTE:**

9 **1. MORE THAN \$5,000,000 IN ANY FISCAL YEAR TO**
10 **THE LOW INTEREST REVOLVING LOAN ACCOUNT UNDER THIS PARAGRAPH; OR**

11 **2. MORE THAN A CUMULATIVE TOTAL OF**
12 **\$20,000,000 TO THE LOW INTEREST REVOLVING LOAN ACCOUNT UNDER THIS**
13 **PARAGRAPH.**

14 **(III) UP TO \$5,000,000 OF THE FUNDS DISTRIBUTED TO THE**
15 **LOW INTEREST REVOLVING LOAN ACCOUNT UNDER THIS PARAGRAPH MAY BE**
16 **USED FOR LOANS TO PROFESSIONAL FIRE DEPARTMENTS THAT DEMONSTRATE**
17 **NEEDS DIRECTLY RELATED TO HOMELAND SECURITY PURPOSES.**

18 **(2) (I) AFTER THE REQUIREMENTS OF PARAGRAPH (1) OF THIS**
19 **SUBSECTION ARE MET, THE REMAINING MONEY IN THE FUND SHALL BE**
20 **DISTRIBUTED QUARTERLY TO BE USED ONLY FOR HOMELAND SECURITY**
21 **PURPOSES AS FOLLOWS:**

22 **1. 10% SHALL BE DISTRIBUTED TO THE**
23 **DEPARTMENT; AND**

24 **2. SUBJECT TO SUBPARAGRAPH (II) OF THIS**
25 **PARAGRAPH, THE REMAINDER SHALL BE DISTRIBUTED TO COUNTIES,**
26 **BALTIMORE CITY, AND MUNICIPAL CORPORATIONS IN THE SAME PROPORTION**
27 **AS GRANTS ARE DISTRIBUTED UNDER THE FORMULA FOR THE STATE AID FOR**
28 **POLICE PROTECTION FUND UNDER ARTICLE 41, § 4-403 OF THE CODE IN THE**
29 **PRECEDING FISCAL YEAR, ADJUSTED TO INCLUDE BALTIMORE CITY AS A**
30 **SUBDIVISION FOR THE PURPOSE OF CALCULATING THE STATE AID FOR POLICE**
31 **PROTECTION.**

32 **(II) BALTIMORE CITY MAY NOT RECEIVE A DISTRIBUTION**
33 **UNDER THIS PARAGRAPH IN AN AMOUNT GREATER THAN THAT DISTRIBUTED TO**
34 **PRINCE GEORGE'S COUNTY UNDER THIS PARAGRAPH.**

1 **(3) THE DISTRIBUTIONS TO COUNTIES, BALTIMORE CITY, AND**
2 **MUNICIPAL CORPORATIONS MAY BE USED TO SUPPLEMENT AND MAY NOT**
3 **SUPPLANT EXISTING LOCAL EXPENDITURES FOR THE SAME PURPOSE.**

4 **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
5 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

6 **(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE**
7 **CREDITED TO THE GENERAL FUND OF THE STATE.**

8 **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**
9 **ACCORDANCE WITH THIS SECTION.**

10 **(J) THE DEPARTMENT SHALL ADOPT REGULATIONS TO:**

11 **(1) ADMINISTER THE FUND; AND**

12 **(2) IMPLEMENT THIS SECTION.**

13 **(K) (1) EACH RECIPIENT OF FUNDS UNDER SUBSECTION (G) OF THIS**
14 **SECTION:**

15 **(I) AFTER THE END OF EACH FISCAL YEAR, SHALL FILE**
16 **WITH THE DEPARTMENT OF LEGISLATIVE SERVICES A REPORT ON THE AMOUNT**
17 **RECEIVED AND HOW THE MONEY WAS USED; AND**

18 **(II) IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE**
19 **AUDITS UNDER § 2-1220 OF THE STATE GOVERNMENT ARTICLE WITH REGARD**
20 **TO THE USE OF FUNDS RECEIVED UNDER THIS SECTION.**

21 **(2) THE DEPARTMENT MAY NOT DISTRIBUTE MONEY FROM THE**
22 **HOMELAND SECURITY FUND TO ANY RECIPIENT WHO FAILS TO FILE THE**
23 **ANNUAL REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

24 **(3) EACH REQUEST FOR A LOAN FROM THE LOW INTEREST**
25 **REVOLVING LOAN ACCOUNT UNDER SUBSECTION (G)(1) OF THIS SECTION SHALL**
26 **INCLUDE A DETAILED STATEMENT OF THE HOMELAND SECURITY PURPOSES**
27 **FOR WHICH THE LOAN WILL BE USED.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
29 read as follows:

30 **Article – Courts and Judicial Proceedings**

1 4-401.

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

5 (13) A proceeding for a civil infraction under § 21-202.1, § 21-704.1,
6 [or] § 21-809, **OR § 21-810** of the Transportation Article or § 10-112 of the Criminal
7 Law Article;

8 7-301.

9 (a) The court costs in a traffic case, including parking and impounding cases,
10 cases under [§ 21-202.1 or § 21-809] **§ 21-202.1, § 21-809, OR § 21-810** of the
11 Transportation Article in which costs are imposed, and cases under § 10-112 of the
12 Criminal Law Article in which costs are imposed, are \$22.50. Such costs shall also be
13 applicable to those cases in which the defendant elects to waive his right to trial and
14 pay the fine or penalty deposit established by the Chief Judge of the District Court by
15 administrative regulation. In an uncontested case under [§ 21-202.1 or § 21-809] **§**
16 **21-202.1, § 21-809, OR § 21-810** of the Transportation Article, an uncontested case
17 under § 10-112 of the Criminal Law Article, or an uncontested parking or impounding
18 case in which the fines are paid directly to a political subdivision or municipality, costs
19 are \$2.00, which costs shall be paid to and retained by the political subdivision or
20 municipality. In an uncontested case in which the fine is paid directly to an agency of
21 State government authorized by law to regulate parking of motor vehicles, the costs
22 are \$2.00. The fine and the costs shall be paid to the agency, which shall receive and
23 account for these funds as in all other cases involving sums due the State through a
24 State agency.

25 7-302.

26 (e) (1) A citation issued pursuant to [§ 21-202.1 or § 21-809] **§ 21-202.1,**
27 **§ 21-809, OR § 21-810** of the Transportation Article shall provide that the person
28 receiving the citation may elect to stand trial by notifying the issuing agency of the
29 person's intention to stand trial at least 5 days prior to the date of payment as set
30 forth in the citation. On receipt of the notice to stand trial, the agency shall forward to
31 the District Court having venue a copy of the citation and a copy of the notice from the
32 person who received the citation indicating the person's intention to stand trial. On
33 receipt thereof, the District Court shall schedule the case for trial and notify the
34 defendant of the trial date under procedures adopted by the Chief Judge of the District
35 Court.

36 (2) A citation issued as the result of a traffic control signal monitoring
37 system or speed monitoring system controlled by a political subdivision shall provide
38 that, in an uncontested case, the penalty shall be paid directly to that political
39 subdivision. A citation issued as the result of a traffic control signal monitoring system

1 **OR SPEED MONITORING SYSTEM** controlled by a State agency or a speed monitoring
2 system, in a case contested in District Court, shall provide that the penalty shall be
3 paid directly to the District Court.

4 (3) Civil penalties resulting from citations issued using traffic control
5 signal monitoring systems or speed monitoring systems that are collected by the
6 District Court shall be collected in accordance with subsection (a) of this section and
7 distributed in accordance with § 12–118 of the Transportation Article.

8 10–311.

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

13 (b) A recorded image of a motor vehicle produced by a speed monitoring
14 system in accordance with § 21–809 **OR § 21–810** of the Transportation Article is
15 admissible in a proceeding concerning a civil citation issued under that section for a
16 violation of Title 21, Subtitle 8 of the Transportation Article without authentication.

17 (c) In any other judicial proceeding, a recorded image produced by a traffic
18 control signal monitoring system or speed monitoring system is admissible as
19 otherwise provided by law.

20 **Article – Insurance**

21 11–215.

22 (e) For purposes of reclassifying an insured in a classification that entails a
23 higher premium, an insurer under an automobile insurance policy may not consider a
24 probation before judgment disposition of a motor vehicle law offense, a civil penalty
25 imposed pursuant to [§ 21–202.1 or § 21–809] **§ 21–201.1, § 21–809, OR § 21–810** of
26 the Transportation Article, or a first offense of driving with an alcohol concentration of
27 0.08 or more under § 16–205.1 of the Transportation Article on record with the Motor
28 Vehicle Administration, as provided in § 16–117(b) of the Transportation Article.

29 11–318.

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 or § 21–809] **§ 21–202.1, § 21–809, OR § 21–810** of
34 the Transportation Article, or a first offense of driving with an alcohol concentration of
35 0.08 or more under § 16–205.1 of the Transportation Article on record with the Motor
36 Vehicle Administration, as provided in § 16–117(b) of the Transportation Article.

1 **Article – State Government**

2 10–616.

3 (o) (1) In this subsection, “recorded images” has the meaning stated in [§
4 21–202.1 or § 21–809] § **21–202.1, § 21–809, OR § 21–810, AS APPROPRIATE**, of the
5 Transportation Article.

6 (2) Except as provided in paragraph (3) of this subsection, a custodian
7 of recorded images produced by a traffic control signal monitoring system operated
8 under § 21–202.1 of the Transportation Article or a speed monitoring system operated
9 under § 21–809 **OR § 21–810** of the Transportation Article shall deny inspection of the
10 recorded images.

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

12 (i) as required in [§ 21–202.1 or § 21–809] § **21–202.1,**
13 **§ 21–809, OR § 21–810** of the Transportation Article;

14 (ii) by any person issued a citation under [§ 21–202.1 or
15 § 21–809] § **21–202.1, § 21–809, OR § 21–810** of the Transportation Article, or an
16 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 or § 21–809] § **21–202.1, § 21–809, OR § 21–810** of
20 the Transportation Article.

21 **Article – Transportation**

22 21–809.

23 (b) (1) **(I)** This section applies to a violation of this subtitle that occurs
24 in Montgomery County recorded by a speed monitoring system that meets the
25 requirements of this subsection and has been placed:

26 [(i)] **1.** On a highway in a residential district as defined in §
27 21–101 of this title[:

28 1. With] **WITH** a maximum posted speed limit of 35
29 miles per hour[; and

30 2. That has a] **AND WHICH** speed limit [that] was
31 established using generally accepted traffic engineering practices; or

1 [(ii)] **2.** In a school zone established under § 21–803.1 of this
2 subtitle.

3 **(II) MONTGOMERY COUNTY MAY ESTABLISH A SPEED**
4 **MONITORING SYSTEM PROGRAM TO ENFORCE THIS SUBTITLE IN THE COUNTY**
5 **UNDER THIS SECTION OR § 21–810 OF THIS SUBTITLE.**

6 **21–810.**

7 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
8 **MEANINGS INDICATED.**

9 **(2) “AGENCY” MEANS A LAW ENFORCEMENT AGENCY OF THE**
10 **STATE OR A POLITICAL SUBDIVISION THAT IS AUTHORIZED TO ISSUE CITATIONS**
11 **FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC**
12 **LAWS OR REGULATIONS.**

13 **(3) (I) “OWNER” MEANS THE REGISTERED OWNER OF A MOTOR**
14 **VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR**
15 **MORE.**

16 **(II) “OWNER” DOES NOT INCLUDE A MOTOR VEHICLE**
17 **RENTAL OR LEASING COMPANY OR A HOLDER OF A SPECIAL REGISTRATION**
18 **PLATE ISSUED UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.**

19 **(4) “RECORDED IMAGE” MEANS AN IMAGE OF A PORTION OF A**
20 **MOTOR VEHICLE RECORDED BY A SPEED MONITORING SYSTEM:**

21 **(I) ON:**

22 **1. A PHOTOGRAPH;**

23 **2. A MICROPHOTOGRAPH;**

24 **3. AN ELECTRONIC IMAGE;**

25 **4. VIDEOTAPE; OR**

26 **5. ANY OTHER MEDIUM; AND**

27 **(II) CLEARLY IDENTIFYING:**

28 **1. THE REGISTRATION PLATE NUMBER OF THE**
29 **MOTOR VEHICLE; AND**

1 **2. A STATIONARY OBJECT NEAR THE MOTOR**
2 **VEHICLE.**

3 **(5) “SPEED MONITORING SYSTEM” MEANS A DEVICE WITH ONE**
4 **OR MORE MOTOR VEHICLE SENSORS PRODUCING RECORDED IMAGES OF MOTOR**
5 **VEHICLES TRAVELING AT SPEEDS AT LEAST 10 MILES PER HOUR ABOVE THE**
6 **POSTED SPEED LIMIT.**

7 **(6) “SPEED MONITORING SYSTEM OPERATOR” MEANS AN**
8 **INDIVIDUAL WHO OPERATES A SPEED MONITORING SYSTEM.**

9 **(B) (1) (I) A SPEED MONITORING SYSTEM MAY NOT BE USED IN A**
10 **LOCAL JURISDICTION UNDER THIS SECTION UNLESS ITS USE IS AUTHORIZED BY**
11 **THE GOVERNING BODY OF THE LOCAL JURISDICTION BY ORDINANCE OR**
12 **RESOLUTION ADOPTED AFTER REASONABLE NOTICE AND A PUBLIC HEARING.**

13 **(II) AN ORDINANCE OR RESOLUTION ADOPTED BY THE**
14 **GOVERNING BODY OF A LOCAL JURISDICTION UNDER THIS PARAGRAPH SHALL**
15 **PROVIDE THAT FOR A PERIOD OF AT LEAST 45 DAYS AFTER THE FIRST SPEED**
16 **MONITORING SYSTEM IS PLACED IN THE LOCAL JURISDICTION, A VIOLATION**
17 **RECORDED BY ANY SPEED MONITORING SYSTEM IN THE LOCAL JURISDICTION**
18 **MAY BE ENFORCED ONLY BY THE ISSUANCE OF A WARNING.**

19 **(2) THIS SECTION APPLIES TO A VIOLATION OF THIS SUBTITLE**
20 **RECORDED BY A SPEED MONITORING SYSTEM THAT MEETS THE REQUIREMENTS**
21 **OF THIS SUBSECTION AND HAS BEEN PLACED, IN ACCORDANCE WITH AN**
22 **ORDINANCE ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION:**

23 **(I) ON A HIGHWAY IN A RESIDENTIAL DISTRICT AS DEFINED**
24 **IN § 21-101 OF THIS TITLE WITH A MAXIMUM POSTED SPEED LIMIT OF 35 MILES**
25 **PER HOUR; OR**

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

28 **(3) BEFORE PLACING AN UNMANNED STATIONARY SPEED**
29 **MONITORING SYSTEM, THE LOCAL JURISDICTION SHALL:**

30 **(I) PUBLISH NOTICE OF THE LOCATION OF THE SPEED**
31 **MONITORING SYSTEM IN A NEWSPAPER IN GENERAL CIRCULATION IN THE**
32 **JURISDICTION; AND**

1 **(II) ENSURE THAT EACH SIGN THAT DESIGNATES A SCHOOL**
2 **ZONE INDICATES THAT SPEED MONITORING SYSTEMS ARE IN USE IN SCHOOL**
3 **ZONES.**

4 **(4) WHEN DETERMINING AN APPROPRIATE LOCATION FOR THE**
5 **PLACEMENT OF A SPEED MONITORING SYSTEM IN A RESIDENTIAL DISTRICT, AN**
6 **AGENCY MAY NOT PLACE A CAMERA WITHIN 100 FEET FROM:**

7 **(I) THE BOTTOM OF A HILL OR STEEP DECLINE; OR**

8 **(II) A SIGN INDICATING A CHANGE IN THE POSTED SPEED**
9 **LIMIT.**

10 **(5) (I) A SPEED MONITORING SYSTEM OPERATOR SHALL**
11 **RECEIVE TRAINING TO SET UP AND OPERATE THE SPEED MONITORING SYSTEM**
12 **BY A MANUFACTURER OF SPEED MONITORING SYSTEMS.**

13 **(II) THE MANUFACTURER SHALL ISSUE A SIGNED**
14 **CERTIFICATE TO THE SPEED MONITORING SYSTEM OPERATOR ON COMPLETION**
15 **OF THE TRAINING.**

16 **(III) THE CERTIFICATE OF TRAINING IS ADMISSIBLE AS**
17 **EVIDENCE IN ANY COURT PROCEEDING TO CONTEST LIABILITY ALLEGED IN A**
18 **CITATION UNDER THIS SECTION.**

19 **(6) (I) A SPEED MONITORING SYSTEM OPERATOR SHALL FILL**
20 **OUT AND SIGN AT SETUP AND BREAKDOWN A LOG:**

21 **1. FOR A STATIONARY UNIT, DAILY; AND**

22 **2. FOR A MOBILE UNIT, EACH TIME THE SPEED**
23 **MONITORING SYSTEM IS RELOCATED.**

24 **(II) THE LOG REQUIRED UNDER THIS PARAGRAPH:**

25 **1. SHALL INCLUDE A STATEMENT THAT THE SPEED**
26 **MONITORING SYSTEM OPERATOR SUCCESSFULLY PERFORMED THE**
27 **MANUFACTURER'S SPECIFIED SELF-TEST INCLUDING A CALIBRATION CHECK;**

28 **2. SHALL BE KEPT ON FILE; AND**

29 **3. IS ADMISSIBLE AS EVIDENCE IN ANY COURT**
30 **PROCEEDING TO CONTEST LIABILITY ALLEGED IN A CITATION UNDER THIS**
31 **SECTION.**

1 **(7) (I) A SPEED MONITORING SYSTEM SHALL UNDERGO AN**
2 **ANNUAL CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION**
3 **LABORATORY.**

4 **(II) THE INDEPENDENT CALIBRATION LABORATORY SHALL**
5 **ISSUE A SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL**
6 **CALIBRATION CHECK THAT:**

7 **1. SHALL BE KEPT ON FILE; AND**

8 **2. IS ADMISSIBLE AS EVIDENCE IN ANY COURT**
9 **PROCEEDING TO CONTEST LIABILITY ALLEGED IN A CITATION UNDER THIS**
10 **SECTION.**

11 **(8) A RECORDED IMAGE CAPTURED BY A SPEED MONITORING**
12 **SYSTEM UNDER THIS SECTION MAY BE USED ONLY TO IDENTIFY VEHICLES**
13 **VIOLATING THIS SUBTITLE.**

14 **(C) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A**
15 **CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE**
16 **OWNER OR, IN ACCORDANCE WITH SUBSECTION (F)(4) OF THIS SECTION, THE**
17 **DRIVER OF A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR**
18 **VEHICLE IS RECORDED BY A SPEED MONITORING SYSTEM WHILE BEING**
19 **OPERATED IN VIOLATION OF THIS SUBTITLE.**

20 **(2) A CIVIL PENALTY UNDER THIS SUBSECTION:**

21 **(I) MAY NOT EXCEED \$100; AND**

22 **(II) SHALL BE THE LOWER OF THE FINE SET BY THE**
23 **DISTRICT COURT IN THE PENALTY DEPOSIT SCHEDULE OR BY THE LOCAL**
24 **JURISDICTION UNDER THIS SECTION.**

25 **(3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT**
26 **SHALL PRESCRIBE:**

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

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

1 **(D) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH**
2 **(4) OF THIS SUBSECTION, AN AGENCY SHALL MAIL TO THE OWNER LIABLE**
3 **UNDER SUBSECTION (C) OF THIS SECTION A CITATION WHICH SHALL INCLUDE:**

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

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

8 **(III) THE VIOLATION CHARGED;**

9 **(IV) THE LOCATION WHERE THE VIOLATION OCCURRED;**

10 **(V) THE DATE AND TIME OF THE VIOLATION;**

11 **(VI) A COPY OF AT LEAST TWO SUCCESSIVE RECORDED**
12 **IMAGES OF THE VEHICLE WITH A DATA BAR IMPRINTED ON EACH IMAGE THAT**
13 **INCLUDES INFORMATION SUCH AS THE RATE OF SPEED OF THE VEHICLE AND**
14 **THE DATE AND TIME THE IMAGE WAS RECORDED;**

15 **(VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE**
16 **DATE BY WHICH THE CIVIL PENALTY SHOULD BE PAID;**

17 **(VIII) A SIGNED STATEMENT BY A POLICE OFFICER**
18 **EMPLOYED BY THE AGENCY OR A DESIGNATED MUNICIPAL OFFICIAL THAT,**
19 **BASED ON INSPECTION OF RECORDED IMAGES, THE MOTOR VEHICLE WAS BEING**
20 **OPERATED IN VIOLATION OF THIS SUBTITLE;**

21 **(IX) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE**
22 **OF A VIOLATION OF THIS SUBTITLE; AND**

23 **(X) INFORMATION ADVISING THE PERSON ALLEGED TO BE**
24 **LIABLE UNDER THIS SECTION:**

25 **1. OF THE MANNER AND TIME IN WHICH LIABILITY**
26 **AS ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT;**
27 **AND**

28 **2. THAT FAILURE TO PAY THE CIVIL PENALTY OR TO**
29 **CONTEST LIABILITY IN A TIMELY MANNER IS AN ADMISSION OF LIABILITY AND**
30 **MAY RESULT IN REFUSAL OR SUSPENSION OF THE MOTOR VEHICLE**
31 **REGISTRATION.**

1 **(2) THE AGENCY MAY MAIL A WARNING NOTICE INSTEAD OF A**
2 **CITATION TO THE OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION.**

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

8 **(4) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS**
9 **SECTION, AN AGENCY MAY NOT MAIL A CITATION TO A PERSON WHO IS NOT AN**
10 **OWNER UNDER SUBSECTION (A)(3)(II) OF THIS SECTION.**

11 **(5) A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH (1)**
12 **OF THIS SUBSECTION MAY:**

13 **(I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH**
14 **INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE POLITICAL SUBDIVISION**
15 **OR TO THE DISTRICT COURT; OR**

16 **(II) ELECT TO STAND TRIAL FOR THE ALLEGED VIOLATION.**

17 **(6) A POLITICAL SUBDIVISION:**

18 **(I) MAY RETAIN A PORTION OF THE CIVIL PENALTIES**
19 **COLLECTED UNDER THIS SECTION TO COVER THE DOCUMENTED COSTS OF**
20 **IMPLEMENTING AND MAINTAINING SPEED MONITORING SYSTEMS;**

21 **(II) MAY RETAIN 33% OF THE CIVIL PENALTIES COLLECTED**
22 **UNDER THIS SECTION TO BE USED ONLY FOR HOMELAND SECURITY PURPOSES;**
23 **AND**

24 **(III) SHALL REMIT THE REMAINDER TO THE HOMELAND**
25 **SECURITY FUND ESTABLISHED UNDER ARTICLE 41, § 4-501 OF THE CODE.**

26 **(E) (1) A CERTIFICATE ALLEGING THAT THE VIOLATION OF THIS**
27 **SUBTITLE OCCURRED AND THE REQUIREMENTS OF SUBSECTION (B) OF THIS**
28 **SECTION HAVE BEEN SATISFIED, SWORN TO OR AFFIRMED BY A POLICE OFFICER**
29 **EMPLOYED BY THE AGENCY OR A DESIGNATED MUNICIPAL OFFICIAL, BASED ON**
30 **INSPECTION OF RECORDED IMAGES PRODUCED BY A SPEED MONITORING**
31 **SYSTEM, SHALL BE EVIDENCE OF THE FACTS CONTAINED THEREIN AND SHALL**
32 **BE ADMISSIBLE IN ANY PROCEEDING ALLEGING A VIOLATION UNDER THIS**
33 **SECTION WITHOUT THE PRESENCE OR TESTIMONY OF A SPEED MONITORING**

1 **SYSTEM OPERATOR WHO PERFORMED THE REQUIREMENTS UNDER SUBSECTION**
2 **(B) OF THIS SECTION.**

3 **(2) (I) A CITATION ISSUED TO AN INDIVIDUAL UNDER THIS**
4 **SECTION SHALL CONTAIN NOTICE OF THE RIGHT TO HAVE A SPEED MONITORING**
5 **SYSTEM OPERATOR PRESENT TO TESTIFY AT TRIAL.**

6 **(II) IF AN INDIVIDUAL REQUESTS A SPEED MONITORING**
7 **SYSTEM OPERATOR TO BE PRESENT TO TESTIFY AT TRIAL, THE INDIVIDUAL**
8 **SHALL NOTIFY THE LOCAL JURISDICTION IN WRITING NO LATER THAN 20 DAYS**
9 **BEFORE THE TRIAL.**

10 **(3) ADJUDICATION OF LIABILITY SHALL BE BASED ON A**
11 **PREPONDERANCE OF EVIDENCE.**

12 **(F) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A**
13 **VIOLATION:**

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

18 **(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**
19 **EVIDENCE THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING**
20 **THE VEHICLE AT THE TIME OF THE VIOLATION; AND**

21 **(III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT**
22 **COURT DEEMS PERTINENT.**

23 **(2) TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE**
24 **REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND**
25 **WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME**
26 **OF THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT**
27 **ABOUT THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN A**
28 **TIMELY MANNER.**

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

33 **(I) STATES THAT THE PERSON NAMED IN THE CITATION**
34 **WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND**

1 **(II) INCLUDES ANY OTHER CORROBORATING EVIDENCE.**

2 **(4) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON**
3 **NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF**
4 **THE VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (3) OF THIS**
5 **SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF**
6 **THE VIOLATION, THE CLERK OF THE COURT SHALL PROVIDE TO THE AGENCY**
7 **ISSUING THE CITATION A COPY OF ANY EVIDENCE SUBSTANTIATING WHO WAS**
8 **OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.**

9 **(II) ON RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE**
10 **DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN AGENCY**
11 **MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (D) OF THIS SECTION TO**
12 **THE PERSON WHO THE EVIDENCE INDICATES WAS OPERATING THE VEHICLE AT**
13 **THE TIME OF THE VIOLATION.**

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

17 **(G) IF THE CIVIL PENALTY IS NOT PAID AND THE VIOLATION IS NOT**
18 **CONTESTED, THE ADMINISTRATION MAY REFUSE TO REGISTER OR REREGISTER**
19 **OR MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE.**

20 **(H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS**
21 **SECTION:**

22 **(1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF**
23 **ASSESSING POINTS UNDER § 16-402 OF THIS ARTICLE AND MAY NOT BE**
24 **RECORDED BY THE ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER**
25 **OR DRIVER OF THE VEHICLE;**

26 **(2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES**
27 **OF § 26-305 OF THIS ARTICLE; AND**

28 **(3) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR**
29 **VEHICLE INSURANCE COVERAGE.**

30 **(I) IN CONSULTATION WITH LOCAL GOVERNMENTS, THE CHIEF JUDGE**
31 **OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE ISSUANCE OF**
32 **CITATIONS, THE TRIAL OF CIVIL VIOLATIONS, AND THE COLLECTION OF CIVIL**
33 **PENALTIES UNDER THIS SECTION.**

1 **(J) IF A CONTRACTOR OPERATES A SPEED MONITORING SYSTEM ON**
2 **BEHALF OF A LOCAL JURISDICTION OR AN AGENCY, THE CONTRACTOR'S FEE**
3 **MAY NOT BE CONTINGENT ON THE NUMBER OF CITATIONS ISSUED OR PAID.**

4 26–305.

5 (a) The Administration may not register or transfer the registration of any
6 vehicle involved in a parking violation under this subtitle, a violation under any
7 federal parking regulation that applies to property in this State under the jurisdiction
8 of the [U.S.] **FEDERAL** government, a violation of § 21–202(h) of this article as
9 determined under § 21–202.1 of this article or Title 21, Subtitle 8 of this article as
10 determined under § 21–809 **OR § 21–810** of this article, or a violation of the State
11 litter control law or a local law or ordinance adopted by Baltimore City relating to the
12 unlawful disposal of litter as determined under § 10–112 of the Criminal Law Article,
13 if:

14 (1) It is notified by a political subdivision or authorized State agency
15 that the person cited for the violation under this subtitle, [§ 21–202.1 or § 21–809] §
16 **21–202.1, § 21–809, OR § 21–810** of this article, or § 10–112 of the Criminal Law
17 Article has failed to either:

18 (i) Pay the fine for the violation by the date specified in the
19 citation; or

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

21 (2) It is notified by the District Court that a person who has elected to
22 stand trial for the violation under this subtitle, under [§ 21–202.1 or § 21–809]
23 **§ 21–202.1, § 21–809, OR § 21–810** of this article, or under § 10–112 of the Criminal
24 Law Article has failed to appear for trial; or

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

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

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

31 26–401.

32 If a person is taken before a District Court commissioner or is given a traffic
33 citation or a civil citation under [§ 21–202.1 or § 21–809] **§ 21–202.1, § 21–809, OR §**
34 **21–810** of this article containing a notice to appear in court, the commissioner or court
35 shall be one that sits within the county in which the offense allegedly was committed.

1 SECTION 3. AND BE IT FURTHER ENACTED, That:

2 (1) Beginning in fiscal year 2009 and each fiscal year thereafter, each
3 local jurisdiction shall use the revenues generated from the enforcement of speed limit
4 laws as authorized under this Act solely to increase local expenditures for related
5 public safety purposes, including pedestrian safety programs; and

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

9 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall be
10 construed to apply only prospectively and may not be applied or interpreted to have
11 any effect on or application to any contract awarded before the effective date of this
12 Act.

13 SECTION 5. AND BE IT FURTHER ENACTED, That a presently existing
14 obligation or contract right may not be impaired in any way by this Act.

15 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2008. Section 1 of this Act and § 21-810(d)(6) of the Transportation Article,
17 as enacted by Section 2 of this Act, shall remain effective for a period of 7 years and, at
18 the end of September 30, 2015, with no further action required by the General
19 Assembly, Section 1 of this Act and § 21-810(d)(6) of the Transportation Article, as
20 enacted by Section 2 of this Act, shall be abrogated and of no further force and effect.