

HOUSE BILL 829

R5

8lr1236

By: **Montgomery County Delegation**

Introduced and read first time: February 6, 2008

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Speed Monitoring Systems – Citations for Subsequent**
3 **Violations – Restriction**

4 **MC 819–08**

5 FOR the purpose of establishing that, in Montgomery County, an owner of a motor
6 vehicle who is mailed a certain citation for a violation recorded by a speed
7 monitoring system may not be issued a citation for a subsequent violation
8 recorded by a speed monitoring system at the same location unless the
9 subsequent violation is recorded at least a certain period of time after the
10 mailing of the citation for the first violation; and generally relating to a
11 prohibition on the issuance of certain citations for certain subsequent violations
12 recorded by speed monitoring systems in Montgomery County.

13 BY repealing and reenacting, without amendments,
14 Article – Transportation
15 Section 21–809(a)(1) and (5) and (b)(1)
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2007 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Transportation
20 Section 21–809(c)
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2007 Supplement)

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

25 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 21-809.

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

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

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

9 (i) On a highway in a residential district as defined in § 21-101
10 of this title:

11 1. With a maximum posted speed limit of 35 miles per
12 hour; and

13 2. That has a speed limit that was established using
14 generally accepted traffic engineering practices; or

15 (ii) In a school zone established under § 21-803.1 of this
16 subtitle.

17 (c) (1) [Unless the driver of the motor vehicle received a citation from a
18 police officer at the time of the violation, the] **THE** owner or, in accordance with
19 subsection (f)(4) of this section, the driver of a motor vehicle is subject to a civil penalty
20 if the motor vehicle is recorded by a speed monitoring system while being operated in
21 violation of this subtitle **UNLESS:**

22 **(I) THE DRIVER OF THE MOTOR VEHICLE RECEIVED A**
23 **CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION; OR**

24 **(II) UNDER PARAGRAPH (4) OF THIS SUBSECTION, THE**
25 **OWNER OF THE MOTOR VEHICLE MAY NOT BE ISSUED A CITATION.**

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

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

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

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

1 (4) AN OWNER OF A MOTOR VEHICLE WHO IS MAILED A CITATION
2 UNDER THIS SECTION FOR A VIOLATION RECORDED BY A SPEED MONITORING
3 SYSTEM MAY NOT BE ISSUED A CITATION FOR A SUBSEQUENT VIOLATION
4 RECORDED BY A SPEED MONITORING SYSTEM AT THE SAME LOCATION UNLESS
5 THE SUBSEQUENT VIOLATION IS RECORDED AT LEAST 5 DAYS AFTER THE
6 MAILING OF THE CITATION FOR THE FIRST VIOLATION.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2008.