

HOUSE BILL 1023

R5

9lr0826

By: **Prince George's County Delegation**

Introduced and read first time: February 13, 2009

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 2009

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County – Vehicle Laws – Speed Monitoring Systems**

3 **PG 313-09**

4 FOR the purpose of authorizing the placement of certain speed monitoring systems on
5 certain highways in Prince George's County; making certain provisions of law
6 relating to the enforcement of speed limit laws with certain speed monitoring
7 systems applicable in Prince George's County; requiring certain local police
8 departments in Prince George's County to mail citations to the owners of
9 vehicles that are recorded by speed monitoring systems in the county in
10 violation of certain laws relating to the operation of motor vehicles in excess of
11 certain speed limits; authorizing local police departments to send warnings
12 instead of citations; authorizing a person who receives a citation for violating a
13 speed limit and whose vehicle was recorded by a speed monitoring system while
14 being operated in violation of the speed limit to pay a civil penalty to the Prince
15 George's County Office of Finance or a municipal corporation in Prince George's
16 County or elect to stand trial; requiring the Chief Judge of the District Court, in
17 consultation with the Prince George's County Office of Finance, municipal
18 corporations in Prince George's County, and local police departments, to adopt
19 procedures for the issuance of citations, trial of civil violations, and the
20 collection of civil penalties under laws relating to the enforcement of speed limit
21 laws with certain speed monitoring systems; expanding the circumstances
22 under which certain contractors are prohibited from receiving certain
23 contingent fees; altering a certain definition; restricting the use of certain
24 revenues generated by this Act; providing for the application of this Act;
25 providing that existing obligations or contracts may not be impaired by this Act;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 requiring the Prince George's County Council to report to the General Assembly
 2 on or before a certain date; and generally relating to imposition of liability, in
 3 Prince George's County, on certain persons recorded by speed monitoring
 4 systems violating certain laws relating to the operation of motor vehicles in
 5 excess of certain speed limits.

6 BY repealing and reenacting, with amendments,
 7 Article – Transportation
 8 Section 21–809
 9 Annotated Code of Maryland
 10 (2006 Replacement Volume and 2008 Supplement)

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

13 **Article – Transportation**

14 21–809.

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

16 (2) “Local police department” means:

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

18 (ii) The police department of any municipal corporation in
 19 Montgomery County;

20 (iii) **THE PRINCE GEORGE’S COUNTY POLICE**
 21 **DEPARTMENT; OR**

22 (iv) **THE POLICE DEPARTMENT OF ANY MUNICIPAL**
 23 **CORPORATION IN PRINCE GEORGE’S COUNTY; OR**

24 ~~(v) **A GROUP OF POLICE OFFICERS PROVIDING POLICE**~~
 25 ~~**SERVICES UNDER CONTRACT WITH THE PRINCE GEORGE’S COUNTY POLICE**~~
 26 ~~**DEPARTMENT OR THE POLICE DEPARTMENT OF A MUNICIPAL CORPORATION IN**~~
 27 ~~**PRINCE GEORGE’S COUNTY.**~~

28 (3) (i) “Owner” means the registered owner of a motor vehicle or a
 29 lessee of a motor vehicle under a lease of 6 months or more.

30 (ii) “Owner” does not include:

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

1 2. That has a speed limit that was established using
2 generally accepted traffic engineering practices; ~~for~~

3 (ii) In a school zone established under § 21-803.1 of this
4 subtitle; ~~OR~~

5 ~~(iii) IN PRINCE GEORGE'S COUNTY ON A PRIMARY HIGHWAY
6 AS DEFINED IN § 8-101 OF THIS ARTICLE.~~

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

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

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

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

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

19 (ii) Shall be kept on file; and

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

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

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

26 1. Shall be kept on file; and

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

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

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

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

8 (iii) Any other issues and evidence that the District Court deems
9 pertinent.

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

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

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

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

24 (iii) Includes any other corroborating evidence.

25 (4) (i) If the District Court finds that the person named in the
26 citation was not operating the vehicle at the time of the violation or receives evidence
27 under paragraph (3) of this subsection identifying the person driving the vehicle at the
28 time of the violation, the clerk of the court shall provide to the local police department
29 a copy of any evidence substantiating who was operating the vehicle at the time of the
30 violation.

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

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

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

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

5 (2) May suspend the registration of the motor vehicle cited for the
6 violation.

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

8 (1) Is not a moving violation for the purpose of assessing points under
9 § 16-402 of this article;

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

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

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

16 (i) In consultation with the Montgomery County Department of Finance,
17 **THE PRINCE GEORGE'S COUNTY OFFICE OF FINANCE, THE MUNICIPAL**
18 **CORPORATIONS IN PRINCE GEORGE'S COUNTY,** and the local police departments
19 **IN EACH COUNTY,** the Chief Judge of the District Court shall adopt procedures for the
20 issuance of citations, the trial of civil violations, and the collection of civil penalties
21 under this section.

22 (j) ~~If a contractor operates a speed monitoring system on behalf of~~
23 ~~Montgomery County OR PRINCE GEORGE'S COUNTY, the A~~ contractor's fee may not
24 be contingent on the number of citations issued or paid **IF THE CONTRACTOR:**

25 **(1) OPERATES THE SPEED MONITORING SYSTEM ON BEHALF OF**
26 **THE LOCAL JURISDICTION;**

27 **(2) DETERMINES THE PLACEMENT OF THE CAMERAS; OR**

28 **(3) HAS THE FINAL AUTHORITY TO DETERMINE WHETHER A**
29 **CITATION IS ISSUED.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That:

31 (1) Beginning in fiscal year 2010 and each fiscal year thereafter,
32 Prince George's County shall use the revenues generated from the enforcement of

1 speed limit laws as authorized under this Act solely to increase local expenditures for
2 related public safety purposes, including pedestrian safety programs; and

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

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be
7 construed to apply only prospectively and may not be applied or interpreted to have
8 any effect on or application to any contract awarded before the effective date of this
9 Act.

10 SECTION 4. AND BE IT FURTHER ENACTED, That an obligation or contract
11 right existing on the effective date of this Act may not be impaired in any way by this
12 Act.

13 SECTION 5. AND BE IT FURTHER ENACTED, That the Prince George’s
14 County Council shall report to the General Assembly on or before December 31, 2013,
15 in accordance with § 2–1246 of the State Government Article, on the effectiveness of
16 speed monitoring systems in Prince George’s County.

17 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.