

# HOUSE BILL 664

R5

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CF SB 671

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By: **Delegate Frush**

Introduced and read first time: February 9, 2011

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Speed Monitoring Systems – Enforcement**

3 FOR the purpose of authorizing certain persons to sign a statement that alleges, based  
4 on inspection of recorded images from a speed monitoring system, that a motor  
5 vehicle was being operated in violation of highway speed laws; authorizing  
6 certain persons to swear to and affirm for evidentiary purposes, based on  
7 inspection of recorded images from a speed monitoring system, that a motor  
8 vehicle was being operated in violation of highway speed laws; and generally  
9 relating to the enforcement of highway speed laws using speed monitoring  
10 systems.

11 BY repealing and reenacting, without amendments,  
12 Article – Transportation  
13 Section 21–809(a)(1) and (2) and (b)(1)(i) and 21–810(b)(1)  
14 Annotated Code of Maryland  
15 (2009 Replacement Volume and 2010 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Transportation  
18 Section 21–809(d)(1) and (e)(1) and 21–810(d)(1) and (e)(1)  
19 Annotated Code of Maryland  
20 (2009 Replacement Volume and 2010 Supplement)

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

23 **Article – Transportation**

24 21–809.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) “Agency” means:

2 (i) A law enforcement agency of a local political subdivision  
3 that is authorized to issue a citation for a violation of the Maryland Vehicle Law or of  
4 local traffic laws or regulations; or

5 (ii) For a municipal corporation that does not maintain a police  
6 force, an agency established or designated by the municipal corporation to implement  
7 this subtitle using speed monitoring systems in accordance with this section.

8 (b) (1) (i) A speed monitoring system may not be used in a local  
9 jurisdiction under this section unless its use is authorized by the governing body of the  
10 local jurisdiction by local law enacted after reasonable notice and a public hearing.

11 (d) (1) Subject to the provisions of paragraphs (2) through (4) of this  
12 subsection, an agency shall mail to an owner liable under subsection (c) of this section  
13 a citation that shall include:

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

15 (ii) The registration number of the motor vehicle involved in the  
16 violation;

17 (iii) The violation charged;

18 (iv) The location where the violation occurred;

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

20 (vi) A copy of the recorded image;

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

23 (viii) A signed statement by [a duly authorized law enforcement  
24 officer] **AN AUTHORIZED PERSON TRAINED IN SPEED MONITORING SYSTEM**  
25 **ENFORCEMENT AND** employed by or under contract with an agency that, based on  
26 inspection of recorded images, the motor vehicle was being operated in violation of this  
27 subtitle;

28 (ix) A statement that recorded images are evidence of a violation  
29 of this subtitle;

30 (x) Information advising the person alleged to be liable under  
31 this section of the manner and time in which liability as alleged in the citation may be  
32 contested in the District Court; and

1 (xi) Information advising the person alleged to be liable under  
2 this section that failure to pay the civil penalty or to contest liability in a timely  
3 manner:

- 4 1. Is an admission of liability;
- 5 2. May result in the refusal by the Administration to  
6 register the motor vehicle; and
- 7 3. May result in the suspension of the motor vehicle  
8 registration.

9 (e) (1) A certificate alleging that the violation of this subtitle occurred and  
10 the requirements under subsection (b) of this section have been satisfied, sworn to, or  
11 affirmed by an **AUTHORIZED** agent or employee of an agency **WHO INSPECTED THE**  
12 **IMAGE**, based on inspection of recorded images produced by a speed monitoring  
13 system, shall be evidence of the facts contained in the certificate and shall be  
14 admissible in a proceeding alleging a violation under this section without the presence  
15 or testimony of the speed monitoring system operator who performed the requirements  
16 under subsection (b) of this section.

17 21–810.

18 (b) (1) A work zone speed control system that meets the requirements of  
19 this subsection may be used to record the images of motor vehicles traveling on a  
20 highway:

- 21 (i) Within a work zone;
- 22 (ii) That is an expressway or a controlled access highway as  
23 defined in § 21–101 of this title; and
- 24 (iii) On which the speed limit, established using generally  
25 accepted traffic engineering practices, is 45 miles per hour or greater.

26 (d) (1) Subject to the provisions of paragraphs (2) through (4) of this  
27 subsection, a local police department, State police department, or police department  
28 contractor shall mail to the owner liable under subsection (c) of this section a citation  
29 that shall include:

- 30 (i) The name and address of the registered owner of the vehicle;
- 31 (ii) The registration number of the motor vehicle involved in the  
32 violation;
- 33 (iii) The violation charged;

- 1 (iv) The location where the violation occurred;
- 2 (v) The date and time of the violation;
- 3 (vi) At least one recorded image of the vehicle with a data bar  
4 imprinted on each image that includes the speed of the vehicle and the date and time  
5 the image was recorded;
- 6 (vii) The amount of the civil penalty imposed and the date by  
7 which the civil penalty should be paid;
- 8 (viii) A signed statement by [a police officer] **AN AUTHORIZED**  
9 **PERSON TRAINED IN SPEED MONITORING SYSTEM ENFORCEMENT AND** employed  
10 by the local police department or State police department that, based on inspection of  
11 recorded images, the motor vehicle was being operated in violation of this subtitle;
- 12 (ix) A statement that recorded images are evidence of a violation  
13 of this subtitle;
- 14 (x) Information advising the person alleged to be liable under  
15 this 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  
18 this section that failure to pay the civil penalty or to contest liability in a timely  
19 manner:
- 20 1. Is an admission of liability;
- 21 2. May result in the refusal to register the motor vehicle;  
22 and
- 23 3. May result in the suspension of the motor vehicle  
24 registration.
- 25 (e) (1) A certificate alleging that the violation of this subtitle occurred and  
26 the requirements under subsection (b) of this section have been satisfied, sworn to, or  
27 affirmed by [a police officer] **AN AUTHORIZED PERSON** employed by the local police  
28 department or State police department **WHO INSPECTED THE IMAGE**, based on  
29 inspection of recorded images produced by a work zone speed control system, shall be  
30 evidence of the facts contained in the certificate and shall be admissible in a  
31 proceeding alleging a violation under this section without the presence or testimony of  
32 the work zone speed control system operator who performed the requirements under  
33 subsection (b) of this section.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2    October 1, 2011.