

SENATE BILL 671

R5

11r2098
CF 11r2101

By: **Senator Rosapepe**

Introduced and read first time: February 4, 2011

Assigned to: Judicial Proceedings

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) “Agency” means:

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

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

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

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

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

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

(iii) The violation charged;

(iv) The location where the violation occurred;

(v) The date and time of the violation;

(vi) A copy of the recorded image;

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

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

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

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

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

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

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

21–810.

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

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

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

- (i) The name and address of the registered owner of the vehicle;
- (ii) The registration number of the motor vehicle involved in the violation;
- (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.