

# HOUSE BILL 421

R5

3lr1057

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By: **Delegates Cardin, Conaway, Morhaim, Oaks, and Otto**

Introduced and read first time: January 28, 2013

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Speed Monitoring and Work Zone Speed Control Systems**

3 FOR the purpose of altering the definition of “recorded image” for purposes of  
4 provisions relating to speed monitoring systems and work zone speed control  
5 systems; requiring that certain time–stamped images of a motor vehicle provide  
6 sufficient information to allow for the calculation of a certain speed of the motor  
7 vehicle; altering a certain requirement relating to the issuance of warnings for  
8 certain violations; requiring a local law adopted by the governing body of a local  
9 jurisdiction to provide that for a certain period of time after a speed monitoring  
10 system is placed in the jurisdiction, any violation recorded by the speed  
11 monitoring system may be enforced only by the issuance of a warning;  
12 prohibiting a contractor’s fee from being contingent on the number of citations  
13 issued or paid if the contractor administers or processes the citations; requiring  
14 a court to impose a certain civil penalty if it finds that a citation for an alleged  
15 violation recorded by a speed monitoring system or a work zone speed control  
16 system was issued erroneously; requiring a civil penalty collected under this Act  
17 to be deposited into the Transportation Trust Fund; establishing that an  
18 organization that represents the interests of motorists in the State may bring  
19 an action to enforce certain provisions of law relating to speed monitoring  
20 systems and work zone speed control systems in a court of competent  
21 jurisdiction; and generally relating to speed monitoring systems and work zone  
22 speed control systems.

23 BY repealing and reenacting, with amendments,

24 Article – Transportation

25 Section 21–809(a)(4), (b)(1)(v), and (j) and 21–810(a)(4)

26 Annotated Code of Maryland

27 (2012 Replacement Volume)

28 BY adding to

29 Article – Transportation

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 21–809(k) and (l) and 21–810(l) and (m)  
2 Annotated Code of Maryland  
3 (2012 Replacement Volume)

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

6 **Article – Transportation**

7 21–809.

8 (a) (4) “Recorded image” means an image recorded by a speed monitoring  
9 system:

10 (i) On:

- 11 1. A photograph;
- 12 2. A microphotograph;
- 13 3. An electronic image;
- 14 4. Videotape; or
- 15 5. Any other medium; and

16 (ii) Showing:

- 17 1. The rear of a motor vehicle;
- 18 2. At least two time–stamped images of the motor  
19 vehicle that:

20 A. [include] **INCLUDE** the same stationary object near  
21 the motor vehicle; and

22 B. **PROVIDE SUFFICIENT INFORMATION TO ALLOW**  
23 **FOR THE CALCULATION OF THE SPEED OF THE MOTOR VEHICLE DURING THE**  
24 **INTERVAL BETWEEN THE TWO TIME–STAMPED IMAGES; AND**

25 3. On at least one image or portion of tape, a clear and  
26 legible identification of the entire registration plate number of the motor vehicle.

27 (b) (1) (v) An ordinance or resolution adopted by the governing body of  
28 a local jurisdiction under this paragraph shall provide that for a period of at least 30  
29 days after [the first] A speed monitoring system is placed in the local jurisdiction, a

1 violation recorded by [any] THE speed monitoring system [in the local jurisdiction]  
2 may be enforced only by the issuance of a warning.

3 (j) (1) An agency or an agent or contractor designated by the agency shall  
4 administer and process civil citations issued under this section in coordination with  
5 the District Court.

6 (2) If a contractor [operates a speed monitoring system]  
7 **ADMINISTERS OR PROCESSES CIVIL CITATIONS ISSUED UNDER THIS SECTION** on  
8 behalf of a local jurisdiction, the contractor's fee may not be contingent on the number  
9 of citations issued or paid.

10 **(K) (1) IF A COURT FINDS THAT A CITATION ISSUED UNDER THIS**  
11 **SECTION WAS ISSUED ERRONEOUSLY, THE COURT SHALL IMPOSE A CIVIL**  
12 **PENALTY OF \$1,000 ON THE PERSON RESPONSIBLE FOR MAINTAINING THE**  
13 **SPEED MONITORING SYSTEM THAT RECORDED THE ALLEGED VIOLATION FOR**  
14 **WHICH THE CITATION WAS ISSUED.**

15 **(2) ANY CIVIL PENALTY COLLECTED UNDER THIS SECTION SHALL**  
16 **BE DEPOSITED INTO THE TRANSPORTATION TRUST FUND ESTABLISHED UNDER**  
17 **§ 3-216 OF THIS ARTICLE.**

18 **(L) AN ORGANIZATION THAT REPRESENTS THE INTERESTS OF**  
19 **MOTORISTS IN THE STATE MAY BRING AN ACTION TO ENFORCE THE PROVISIONS**  
20 **OF THIS SECTION IN A COURT OF COMPETENT JURISDICTION.**

21 21-810.

22 (a) (4) "Recorded image" means an image recorded by a work zone speed  
23 control system:

24 (i) On:

25 1. A photograph;

26 2. A microphotograph;

27 3. An electronic image;

28 4. Videotape; or

29 5. Any other medium; and

30 (ii) Showing:

31 1. The rear of a motor vehicle;

