

HOUSE BILL 435

R5

3lr1247

By: **Delegate Howard**

Introduced and read first time: January 28, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring the District Court, if a person who receives a citation for
5 an alleged violation recorded by a speed monitoring system or a work zone
6 speed control system prevails at a certain trial, to order the agency or police
7 department that issued the citation to pay the person certain restitution; and
8 generally relating to speed monitoring and work zone speed control systems.

9 BY repealing and reenacting, without amendments,
10 Article – Transportation
11 Section 21–809(c) and (d)(5) and 21–810(c) and (d)(5)
12 Annotated Code of Maryland
13 (2012 Replacement Volume)

14 BY adding to
15 Article – Transportation
16 Section 21–809(f)(5) and 21–810(f)(5)
17 Annotated Code of Maryland
18 (2012 Replacement Volume)

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

21 **Article – Transportation**

22 21–809.

23 (c) (1) Unless the driver of the motor vehicle received a citation from a
24 police officer at the time of the violation, the owner or, in accordance with subsection
25 (f)(4) of this section, the driver of a motor vehicle is subject to a civil penalty if the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 motor vehicle is recorded by a speed monitoring system while being operated in
2 violation of this subtitle.

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

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

5 (i) A uniform citation form consistent with subsection (d)(1) of
6 this section and § 7–302 of the Courts Article; and

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

10 (d) (5) A person who receives a citation under paragraph (1) of this
11 subsection may:

12 (i) Pay the civil penalty, in accordance with instructions on the
13 citation, directly to the political subdivision; or

14 (ii) Elect to stand trial in the District Court for the alleged
15 violation.

16 (f) **(5) IF A PERSON WHO RECEIVES A CITATION UNDER THIS**
17 **SECTION PREVAILS AT A TRIAL ON THE ALLEGED VIOLATION FOR WHICH THE**
18 **CITATION WAS ISSUED, THE DISTRICT COURT SHALL ORDER THE AGENCY THAT**
19 **ISSUED THE CITATION TO PAY THE PERSON RESTITUTION OF \$40.**

20 21–810.

21 (c) (1) Unless the driver of the motor vehicle received a citation from a
22 police officer at the time of the violation, the owner or, in accordance with subsection
23 (f)(4) of this section, the driver of a motor vehicle is subject to a civil penalty if an
24 image of the motor vehicle is recorded by a work zone speed control system in
25 accordance with subsection (b) of this section while being operated in violation of this
26 subtitle.

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

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

29 (i) Prescribe a uniform citation form consistent with subsection
30 (d)(1) of this section and § 7–302 of the Courts Article; and

31 (ii) Indicate on the citation the amount of the civil penalty to be
32 paid by persons who choose to prepay the civil penalty without appearing in District
33 Court.

1 (d) (5) A person who receives a citation under paragraph (1) of this
2 subsection may:

3 (i) Pay the civil penalty in accordance with instructions on the
4 citation; or

5 (ii) Elect to stand trial in the District Court for the alleged
6 violation.

7 (f) **(5) IF A PERSON WHO RECEIVES A CITATION UNDER THIS**
8 **SECTION PREVAILS AT A TRIAL ON THE ALLEGED VIOLATION FOR WHICH THE**
9 **CITATION WAS ISSUED, THE DISTRICT COURT SHALL ORDER THE POLICE**
10 **DEPARTMENT THAT ISSUED THE CITATION TO PAY THE PERSON RESTITUTION**
11 **OF \$40.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2013.