

SENATE BILL 350

R5

(4lr0867)

ENROLLED BILL

— Judicial Proceedings/Environmental Matters —

Introduced by **Senators Brochin, Klausmeier, and Zirkin**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 ~~Motor Vehicles—Speed Monitoring Systems—Local Jurisdictions~~

3 Speed Monitoring Systems Reform Act of 2014

4 FOR the purpose of altering the standards and requirements for the required warning
5 period for violations recorded by speed monitoring systems; establishing that
6 speed monitoring systems placed in certain areas may ~~only~~ be placed only on
7 highways with a certain minimum speed limit; applying certain notice and
8 signage standards for unmanned local stationary speed monitoring systems to
9 all local speed monitoring systems; altering the standards for signage required
10 for local stationary speed monitoring systems; ~~establishing that a speed~~
11 ~~monitoring system in a school zone may operate only during the regular school~~
12 ~~year~~; requiring certain local jurisdictions to designate certain persons to act in a
13 certain public liaison capacity; ~~requiring a certain calibration check to be~~
14 ~~performed quarterly rather than annually~~; altering the standards and

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.

Italics indicate opposite chamber/conference committee amendments.



1 requirements for daily self-tests and annual calibrations for speed monitoring
 2 systems; requiring certain local jurisdictions to designate, ~~subject to the~~
 3 ~~approvals of a certain local governing body,~~ a certain program administrator;
 4 requiring a contract for a certain speed monitoring system to include certain
 5 provisions; establishing certain training requirements; clarifying that a
 6 certificate alleging that a certain speeding violation occurred is required to be
 7 sworn to or affirmed by a certain law enforcement officer; expanding the
 8 application of the prohibition against a speed monitoring system contractor's fee
 9 being contingent on the number of citations issued or paid; ~~providing for the~~
 10 ~~application of this Act; providing that certain speed monitoring system contract~~
 11 ~~extensions are void under certain circumstances~~ requiring the Maryland Police
 12 Training Commission to compile and make publicly available an annual report
 13 containing certain information on each local speed monitoring system program;
 14 providing that, except under certain circumstances, existing obligations,
 15 contracts, or contract rights may not be impaired by this Act; defining certain
 16 terms; and generally relating to speed monitoring systems operated by local
 17 jurisdictions.

18 BY repealing and reenacting, with amendments,
 19 Article – Transportation
 20 Section 21–809
 21 Annotated Code of Maryland
 22 (2012 Replacement Volume and 2013 Supplement)

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

25 **Article – Transportation**

26 21–809.

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

28 (2) “Agency” means:

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

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

35 (3) (i) **“ERRONEOUS VIOLATION” MEANS A POTENTIAL**
 36 **VIOLATION SUBMITTED BY A SPEED MONITORING SYSTEM CONTRACTOR FOR**
 37 **REVIEW BY AN AGENCY THAT IS:**

1 ~~1. CLEARLY NOT SUPPORTED BY THE AVAILABLE~~
2 ~~EVIDENCE OR APPLICABLE LAW; OR~~

3 ~~2. BASED ON A TECHNICAL VARIABLE FOR WHICH~~
4 ~~THE CONTRACTOR IS RESPONSIBLE.~~

5 (II) ~~“ERRONEOUS VIOLATION” INCLUDES:~~

6 ~~1. A POTENTIAL VIOLATION BASED ON INACCURATE~~
7 ~~RADAR IMAGING, INCLUDING THE PHENOMENON KNOWN AS THE “RADAR~~
8 ~~EFFECT”; AND~~

9 ~~2. A POTENTIAL VIOLATION BASED ON A RECORDED~~
10 ~~IMAGE THAT IS GENERATED BY A SPEED MONITORING SYSTEM THAT IS AT AN~~
11 ~~IMPROPER DISTANCE OR ANGLE OR IN IMPROPER FOCUS.~~

12 ~~(III) “ERRONEOUS VIOLATION” DOES NOT INCLUDE A~~
13 ~~POTENTIAL VIOLATION THAT AN AGENCY IS UNABLE TO VALIDATE BUT~~
14 ~~OTHERWISE COMPLIES WITH APPLICABLE LAWS AND CONTRACT PROVISIONS~~
15 ~~APPARENTLY INACCURATE BASED ON A TECHNICAL VARIABLE THAT IS UNDER~~
16 ~~THE CONTROL OF THE CONTRACTOR.~~

17 (II) “ERRONEOUS VIOLATION” INCLUDES A POTENTIAL
18 VIOLATION BASED ON:

19 1. A RECORDED IMAGE OF A REGISTRATION PLATE
20 THAT DOES NOT MATCH THE REGISTRATION PLATE ISSUED FOR THE MOTOR
21 VEHICLE IN THE RECORDED IMAGE;

22 2. A RECORDED IMAGE THAT SHOWS A STOPPED
23 VEHICLE OR NO PROGRESSION;

24 3. AN INCORRECTLY MEASURED SPEED FOR A
25 MOTOR VEHICLE;

26 4. A MEASURED SPEED OF A MOTOR VEHICLE THAT
27 IS BELOW THE THRESHOLD SPEED THAT WOULD SUBJECT THE OWNER TO A
28 CIVIL CITATION UNDER THIS SECTION;

29 5. A RECORDED IMAGE THAT WAS TAKEN OUTSIDE
30 OF THE HOURS AND DAYS THAT SPEED MONITORING SYSTEMS ARE AUTHORIZED
31 FOR USE IN SCHOOL ZONES; AND

6. A RECORDED IMAGE THAT WAS TAKEN BY A SPEED MONITORING SYSTEM WITH AN EXPIRED CALIBRATION CERTIFICATE.

(4) (I) “Owner” means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or more.

(ii) “Owner” does not include:

1. A motor vehicle rental or leasing company; or
2. A holder of a special registration plate issued under Title 13, Subtitle 9, Part III of this article.

(5) “PROGRAM ADMINISTRATOR” MEANS AN EMPLOYEE OR REPRESENTATIVE OF THE LOCAL JURISDICTION DESIGNATED BY THE LOCAL JURISDICTION TO OVERSEE A CONTRACT WITH A SPEED MONITORING SYSTEM CONTRACTOR.

[(4)] (6) “Recorded image” means an image recorded by a speed monitoring system:

(i) On:

1. A photograph;
2. A microphotograph;
3. An electronic image;
4. Videotape; or
5. Any other medium; and

(ii) Showing:

1. The rear of a motor vehicle;
2. At least two time-stamped images of the motor vehicle that include the same stationary object near the motor vehicle; and
3. On at least one image or portion of tape, a clear and legible identification of the entire registration plate number of the motor vehicle.

(7) “SCHOOL ZONE” MEANS A DESIGNATED ROADWAY SEGMENT WITHIN ~~A ONE-QUARTER MILE RADIUS OF A SCHOOL FOR KINDERGARTEN OR ANY GRADE LEVEL THROUGH GRADE 12 THAT IS APPROACHING, ADJACENT TO,~~

1 ~~OR BEYOND SCHOOL BUILDINGS OR GROUNDS UP TO A HALF-MILE RADIUS OF A~~
 2 ~~SCHOOL FOR ANY OF GRADES KINDERGARTEN THROUGH GRADE 12~~ WHERE
 3 SCHOOL-RELATED ACTIVITY OCCURS, INCLUDING:

4 (I) TRAVEL BY STUDENTS TO OR FROM SCHOOL ON FOOT
 5 OR BY BICYCLE; OR

6 (II) THE DROPPING OFF OR PICKING UP OF STUDENTS BY
 7 SCHOOL BUSES OR OTHER VEHICLES.

8 [(5)] (8) “Speed monitoring system” means a device with one or more
 9 motor vehicle sensors producing recorded images of motor vehicles traveling at speeds
 10 at least 12 miles per hour above the posted speed limit.

11 [(6)] (9) “Speed monitoring system operator” means a representative
 12 of an agency or contractor that operates a speed monitoring system.

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

16 (ii) Before a county may use a speed monitoring system on a
 17 State highway at a location within a municipal corporation, the county shall:

18 1. Obtain the approval of the State Highway
 19 Administration;

20 2. Notify the municipal corporation of the State
 21 Highway Administration’s approval of the use of a speed monitoring system at that
 22 location; and

23 3. Grant the municipal corporation 60 days from the
 24 date of the county’s notice to the municipal corporation to enact an ordinance
 25 authorizing the municipal corporation instead of the county to use a speed monitoring
 26 system at that location.

27 (iii) 1. This subparagraph applies only in Prince George’s
 28 County.

29 2. In the county, a municipal corporation may
 30 implement and use a speed monitoring system consistent with the requirements of
 31 this subsection on a county highway at a location within its corporate limits if the
 32 municipal corporation:

1 A. Submits to the county a plan describing the boundary
2 of the applicable school zone and the proposed location of the speed monitoring system;
3 and

4 B. Requests and receives permission from the county to
5 use the speed monitoring system at the proposed location.

6 3. If the county fails to respond to the request within 60
7 days, the municipal corporation may implement and use the speed monitoring system
8 as described in the plan submission.

9 4. The county may not:

10 A. Unreasonably deny a request under this
11 subparagraph; or

12 B. Place exactions, fees, or unreasonable restrictions on
13 the implementation and use of a speed monitoring system under this subparagraph.

14 5. The county shall state in writing the reasons for any
15 denial of a request under this subparagraph.

16 6. A municipal corporation may contest in the circuit
17 court a county denial of a request under this subparagraph.

18 (iv) In Prince George's County, if a municipal corporation has
19 established a school zone that is within one-quarter mile of a school zone established
20 in another municipal corporation, the municipal corporation may not implement or use
21 a speed monitoring system in that school zone unless it has obtained the approval of
22 the other municipal corporation.

23 (v) An ordinance or resolution adopted by the governing body of
24 a local jurisdiction under this paragraph shall provide that [for a period of at least 30
25 days after the first speed monitoring system is placed in the local jurisdiction, a
26 violation recorded by any speed monitoring system in the local jurisdiction may be
27 enforced only by the issuance of a warning], **IF THE LOCAL JURISDICTION MOVES
28 OR PLACES A MOBILE OR STATIONARY SPEED MONITORING SYSTEM TO OR AT A
29 LOCATION WHERE A SPEED MONITORING SYSTEM HAD NOT PREVIOUSLY BEEN
30 MOVED OR PLACED, THE LOCAL JURISDICTION MAY NOT ISSUE A CITATION FOR
31 A VIOLATION RECORDED BY THAT SPEED MONITORING SYSTEM:**

32 1. **UNTIL SIGNAGE IS INSTALLED IN ACCORDANCE
33 WITH SUBPARAGRAPH (VII) OF THIS PARAGRAPH; AND**

34 2. **FOR AT LEAST THE FIRST 15 CALENDAR DAYS
35 AFTER THE SIGNAGE IS INSTALLED.**

1 (vi) This section applies to a violation of this subtitle recorded by
2 a speed monitoring system that meets the requirements of this subsection and has
3 been placed:

4 1. In Montgomery County, on a highway in a residential
5 district, as defined in § 21–101 of this title, with a maximum posted speed limit of 35
6 miles per hour, which speed limit was established using generally accepted traffic
7 engineering practices;

8 2. In a school zone [established under § 21–803.1 of this
9 subtitle] **WITH A POSTED SPEED LIMIT OF AT LEAST 20 MILES PER HOUR;** or

10 3. In Prince George’s County, on that part of a highway
11 located within the grounds of an institution of higher education as defined in §
12 10–101(h) of the Education Article, or within one-half mile of the grounds of a
13 building or property used by the institution of higher education where generally
14 accepted traffic and engineering practices indicate that motor vehicle, pedestrian, or
15 bicycle traffic is substantially generated or influenced by the institution of higher
16 education.

17 (vii) Before activating [an unmanned stationary] A speed
18 monitoring system, the local jurisdiction shall:

19 1. Publish notice of the location of the speed monitoring
20 system on its website and in a newspaper of general circulation in the jurisdiction;

21 2. Ensure that each sign that designates a school zone
22 [indicates] **IS PROXIMATE TO A SIGN THAT:**

23 **A. INDICATES** that speed monitoring systems are in use
24 in **THE** school [zones] **ZONE;** AND

25 **B. IS IN ACCORDANCE WITH THE MANUAL ~~AND FOR~~**
26 **AND THE SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL**
27 **DEVICES ADOPTED BY THE STATE HIGHWAY ADMINISTRATION UNDER § 25–104**
28 **OF THIS ARTICLE;** and

29 3. With regard to a speed monitoring system established
30 based on proximity to an institution of higher education under paragraph (1)(vi)3 of
31 this subsection, ensure that all speed limit signs approaching and within the segment
32 of highway on which the speed monitoring system is located include signs that:

33 **A.** Are in accordance with the manual and specifications
34 for a uniform system of traffic control devices adopted by the State Highway
35 Administration under § 25–104 of this article; and

1 B. Indicate that a speed monitoring system is in use.

2 (viii) A speed monitoring system in a school zone may operate
3 only Monday through Friday ~~DURING THE REGULAR SCHOOL YEAR~~ between 6:00
4 a.m. and 8:00 p.m.

5 (IX) 1. A LOCAL JURISDICTION THAT AUTHORIZES A
6 PROGRAM OF SPEED MONITORING SYSTEMS SHALL DESIGNATE, ~~SUBJECT TO~~
7 ~~THE APPROVAL OF THE GOVERNING BODY OF THE LOCAL JURISDICTION,~~ AN
8 OFFICIAL OR EMPLOYEE TO INVESTIGATE AND RESPOND TO QUESTIONS OR
9 CONCERNS ABOUT THE ~~SPEED MONITORING SYSTEM PROGRAM IN THE LOCAL~~
10 ~~JURISDICTION~~ LOCAL JURISDICTION'S SPEED MONITORING SYSTEM PROGRAM.

11 ~~2. BEFORE THE DEADLINE FOR CONTESTING~~
12 ~~LIABILITY UNDER THIS SECTION, THE LOCAL DESIGNEE MAY REVIEW AND, IF A~~
13 ~~CITATION IS DETERMINED TO BE AN ERRONEOUS VIOLATION, VOID A SPEED~~
14 ~~MONITORING SYSTEM CITATION.~~

15 2. A. THE LOCAL DESIGNEE SHALL REVIEW A
16 CITATION GENERATED BY A SPEED MONITORING SYSTEM IF THE PERSON WHO
17 RECEIVED THE CITATION REQUESTS REVIEW BEFORE THE DEADLINE FOR
18 CONTESTING LIABILITY UNDER THIS SECTION.

19 B. IF THE LOCAL DESIGNEE DETERMINES THAT THE
20 CITATION IS AN ERRONEOUS VIOLATION, THE LOCAL DESIGNEE SHALL VOID
21 THE CITATION.

22 C. IF THE LOCAL DESIGNEE DETERMINES THAT A
23 PERSON DID NOT RECEIVE NOTICE OF A CITATION ISSUED UNDER THIS SECTION
24 DUE TO AN ADMINISTRATIVE ERROR, THE LOCAL DESIGNEE MAY RESEND THE
25 CITATION IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION OR VOID
26 THE CITATION.

27 D. A LOCAL DESIGNEE THAT TAKES ANY ACTION
28 DESCRIBED UNDER SUBSUBSUBPARAGRAPH C OF THIS SUBSUBPARAGRAPH
29 SHALL NOTIFY THE ADMINISTRATION OF THE ACTION FOR THE PURPOSE OF
30 RESCINDING ANY ADMINISTRATIVE PENALTIES IMPOSED UNDER SUBSECTION
31 (G) OF THIS SECTION.

32 E. A LOCAL DESIGNEE MAY NOT DETERMINE THAT A
33 CITATION IS AN ERRONEOUS VIOLATION BASED SOLELY ON THE DISMISSAL OF
34 THE CITATION BY A COURT.

1 **3. A LOCAL DESIGNEE MAY NOT BE EMPLOYED BY A**
2 **SPEED MONITORING SYSTEM CONTRACTOR OR HAVE BEEN INVOLVED IN ANY**
3 **~~PREVIOUS REVIEW UNDER THIS SECTION OF SPEED MONITORING SYSTEM~~**
4 **~~CITATIONS~~ REVIEW OF A SPEED MONITORING SYSTEM CITATION, OTHER THAN A**
5 **REVIEW OF A CITATION UNDER THIS SUBPARAGRAPH.**

6 **4. ON RECEIPT OF A WRITTEN QUESTION OR**
7 **CONCERN FROM A PERSON, THE LOCAL DESIGNEE SHALL PROVIDE A WRITTEN**
8 **ANSWER OR RESPONSE TO THE PERSON WITHIN A REASONABLE TIME.**

9 **5. A LOCAL JURISDICTION SHALL MAKE ANY**
10 **WRITTEN QUESTIONS OR CONCERNS RECEIVED UNDER THIS SUBPARAGRAPH,**
11 **AND ANY SUBSEQUENT WRITTEN ANSWERS OR RESPONSES, AVAILABLE FOR**
12 **PUBLIC INSPECTION.**

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

16 (ii) The manufacturer shall issue a signed certificate to the
17 speed monitoring system operator on completion of the training.

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

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

22 (i) States that the speed monitoring system operator
23 successfully performed **OR REVIEWED AND EVALUATED** the manufacturer-specified
24 **DAILY** self-test of the speed monitoring system prior to producing a recorded image;

25 (ii) Shall be kept on file; and

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

28 (4) (i) A speed monitoring system shall undergo ~~an annual~~ **A**
29 **QUARTERLY** calibration check performed by an independent calibration laboratory
30 **THAT IS:**

31 **1. SELECTED BY THE LOCAL JURISDICTION; AND**

32 **2. UNAFFILIATED WITH THE MANUFACTURER OF**
33 **THE SPEED MONITORING SYSTEM.**

1 (ii) The independent calibration laboratory shall issue a signed
2 certificate of calibration after the ~~annual~~ ~~QUARTERLY~~ calibration check that:

- 3 1. Shall be kept on file; and
4 2. Shall be admitted as evidence in any court proceeding
5 for a violation of this section.

6 **(5) IF A LOCAL JURISDICTION AUTHORIZES A PROGRAM OF**
7 **SPEED MONITORING SYSTEMS UNDER THIS SECTION:**

8 **(I) THE LOCAL JURISDICTION SHALL DESIGNATE A**
9 **PROGRAM ADMINISTRATOR WHO MAY NOT BE AN EMPLOYEE OR A**
10 **REPRESENTATIVE OF THE SPEED MONITORING SYSTEM CONTRACTOR; AND**

11 **(II) THE CONTRACT WITH THE SPEED MONITORING SYSTEM**
12 **CONTRACTOR SHALL INCLUDE THE FOLLOWING PROVISIONS:**

13 1. FOR POTENTIAL VIOLATIONS SUBMITTED BY A
14 CONTRACTOR FOR REVIEW BY AN AGENCY, IF MORE THAN 5% OF THE
15 VIOLATIONS IN A CALENDAR YEAR ARE ERRONEOUS VIOLATIONS, THEN THE
16 CONTRACTOR SHALL BE SUBJECT TO LIQUIDATED DAMAGES FOR EACH
17 ERRONEOUS VIOLATION EQUAL TO AT LEAST 50% OF THE FINE AMOUNT FOR
18 THE ERRONEOUS VIOLATION, PLUS ANY REIMBURSEMENTS PAID BY THE LOCAL
19 JURISDICTION; AND

20 2. THE LOCAL JURISDICTION MAY CANCEL A
21 CONTRACT WITH A CONTRACTOR IF THE CONTRACTOR VIOLATES THE
22 CONTRACT ~~BEYOND~~ BY SUBMITTING ERRONEOUS VIOLATIONS TO THE AGENCY
23 THAT EXCEED A THRESHOLD SPECIFIED IN THE CONTRACT OR VIOLATES THE
24 LAW IN IMPLEMENTING THE CONTRACT.

25 **(6) (I) ~~THE MARYLAND ASSOCIATION OF CHIEFS OF POLICE,~~**
26 **~~IN CONSULTATION WITH THE MARYLAND SHERIFF'S ASSOCIATION AND THE~~**
27 **ADMINISTRATION POLICE TRAINING COMMISSION, IN CONSULTATION WITH**
28 **THE STATE HIGHWAY ADMINISTRATION AND OTHER INTERESTED**
29 **STAKEHOLDERS, SHALL DEVELOP A TRAINING PROGRAM CONCERNING THE**
30 **OVERSIGHT AND ADMINISTRATION OF A SPEED MONITORING PROGRAM BY A**
31 **LOCAL JURISDICTION, INCLUDING A CURRICULUM OF BEST PRACTICES IN THE**
32 **STATE.**

33 **(II) 1. A PROGRAM ADMINISTRATOR SHALL**
34 **PARTICIPATE IN THE TRAINING PROGRAM ESTABLISHED UNDER THIS**

1 PARAGRAPH BEFORE A LOCAL JURISDICTION INITIALLY IMPLEMENTS A NEW
2 SPEED MONITORING PROGRAM AND SUBSEQUENTLY AT LEAST ONCE EVERY 2
3 YEARS.

4 **2. A PROGRAM ADMINISTRATOR FOR A PROGRAM IN**
5 **EXISTENCE ON JUNE 1, 2014, SHALL INITIALLY PARTICIPATE IN THE TRAINING**
6 **PROGRAM ON OR BEFORE DECEMBER 31, 2014, AND SUBSEQUENTLY AT LEAST**
7 **ONCE EVERY 2 YEARS.**

8 **3. IF A LOCAL JURISDICTION DESIGNATES A NEW**
9 **PROGRAM ADMINISTRATOR, THE NEW PROGRAM ADMINISTRATOR SHALL**
10 **PARTICIPATE IN THE NEXT AVAILABLE TRAINING PROGRAM.**

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

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

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

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

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

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

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

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

29 (iii) The violation charged;

30 (iv) The location where the violation occurred;

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

32 (vi) A copy of the recorded image;

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

3 (viii) A signed statement by a duly authorized law enforcement
4 officer employed by or under contract with an agency that, based on inspection of
5 recorded images, the motor vehicle was being operated in violation of this subtitle;

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

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

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

14 1. Is an admission of liability;

15 2. May result in the refusal by the Administration to
16 register the motor vehicle; and

17 3. May result in the suspension of the motor vehicle
18 registration.

19 (2) An agency may mail a warning notice instead of a citation to the
20 owner liable under subsection (c) of this section.

21 (3) Except as provided in subsection (f)(4) of this section, an agency
22 may not mail a citation to a person who is not an owner.

23 (4) Except as provided in ~~subsection~~ **SUBSECTIONS (B)(1)(IX) AND**
24 **(f)(4)** of this section, a citation issued under this section shall be mailed no later than 2
25 weeks after the alleged violation if the vehicle is registered in this State, and 30 days
26 after the alleged violation if the vehicle is registered in another state.

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

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

31 (ii) Elect to stand trial in the District Court for the alleged
32 violation.

1 (e) (1) A certificate alleging that the violation of this subtitle occurred and
2 the requirements under subsection (b) of this section have been satisfied, sworn to, or
3 affirmed by [an agent or employee of] **A DULY AUTHORIZED LAW ENFORCEMENT**
4 **OFFICER EMPLOYED BY OR UNDER CONTRACT WITH** an agency, based on
5 inspection of recorded images produced by a speed monitoring system, shall be
6 evidence of the facts contained in the certificate and shall be admissible in a
7 proceeding alleging a violation under this section without the presence or testimony of
8 the speed monitoring system operator who performed the requirements under
9 subsection (b) of this section.

10 (2) If a person who received a citation under subsection (d) of this
11 section desires the speed monitoring system operator to be present and testify at trial,
12 the person shall notify the court and the State in writing no later than 20 days before
13 trial.

14 (3) Adjudication of liability shall be based on a preponderance of
15 evidence.

16 (f) (1) The District Court may consider in defense of a violation:

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

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

24 (iii) Any other issues and evidence that the District Court deems
25 pertinent.

26 (2) To demonstrate that the motor vehicle or the registration plates
27 were stolen before the violation occurred and were not under the control or possession
28 of the owner at the time of the violation, the owner shall submit proof that a police
29 report regarding the stolen motor vehicle or registration plates was filed in a timely
30 manner.

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

35 (i) States that the person named in the citation was not
36 operating the vehicle at the time of the violation; and

37 (ii) Includes any other corroborating evidence.

1 (4) (i) If the District Court finds that the person named in the
2 citation was not operating the vehicle at the time of the violation or receives evidence
3 under paragraph (3) of this subsection identifying the person driving the vehicle at the
4 time of the violation, the clerk of the court shall provide to the agency issuing the
5 citation a copy of any evidence substantiating who was operating the vehicle at the
6 time of the violation.

7 (ii) On receipt of substantiating evidence from the District
8 Court under subparagraph (i) of this paragraph, an agency may issue a citation as
9 provided in subsection (d) of this section to the person who the evidence indicates was
10 operating the vehicle at the time of the violation.

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

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

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

18 (2) May suspend the registration of the motor vehicle cited for the
19 violation.

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

21 (1) Is not a moving violation for the purpose of assessing points under
22 § 16–402 of this article;

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

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

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

29 (i) In consultation with the appropriate local government agencies, the Chief
30 Judge of the District Court shall adopt procedures for the issuance of citations, the
31 trial of civil violations, and the collection of civil penalties under this section.

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

1 (2) If a contractor IN ANY MANNER operates a speed monitoring
2 system OR ADMINISTERS OR PROCESSES CITATIONS GENERATED BY A SPEED
3 MONITORING SYSTEM on behalf of a local jurisdiction, the contractor's fee may not be
4 contingent ON A PER-TICKET BASIS on the number of citations issued or paid.

5 ~~SECTION 2. AND BE IT FURTHER ENACTED, That, except as provided in~~
6 ~~Section 3 of this Act, this Act shall apply only to a contract entered into on or after~~
7 ~~April 8, 2014, and may not be construed to affect a contract entered into before April 8,~~
8 ~~2014.~~

9 ~~SECTION 3. AND BE IT FURTHER ENACTED, That for a speed monitoring~~
10 ~~system contract that is entered into by a local jurisdiction before April 8, 2014, and~~
11 ~~that is not consistent with the provisions of this Act, any extension of the term of the~~
12 ~~contract through the exercise of an extension option or clause on or after April 8, 2014,~~
13 ~~shall be void.~~

14 (K) (1) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE
15 MARYLAND POLICE TRAINING COMMISSION SHALL:

16 (I) COMPILE AND MAKE PUBLICLY AVAILABLE A REPORT
17 FOR THE PREVIOUS FISCAL YEAR ON EACH SPEED MONITORING SYSTEM
18 PROGRAM OPERATED BY A LOCAL JURISDICTION UNDER THIS SECTION; AND

19 (II) SUBMIT THE REPORT TO THE GOVERNOR AND, IN
20 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE
21 GENERAL ASSEMBLY.

22 (2) THE REPORT SHALL INCLUDE:

23 (I) THE TOTAL NUMBER OF CITATIONS ISSUED;

24 (II) THE NUMBER OF CITATIONS ISSUED AND THE NUMBER
25 VOIDED AS ERRONEOUS VIOLATIONS FOR EACH CAMERA;

26 (III) THE GROSS REVENUE GENERATED BY THE PROGRAM;

27 (IV) THE EXPENDITURES INCURRED BY THE PROGRAM;

28 (V) THE NET REVENUE GENERATED BY THE PROGRAM;

29 (VI) THE TOTAL AMOUNT OF ANY PAYMENTS MADE TO A
30 CONTRACTOR UNDER THE PROGRAM;

1 (VII) A DESCRIPTION OF HOW THE NET REVENUE
2 GENERATED BY THE PROGRAM WAS USED;

3 (VIII) THE NUMBER OF EMPLOYEES OF THE LOCAL
4 JURISDICTION INVOLVED IN THE PROGRAM;

5 (IX) THE TYPE OF SPEED MONITORING SYSTEM USED BY THE
6 LOCAL JURISDICTION;

7 (X) THE LOCATIONS AT WHICH EACH SPEED MONITORING
8 SYSTEM WAS USED IN THE LOCAL JURISDICTION;

9 (XI) THE ACTIVATION START AND STOP DATES OF EACH
10 SPEED MONITORING SYSTEM FOR EACH LOCATION AT WHICH IT WAS USED; AND

11 (XII) THE NUMBER OF CITATIONS ISSUED BY EACH SPEED
12 MONITORING SYSTEM AT EACH LOCATION.

13 (3) EACH LOCAL JURISDICTION WITH A SPEED MONITORING
14 SYSTEM PROGRAM SHALL SUBMIT THE INFORMATION REQUIRED UNDER
15 PARAGRAPH (2) OF THIS SUBSECTION TO THE COMMISSION BY OCTOBER 31 OF
16 EACH YEAR AND ASSIST THE COMMISSION IN THE PREPARATION OF THE
17 ANNUAL REPORT.

18 SECTION 2. AND BE IT FURTHER ENACTED, That, except as provided in
19 Section 3 of this Act, a presently existing obligation, contract, or contract right may
20 not be impaired in any way by this Act and this Act does not abrogate any current
21 obligation, contract, or contract right in existence before the effective date of this Act.

22 SECTION 3. AND BE IT FURTHER ENACTED, That a local jurisdiction shall
23 alter without penalty an obligation, a contract, or a contract right existing on May 31,
24 2014, to comply with the provisions of this Act by June 1, 2017.

25 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 ~~October~~ June 1, 2014.