

SENATE BILL 350

R5

4lr0867

By: **Senators Brochin, Klausmeier, and Zirkin**

Introduced and read first time: January 22, 2014

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2014

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
15 requirements for daily self-tests and annual calibrations for speed monitoring
16 systems; requiring certain local jurisdictions to designate, subject to the
17 approvals of a certain local governing body, a certain program administrator;
18 requiring a contract for a certain speed monitoring system to include certain
19 provisions; establishing certain training requirements; clarifying that a
20 certificate alleging that a certain speeding violation occurred is required to be
21 sworn to or affirmed by a certain law enforcement officer; expanding the
22 application of the prohibition against a speed monitoring system contractor's fee
23 being contingent on the number of citations issued or paid; ~~providing for the~~
24 ~~application of this Act; providing that certain speed monitoring system contract~~

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.



~~extensions are void under certain circumstances~~ requiring the Maryland Police Training Commission to compile and make publicly available an annual report containing certain information on each local speed monitoring system program; providing that, except under certain circumstances, existing obligations, contracts, or contract rights may not be impaired by this Act; defining certain terms; and generally relating to speed monitoring systems operated by local jurisdictions.

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

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

Article – Transportation

21–809.

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

(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.

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

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

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

~~(ii) “ERRONEOUS VIOLATION” INCLUDES:~~

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

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

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

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

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

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

3. AN INCORRECTLY MEASURED SPEED FOR A MOTOR VEHICLE;

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

5. A RECORDED IMAGE THAT WAS TAKEN OUTSIDE OF THE HOURS AND DAYS THAT SPEED MONITORING SYSTEMS ARE AUTHORIZED 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

1 A. Unreasonably deny a request under this
2 subparagraph; or

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

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

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

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

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

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

25 2. **FOR AT LEAST THE FIRST 15 CALENDAR DAYS
26 AFTER THE SIGNAGE IS INSTALLED.**

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

30 1. In Montgomery County, on a highway in a residential
31 district, as defined in § 21-101 of this title, with a maximum posted speed limit of 35
32 miles per hour, which speed limit was established using generally accepted traffic
33 engineering practices;

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

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

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

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

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

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

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

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

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

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

28 (viii) A speed monitoring system in a school zone may operate
29 only Monday through Friday **DURING THE REGULAR SCHOOL YEAR** between 6:00
30 a.m. and 8:00 p.m.

31 **(IX) 1. A LOCAL JURISDICTION THAT AUTHORIZES A**
32 **PROGRAM OF SPEED MONITORING SYSTEMS SHALL DESIGNATE, SUBJECT TO**
33 **THE APPROVAL OF THE GOVERNING BODY OF THE LOCAL JURISDICTION, AN**
34 **OFFICIAL OR EMPLOYEE TO INVESTIGATE AND RESPOND TO QUESTIONS OR**
35 **CONCERNS ABOUT THE ~~SPEED MONITORING SYSTEM PROGRAM IN THE LOCAL~~**
36 **JURISDICTION LOCAL JURISDICTION'S SPEED MONITORING SYSTEM PROGRAM.**

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

5 2. A. THE LOCAL DESIGNEE SHALL REVIEW A
6 CITATION GENERATED BY A SPEED MONITORING SYSTEM IF THE PERSON WHO
7 RECEIVED THE CITATION REQUESTS REVIEW BEFORE THE DEADLINE FOR
8 CONTESTING LIABILITY UNDER THIS SECTION.

9 B. IF THE LOCAL DESIGNEE DETERMINES THAT THE
10 CITATION IS AN ERRONEOUS VIOLATION, THE LOCAL DESIGNEE SHALL VOID
11 THE CITATION.

12 C. IF THE LOCAL DESIGNEE DETERMINES THAT A
13 PERSON DID NOT RECEIVE NOTICE OF A CITATION ISSUED UNDER THIS SECTION
14 DUE TO AN ADMINISTRATIVE ERROR, THE LOCAL DESIGNEE MAY RESEND THE
15 CITATION IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION OR VOID
16 THE CITATION.

17 D. A LOCAL DESIGNEE THAT TAKES ANY ACTION
18 DESCRIBED UNDER SUBSUBSUBPARAGRAPH C OF THIS SUBSUBPARAGRAPH
19 SHALL NOTIFY THE ADMINISTRATION OF THE ACTION FOR THE PURPOSE OF
20 RESCINDING ANY ADMINISTRATIVE PENALTIES IMPOSED UNDER SUBSECTION
21 (G) OF THIS SECTION.

22 E. A LOCAL DESIGNEE MAY NOT DETERMINE THAT A
23 CITATION IS AN ERRONEOUS VIOLATION BASED SOLELY ON THE DISMISSAL OF
24 THE CITATION BY A COURT.

25 3. A LOCAL DESIGNEE MAY NOT BE EMPLOYED BY A
26 SPEED MONITORING SYSTEM CONTRACTOR OR HAVE BEEN INVOLVED IN ANY
27 PREVIOUS REVIEW UNDER THIS SECTION OF SPEED MONITORING SYSTEM
28 CITATIONS REVIEW OF A SPEED MONITORING SYSTEM CITATION, OTHER THAN A
29 REVIEW OF A CITATION UNDER THIS SUBPARAGRAPH.

30 4. ON RECEIPT OF A WRITTEN QUESTION OR
31 CONCERN FROM A PERSON, THE LOCAL DESIGNEE SHALL PROVIDE A WRITTEN
32 ANSWER OR RESPONSE TO THE PERSON WITHIN A REASONABLE TIME.

33 5. A LOCAL JURISDICTION SHALL MAKE ANY
34 WRITTEN QUESTIONS OR CONCERNS RECEIVED UNDER THIS SUBPARAGRAPH.

1 AND ANY SUBSEQUENT WRITTEN ANSWERS OR RESPONSES, AVAILABLE FOR
2 PUBLIC INSPECTION.

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

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

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

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

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

15 (ii) Shall be kept on file; and

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

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

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

22 2. **UNAFFILIATED WITH THE MANUFACTURER OF**
23 **THE SPEED MONITORING SYSTEM.**

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

26 1. Shall be kept on file; and

27 2. Shall be admitted as evidence in any court proceeding
28 for a violation of this section.

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

1 (I) THE LOCAL JURISDICTION SHALL DESIGNATE A
2 PROGRAM ADMINISTRATOR WHO MAY NOT BE AN EMPLOYEE OR A
3 REPRESENTATIVE OF THE SPEED MONITORING SYSTEM CONTRACTOR; AND

4 (II) THE CONTRACT WITH THE SPEED MONITORING SYSTEM
5 CONTRACTOR SHALL INCLUDE THE FOLLOWING PROVISIONS:

6 1. FOR POTENTIAL VIOLATIONS SUBMITTED BY A
7 CONTRACTOR FOR REVIEW BY AN AGENCY, IF MORE THAN 5% OF THE
8 VIOLATIONS IN A CALENDAR YEAR ARE ERRONEOUS VIOLATIONS, THEN THE
9 CONTRACTOR SHALL BE SUBJECT TO LIQUIDATED DAMAGES FOR EACH
10 ERRONEOUS VIOLATION EQUAL TO AT LEAST 50% OF THE FINE AMOUNT FOR
11 THE ERRONEOUS VIOLATION, PLUS ANY REIMBURSEMENTS PAID BY THE LOCAL
12 JURISDICTION; AND

13 2. THE LOCAL JURISDICTION MAY CANCEL A
14 CONTRACT WITH A CONTRACTOR IF THE CONTRACTOR VIOLATES THE
15 CONTRACT ~~BEYOND~~ BY SUBMITTING ERRONEOUS VIOLATIONS TO THE AGENCY
16 THAT EXCEED A THRESHOLD SPECIFIED IN THE CONTRACT OR VIOLATES THE
17 LAW IN IMPLEMENTING THE CONTRACT.

18 (6) (I) ~~THE MARYLAND ASSOCIATION OF CHIEFS OF POLICE,~~
19 ~~IN CONSULTATION WITH THE MARYLAND SHERIFF'S ASSOCIATION AND THE~~
20 ~~ADMINISTRATION~~ POLICE TRAINING COMMISSION, IN CONSULTATION WITH
21 THE STATE HIGHWAY ADMINISTRATION AND OTHER INTERESTED
22 STAKEHOLDERS, SHALL DEVELOP A TRAINING PROGRAM CONCERNING THE
23 OVERSIGHT AND ADMINISTRATION OF A SPEED MONITORING PROGRAM BY A
24 LOCAL JURISDICTION, INCLUDING A CURRICULUM OF BEST PRACTICES IN THE
25 STATE.

26 (II) 1. A PROGRAM ADMINISTRATOR SHALL
27 PARTICIPATE IN THE TRAINING PROGRAM ESTABLISHED UNDER THIS
28 PARAGRAPH BEFORE A LOCAL JURISDICTION INITIALLY IMPLEMENTS A NEW
29 SPEED MONITORING PROGRAM AND SUBSEQUENTLY AT LEAST ONCE EVERY 2
30 YEARS.

31 2. A PROGRAM ADMINISTRATOR FOR A PROGRAM IN
32 EXISTENCE ON JUNE 1, 2014, SHALL INITIALLY PARTICIPATE IN THE TRAINING
33 PROGRAM ON OR BEFORE DECEMBER 31, 2014, AND SUBSEQUENTLY AT LEAST
34 ONCE EVERY 2 YEARS.

35 3. IF A LOCAL JURISDICTION DESIGNATES A NEW
36 PROGRAM ADMINISTRATOR, THE NEW PROGRAM ADMINISTRATOR SHALL
37 PARTICIPATE IN THE NEXT AVAILABLE TRAINING PROGRAM.

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

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

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

8 (i) A uniform citation form consistent with subsection (d)(1) of
9 this section and § 7-302 of the Courts Article; and

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

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

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

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

19 (iii) The violation charged;

20 (iv) The location where the violation occurred;

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

22 (vi) A copy of the recorded image;

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

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

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

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

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

7 1. Is an admission of liability;

8 2. May result in the refusal by the Administration to
9 register the motor vehicle; and

10 3. May result in the suspension of the motor vehicle
11 registration.

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

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

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

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

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

24 (ii) Elect to stand trial in the District Court for the alleged
25 violation.

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

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

5 (3) Adjudication of liability shall be based on a preponderance of
6 evidence.

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

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

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

15 (iii) Any other issues and evidence that the District Court deems
16 pertinent.

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

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

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

28 (ii) Includes any other corroborating evidence.

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

35 (ii) On receipt of substantiating evidence from the District
36 Court under subparagraph (i) of this paragraph, an agency may issue a citation as

1 provided in subsection (d) of this section to the person who the evidence indicates was
2 operating the vehicle at the time of the violation.

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

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

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

10 (2) May suspend the registration of the motor vehicle cited for the
11 violation.

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

13 (1) Is not a moving violation for the purpose of assessing points under
14 § 16-402 of this article;

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

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

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

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

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

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

31 ~~SECTION 2. AND BE IT FURTHER ENACTED, That, except as provided in~~
32 ~~Section 3 of this Act, this Act shall apply only to a contract entered into on or after~~
33 ~~April 8, 2014, and may not be construed to affect a contract entered into before April 8,~~
34 ~~2014.~~

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

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

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

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

(2) THE REPORT SHALL INCLUDE:

(I) THE TOTAL NUMBER OF CITATIONS ISSUED;

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

(III) THE GROSS REVENUE GENERATED BY THE PROGRAM;

(IV) THE EXPENDITURES INCURRED BY THE PROGRAM;

(V) THE NET REVENUE GENERATED BY THE PROGRAM;

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

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

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

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

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

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

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

5 (3) EACH LOCAL JURISDICTION WITH A SPEED MONITORING
 6 SYSTEM PROGRAM SHALL SUBMIT THE INFORMATION REQUIRED UNDER
 7 PARAGRAPH (2) OF THIS SUBSECTION TO THE COMMISSION BY OCTOBER 31 OF
 8 EACH YEAR AND ASSIST THE COMMISSION IN THE PREPARATION OF THE
 9 ANNUAL REPORT.

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

14 SECTION 3. AND BE IT FURTHER ENACTED, That a local jurisdiction shall
 15 alter without penalty an obligation, a contract, or a contract right existing on May 31,
 16 2014, to comply with the provisions of this Act by June 1, 2017.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.