

SENATE BILL 697

R1

4lr2305

By: **Senators Stone and Forehand**

Introduced and read first time: January 31, 2014

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transportation Authority – Electronic Toll Collection – Procedures**

3 FOR the purpose of increasing the period of time during which a person who receives a
4 notice of toll due must pay a video toll; requiring a notice of toll due to be mailed
5 separately for each individual video toll incurred in an envelope marked in a
6 certain manner; increasing the period of time during which a person who
7 receives a notice of toll due may assert certain statutory defenses; increasing
8 the period of time during which a person who receives a citation for a toll
9 violation must elect to stand trial or pay the video toll and civil penalty;
10 requiring a citation to be mailed separately for each individual toll violation
11 incurred in an envelope marked in a certain manner; and generally relating to
12 procedures for the collection of tolls incurred electronically.

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 21–1414
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2013 Supplement)

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

20 **Article – Transportation**

21 21–1414.

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

23 (2) “Authority” means the Maryland Transportation Authority.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) “Electronic toll collection” means a system in a toll collection
2 facility that is capable of collecting information from a motor vehicle for use in
3 charging tolls.

4 (4) “Notice of toll due” or “notice” means an administrative notice of a
5 video toll transaction.

6 (5) “Person alleged to be liable” means:

7 (i) The registered owner of a motor vehicle involved in a video
8 toll transaction; or

9 (ii) A person to whom a registered owner of a motor vehicle has
10 transferred liability for a video toll transaction in accordance with this section and the
11 regulations of the Authority.

12 (6) “Recorded image” means an image of a motor vehicle passing
13 through a toll collection facility recorded by a video monitoring system:

14 (i) On:

15 1. One or more photographs, micrographs, or electronic
16 images;

17 2. Videotape; or

18 3. Any other medium; and

19 (ii) Showing either the front or rear of the motor vehicle on at
20 least one image or portion of tape and clearly identifying the license plate number and
21 state of the motor vehicle.

22 (7) “Registered owner” means, with respect to a motor vehicle, the
23 person or persons designated as the registered owner in the records of the state agency
24 that is responsible for motor vehicle registration.

25 (8) “Toll collection facility” means any point on an Authority highway
26 where a toll is incurred and is required to be paid.

27 (9) “Toll violation” means the failure to pay a video toll within the
28 time prescribed by the Authority in a notice of toll due.

29 (10) “Video monitoring system” means a device installed to work in
30 conjunction with a toll collection facility that produces a recorded image when a video
31 toll transaction occurs.

1 (11) “Video toll” means the amount assessed by the Authority when a
2 video toll transaction occurs.

3 (12) “Video toll transaction” means any transaction in which a motor
4 vehicle does not or did not pay a toll at the time of passage through a toll collection
5 facility with a video monitoring system.

6 (b) (1) Except as provided in subsection (g) of this section, the registered
7 owner of a motor vehicle shall be liable to the Authority for payment of a video toll as
8 provided for in the regulations of the Authority.

9 (2) (I) The Authority shall send the registered owner of a motor
10 vehicle that has incurred a video toll a notice of toll due.

11 **(II) A NOTICE OF TOLL DUE SHALL BE MAILED SEPARATELY**
12 **FOR EACH INDIVIDUAL VIDEO TOLL INCURRED.**

13 **(III) AN ENVELOPE USED TO MAIL A NOTICE OF TOLL DUE**
14 **SHALL BE MARKED CLEARLY ON THE OUTSIDE AS CONTAINING TIME-SENSITIVE**
15 **MATERIAL.**

16 (3) Except as provided in subsection (g) of this section, the person
17 alleged to be liable who receives a notice of toll due shall have [30] **60** days to pay the
18 video toll.

19 (c) (1) Failure of the person alleged to be liable to pay the video toll under
20 a notice of toll due by the date stated on the notice shall constitute a toll violation
21 subject to civil citation and civil penalty as provided for in the regulations of the
22 Authority.

23 (2) A registered owner of a motor vehicle shall not be liable for a civil
24 penalty imposed under this section if the operator of the motor vehicle has been
25 convicted of failure or refusal to pay a toll under § 21-1413 of this subtitle for the
26 same violation.

27 (d) (1) (I) The Authority or its duly authorized agent shall send a
28 citation via first-class mail, no later than 60 days after the toll violation, to the person
29 alleged to be liable under this section.

30 **(II) A CITATION SHALL BE MAILED SEPARATELY FOR EACH**
31 **INDIVIDUAL TOLL VIOLATION INCURRED.**

32 **(III) AN ENVELOPE USED TO MAIL A CITATION SHALL BE**
33 **MARKED CLEARLY ON THE OUTSIDE AS CONTAINING TIME-SENSITIVE**
34 **MATERIAL.**

1 (2) Personal service of the citation on the person alleged to be liable
2 shall not be required, and a record of mailing kept in the ordinary course of business
3 shall be admissible evidence of the mailing of the notice of toll due and citation.

4 (3) A citation shall contain:

5 (i) The name and address of the person alleged to be liable
6 under this section;

7 (ii) The license plate number and state of registration of the
8 motor vehicle involved in the video toll transaction;

9 (iii) The location where the video toll transaction took place;

10 (iv) The date and time of the video toll transaction;

11 (v) The amount of the video toll and the date it was due as
12 stated on the notice of toll due;

13 (vi) A copy of the recorded image;

14 (vii) A statement that the video toll was not paid by the date
15 stated on the notice of toll due;

16 (viii) The amount of the civil penalty; and

17 (ix) The date by which the video toll and civil penalty must be
18 paid.

19 (4) A citation shall also include:

20 (i) Information advising the person alleged to be liable under
21 this section of the manner and the time in which liability alleged in the citation may
22 be contested;

23 (ii) The statutory defenses described in subsection (g) of this
24 section that were originally included in the notice of toll due; and

25 (iii) A warning that failure to pay the video toll and civil penalty,
26 to contest liability in the manner and time prescribed, or to appear at a trial requested
27 is an admission of liability and a waiver of available defenses, and may result in the
28 refusal or suspension of the motor vehicle registration and referral for collection.

29 (5) A person alleged to be liable receiving the citation for a toll
30 violation under this section may:

1 (i) Pay the video toll and the civil penalty directly to the
2 Authority; or

3 (ii) Elect to stand trial for the alleged violation.

4 (6) (i) If the person alleged to be liable under this section fails to
5 elect to stand trial or to pay the prescribed video toll and civil penalty within [30] 60
6 days after mailing of the citation, or is adjudicated to be liable after trial, or fails to
7 appear at trial after having elected to stand trial, the Authority or its duly authorized
8 agent may:

9 1. Collect the video toll and the civil penalty by any
10 means of collection as provided by law; and

11 2. Notify the Administration of the failure to pay the
12 video toll and civil penalty in accordance with § 27–110 of this article.

13 (ii) No additional hearing or proceeding is required before the
14 Administration takes action with respect to the registered vehicle of the owner under §
15 27–110 of this article.

16 (e) (1) A certificate alleging that a toll violation occurred, sworn to or
17 affirmed by a duly authorized agent of the Authority, based upon inspection of a
18 recorded image and electronic toll collection records produced by an electronic toll
19 collection video monitoring system shall be evidence of the facts contained therein and
20 shall be admissible in any proceeding alleging a violation under this section without
21 the presence or testimony of the duly authorized agent who performed the
22 requirements under this section.

23 (2) The citation, including the certificate, shall constitute prima facie
24 evidence of liability for the toll violation and civil penalty.

25 (f) Adjudication of liability under this section:

26 (1) Shall be based upon a preponderance of evidence;

27 (2) May not be deemed a conviction of a registered owner of a motor
28 vehicle under the Motor Vehicle Code;

29 (3) May not be made part of the registered owner's motor vehicle
30 operating record; and

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

33 (g) (1) If, at the time of a video toll transaction, a motor vehicle is
34 operated by a person other than the registered owner without the express or implied

1 consent of the registered owner, and if the registered owner within [30] **60** days of
2 receiving the notice of toll due provides the Authority or its duly authorized agent with
3 a notarized admission by the person accepting liability which shall include that
4 person's name, address, and driver's license identification number, then the person
5 accepting liability shall be liable under this section and shall be sent a notice of toll
6 due.

7 (2) If the registered owner is a lessor of motor vehicles, and at the time
8 of the video toll transaction the motor vehicle involved was in the possession of a
9 lessee, and the lessor within [30] **60** days of the notice of toll due provides the
10 Authority or its duly authorized agent with a copy of the lease agreement or other
11 documentation acceptable to the Authority identifying the lessee, then the lessee shall
12 be liable under this section and shall be sent a notice of toll due.

13 (3) If the motor vehicle involved in a video toll transaction is operated
14 using a dealer or transporter registration plate, and at the time of the video toll
15 transaction the motor vehicle was under the custody and control of a person other
16 than the owner of the dealer or transporter registration plate, and if the owner of the
17 dealer or transporter registration plate within [30] **60** days of the notice of toll due
18 provides to the Authority or its duly authorized agent a copy of the contractual
19 agreement or other documentation acceptable to the Authority identifying the person
20 who had custody and control over the motor vehicle at the time of the video toll
21 transaction, then that person and not the owner of the dealer or transporter
22 registration plate shall be liable under this section and shall be sent a notice of toll
23 due.

24 (4) If a motor vehicle is reported to a law enforcement agency as stolen
25 at the time of the video toll transaction, and the registered owner within [30] **60** days
26 of the notice of toll due provides to the Authority or its duly authorized agent a copy of
27 the police report substantiating that the motor vehicle was stolen at the time of the
28 video toll transaction, then the registered owner of the motor vehicle is not liable
29 under this section.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 July 1, 2014.