

HOUSE BILL 963

R5

7lr3391
CF SB 139

By: **Delegates Lisanti, R. Lewis, Lierman, McCray, and Moon**

Introduced and read first time: February 6, 2017

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2017

CHAPTER _____

1 AN ACT concerning

2 **Maryland Transportation Authority – Video Tolls – Collection**

3 FOR the purpose of ~~requiring the Maryland Transportation Authority to orally notify the~~
4 ~~registered owner of a motor vehicle that has incurred a video toll of the toll due if the~~
5 ~~video toll exceeds a certain amount or the registered owner has outstanding video~~
6 ~~tolls in excess of a certain amount; establishing the amount of a certain civil penalty~~
7 ~~imposed for failing to pay a video toll; prohibiting the Authority from referring a~~
8 ~~video toll to the Central Collection Unit for collection~~ clarifying that the Maryland
9 Transportation Authority may refer certain unpaid video tolls and associated civil
10 penalties to the Central Collection Unit for collection; authorizing the Authority to
11 recall certain unpaid video tolls and associated civil penalties from the Central
12 Collection Unit under certain circumstances; establishing that the Central Collection
13 Unit may not collect certain unpaid video tolls and associated civil penalties under
14 certain circumstances; authorizing the Authority to waive certain unpaid video tolls
15 and associated civil penalties under certain circumstances; requiring the Authority
16 to submit a certain report to the Governor and the General Assembly on or before a
17 certain date; providing for the termination of this Act; and generally relating to the
18 collection of certain video tolls.

19 BY repealing and reenacting, with amendments,
20 Article – State Finance and Procurement
21 Section 3–302
22 Annotated Code of Maryland
23 (2015 Replacement Volume and 2016 Supplement)

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.



1 BY repealing and reenacting, with amendments,
2 Article – Transportation
3 Section 21–1414
4 Annotated Code of Maryland
5 (2012 Replacement Volume and 2016 Supplement)

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

8 **Article – State Finance and Procurement**

9 3–302.

10 (a) (1) Except as otherwise provided in subsection (b) of this section,
11 paragraph (2)(ii) of this subsection, or in other law, the Central Collection Unit is
12 responsible for the collection of each delinquent account or other debt that is owed to the
13 State or any of its officials or units.

14 (2) (i) Except as provided in subparagraph (ii) of this paragraph, an
15 official or unit of the State government shall refer to the Central Collection Unit each debt
16 for which the Central Collection Unit has collection responsibility under this subsection
17 and may not settle the debt.

18 (ii) A public institution of higher education may not refer a
19 delinquent student account or debt to the Central Collection Unit unless, in accordance
20 with § 15–119 of the Education Article:

21 1. the delinquent account or debt has not been settled by the
22 end of the late registration period of the semester after the student account became
23 delinquent; or

24 2. the student has not entered into or made timely payments
25 to satisfy an installment payment plan.

26 (3) For the purposes of this subtitle, a community college or board of
27 trustees for a community college established or operating under Title 16 of the Education
28 Article is a unit of the State.

29 (b) Unless, with the approval of the Secretary, a unit of the State government
30 assigns the claim to the Central Collection Unit, the Central Collection Unit is not
31 responsible for and may not collect:

32 (1) any taxes;

33 (2) any child support payment that is owed under § 5–308 of the Human
34 Services Article;

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

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

6 (6) "Recorded image" means an image of a motor vehicle passing through a
7 toll collection facility recorded by a video monitoring system:

8 (i) On:

9 1. One or more photographs, micrographs, or electronic
10 images;

11 2. Videotape; or

12 3. Any other medium; and

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

16 (7) "Registered owner" means, with respect to a motor vehicle, the person
17 or persons designated as the registered owner in the records of the government agency that
18 is responsible for motor vehicle registration.

19 (8) "Toll collection facility" means any point on an Authority highway
20 where a toll is incurred and is required to be paid.

21 (9) "Toll violation" means the failure to pay a video toll within the time
22 prescribed by the Authority in a notice of toll due.

23 (10) "Video monitoring system" means a device installed to work in
24 conjunction with a toll collection facility that produces a recorded image when a video toll
25 transaction occurs.

26 (11) "Video toll" means the amount assessed by the Authority when a video
27 toll transaction occurs.

28 (12) "Video toll transaction" means any transaction in which a motor vehicle
29 does not or did not pay a toll at the time of passage through a toll collection facility with a
30 video monitoring system.

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

1 (2) ~~(H)~~ The Authority shall send the registered owner of a motor vehicle
2 that has incurred a video toll a notice of toll due.

3 ~~(H) THE AUTHORITY SHALL ORALLY NOTIFY THE REGISTERED~~
4 ~~OWNER OF A MOTOR VEHICLE THAT HAS INCURRED A VIDEO TOLL OF THE TOLL DUE~~
5 ~~IF:~~

6 1. ~~THE VIDEO TOLL IS MORE THAN 100% OF THE~~
7 ~~ORIGINAL TOLL AMOUNT; OR~~

8 2. ~~THE REGISTERED OWNER HAS OUTSTANDING VIDEO~~
9 ~~TOLLS IN EXCESS OF \$250.~~

10 ~~(H) THE ORAL NOTIFICATION REQUIRED UNDER~~
11 ~~SUBPARAGRAPH (H) OF THIS PARAGRAPH SHALL BE IN THE FORM OF A~~
12 ~~PERSON TO PERSON CONTACT AND DOES NOT INCLUDE THE USE OF VOICEMAIL OR~~
13 ~~AUTOMATED TELEPHONE NOTIFICATIONS.~~

14 (3) Except as provided in subsection (g) of this section, the person alleged
15 to be liable who receives a notice of toll due ~~UNDER PARAGRAPH (2)(I) OF THIS~~
16 ~~SUBSECTION~~ shall have at least 30 days to pay the video toll.

17 (c) (1) Failure of the person alleged to be liable to pay the video toll under a
18 notice of toll due by the date stated on the notice shall constitute a toll violation subject to
19 a civil citation and a civil penalty, which shall be assessed 15 days after the toll violation
20 occurs, as provided for in the regulations of the Authority.

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

24 ~~(3) THE CIVIL PENALTY IMPOSED UNDER PARAGRAPH (1) OF THIS~~
25 ~~SUBSECTION SHALL EQUAL 25% OF THE VIDEO TOLL.~~

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

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

32 (3) A citation shall contain:

- 1 (i) The name and address of the person alleged to be liable under
2 this section;
- 3 (ii) The license plate number and state of registration of the motor
4 vehicle involved in the video toll transaction;
- 5 (iii) The location where the video toll transaction took place;
- 6 (iv) The date and time of the video toll transaction;
- 7 (v) The amount of the video toll and the date it was due as stated on
8 the notice of toll due;
- 9 (vi) A copy of the recorded image;
- 10 (vii) A statement that the video toll was not paid before the civil
11 penalty was assessed;
- 12 (viii) The amount of the civil penalty; and
- 13 (ix) The date by which the video toll and civil penalty must be paid.
- 14 (4) A citation shall also include:
- 15 (i) Information advising the person alleged to be liable under this
16 section of the manner and the time in which liability alleged in the citation may be
17 contested;
- 18 (ii) The statutory defenses described in subsection (g) of this section
19 that were originally included in the notice of toll due; and
- 20 (iii) A warning that failure to pay the video toll and civil penalty, to
21 contest liability in the manner and time prescribed, or to appear at a trial requested is an
22 admission of liability and a waiver of available defenses, and may result in the refusal or
23 suspension of the motor vehicle registration and referral for collection.
- 24 (5) A person alleged to be liable receiving the citation for a toll violation
25 under this section may:
- 26 (i) Pay the video toll and the civil penalty directly to the Authority;
27 or
- 28 (ii) Elect to stand trial for the alleged violation.
- 29 (6) (i) If the person alleged to be liable under this section fails to elect
30 to stand trial or to pay the prescribed video toll and civil penalty within 30 days after

1 mailing of the citation, or is adjudicated to be liable after trial, or fails to appear at trial
2 after having elected to stand trial, the Authority or its duly authorized agent may:

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

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

7 (ii) No additional hearing or proceeding is required before the
8 Administration takes action with respect to the registered vehicle of the owner under §
9 27–110 of this article.

10 (e) (1) A certificate alleging that a toll violation occurred and that the video
11 toll payment was not received before the civil penalty was assessed, sworn to or affirmed
12 by a duly authorized agent of the Authority, based upon inspection of a recorded image and
13 electronic toll collection records produced by an electronic toll collection video monitoring
14 system shall be evidence of the facts contained therein and shall be admissible in any
15 proceeding alleging a violation under this section without the presence or testimony of the
16 duly authorized agent who performed the requirements under this section.

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

19 (f) Adjudication of liability under this section:

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

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

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

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

27 (g) (1) If, at the time of a video toll transaction, a motor vehicle is operated by
28 a person other than the registered owner without the express or implied consent of the
29 registered owner, and if the registered owner by the date stated on the notice of toll due
30 provides the Authority or its duly authorized agent with a notarized admission by the
31 person accepting liability which shall include that person's name, address, and driver's
32 license identification number, then the person accepting liability shall be liable under this
33 section and shall be sent a notice of toll due.

34 (2) If the registered owner is a lessor of motor vehicles, and at the time of
35 the video toll transaction the motor vehicle involved was in the possession of a lessee, and

1 the lessor by the date stated on the notice of toll due provides the Authority or its duly
2 authorized agent with a copy of the lease agreement or other documentation acceptable to
3 the Authority identifying the lessee, including the person's name, address, and driver's
4 license identification number or federal employer identification number, then the lessee
5 shall be liable under this section and shall be sent a notice of toll due.

6 (3) If the motor vehicle involved in a video toll transaction is operated using
7 a dealer or transporter registration plate, and at the time of the video toll transaction the
8 motor vehicle was under the custody and control of a person other than the owner of the
9 dealer or transporter registration plate, and if the owner of the dealer or transporter
10 registration plate by the date stated on the notice of toll due provides to the Authority or
11 its duly authorized agent a copy of the contractual agreement or other documentation
12 acceptable to the Authority identifying the person, including the person's name, address,
13 and driver's license identification number, who had custody and control over the motor
14 vehicle at the time of the video toll transaction, then that person and not the owner of the
15 dealer or transporter registration plate shall be liable under this section and shall be sent
16 a notice of toll due.

17 (4) If a motor vehicle or registration plate number is reported to a law
18 enforcement agency as stolen at the time of the video toll transaction, and the registered
19 owner by the date stated on the notice of toll due provides to the Authority or its duly
20 authorized agent a copy of the police report substantiating that the motor vehicle was stolen
21 at the time of the video toll transaction, then the registered owner of the motor vehicle is
22 not liable under this section.

23 ~~h~~ (1) THE AUTHORITY MAY REFER A DELINQUENT ACCOUNT FOR
24 UNPAID VIDEO TOLLS AND ASSOCIATED CIVIL PENALTIES TO THE CENTRAL
25 COLLECTION UNIT FOR COLLECTION.

26 (2) THE AUTHORITY MAY RECALL A DELINQUENT ACCOUNT FROM
27 THE CENTRAL COLLECTION UNIT IF:

28 (i) THE DELINQUENT ACCOUNT EXCEEDS \$300 IN UNPAID
29 VIDEO TOLLS AND ASSOCIATED CIVIL PENALTIES;

30 (ii) THE VIDEO TOLLS IN QUESTION WERE ASSESSED WITHIN A
31 30-DAY PERIOD; AND

32 (iii) MITIGATING FACTORS EXIST WITH RESPECT TO THE
33 ASSESSMENT OF THE UNPAID VIDEO TOLLS AND ASSOCIATED CIVIL PENALTIES, AS
34 DETERMINED BY THE AUTHORITY.

35 (3) Notwithstanding any other provision of law, until the Authority refers
36 the debt to the Central Collection Unit OR AFTER THE AUTHORITY HAS RECALLED A
37 DELINQUENT ACCOUNT FROM THE CENTRAL COLLECTION UNIT, the Authority may
38 waive any portion of the video toll due or civil penalty assessed under this section.†

1 ~~(H) THE AUTHORITY MAY NOT REFER A VIDEO TOLL TO THE CENTRAL~~
2 ~~COLLECTION UNIT FOR COLLECTION.~~

3 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
4 2019, the Maryland Transportation Authority shall report to the Governor and, in
5 accordance with § 2-1246 of the State Government Article, the General Assembly on its
6 progress in improving access to its customer service operations, including enhanced use of
7 e-mails, text messaging, and other methods of wireless communications.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 ~~October~~ June 1, 2017. It shall remain effective for a period of 3 years and, at the end of May
10 31, 2020, with no further action required by the General Assembly, this Act shall be
11 abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.