

SENATE BILL 778

R5

7lr3021
CF 7lr2900

By: **Senator Lee**

Introduced and read first time: February 3, 2017

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transportation Authority – Video Tolls – Notice of Toll Due**

3 FOR the purpose of requiring a certain notice of certain video tolls to include notice of each
4 video toll transaction that occurred during a certain period of time; requiring the
5 Maryland Transportation Authority to send a registered owner of a motor vehicle
6 that incurs a video toll a notice of toll due within a certain number of days after the
7 video toll is incurred; altering certain definitions; making certain conforming
8 changes; and generally relating to video tolls.

9 BY repealing and reenacting, with amendments,
10 Article – Transportation
11 Section 21–1414
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2016 Supplement)

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

16 **Article – Transportation**

17 21–1414.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) “Notice of toll due” or “notice” means an administrative notice of [a]
2 EACH video toll transaction **THAT OCCURRED DURING THE CONSECUTIVE 14-DAY**
3 **PERIOD BEFORE A NOTICE IS SENT UNDER SUBSECTION (B) OF THIS SECTION.**

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

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

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

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

12 (i) On:

13 1. One or more photographs, micrographs, or electronic
14 images;

15 2. Videotape; or

16 3. Any other medium; and

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

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

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

25 (9) “Toll violation” means the failure to pay [a] EACH video toll **INCLUDED**
26 **IN A NOTICE OF TOLL DUE** within the time prescribed by the Authority in a notice of toll
27 due.

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

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

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

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

7 (2) The Authority shall send the registered owner of a motor vehicle that
8 has incurred a video toll a notice of toll due **WITHIN 14 DAYS AFTER A VIDEO TOLL IS**
9 **INCURRED.**

10 (3) Except as provided in subsection (g) of this section, the person alleged
11 to be liable who receives a notice of toll due shall have at least 30 days to pay [the] **EACH**
12 video toll **INCLUDED IN THE NOTICE OF TOLL DUE.**

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

17 (2) A registered owner of a motor vehicle shall not be liable for a civil
18 penalty imposed under this section if the operator of the motor vehicle has been convicted
19 of failure or refusal to pay a toll under § 21–1413 of this subtitle for the same violation **AND**
20 **THE VIOLATION IS THE ONLY VIDEO TOLL INCLUDED IN THE NOTICE OF TOLL DUE.**

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

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

27 (3) A citation shall contain:

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

30 (ii) The license plate number and state of registration of the motor
31 vehicle involved in [the video toll transaction] **EACH VIDEO TOLL TRANSACTION;**

32 (iii) The location where [the] **EACH** video toll transaction took place;

33 (iv) The date and time of [the] **EACH** video toll transaction;

1 (v) The amount of [the] EACH video toll and the date it was due as
2 stated on the notice of toll due;

3 (vi) A copy of [the] EACH recorded image;

4 (vii) A statement that [the] A video toll INCLUDED IN A NOTICE OF
5 TOLL DUE was not paid before the civil penalty was assessed;

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

7 (ix) The date by which [the] EACH video toll and THE civil penalty
8 must be paid.

9 (4) A citation shall also include:

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

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

15 (iii) A warning that failure to pay [the] EACH video toll and THE civil
16 penalty, to contest liability in the manner and time prescribed, or to appear at a trial
17 requested is an admission of liability and a waiver of available defenses, and may result in
18 the refusal or suspension of the motor vehicle registration and referral for collection.

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

21 (i) Pay [the] EACH video toll and the civil penalty directly to the
22 Authority; or

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

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

28 1. Collect [the] EACH video toll and the civil penalty by any
29 means of collection as provided by law; and

30 2. Notify the Administration of the failure to pay [the] A
31 video toll and civil penalty in accordance with § 27–110 of this article.

1 (ii) No additional hearing or proceeding is required before the
2 Administration takes action with respect to the registered vehicle of the owner under §
3 27–110 of this article.

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

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

13 (f) Adjudication of liability under this section:

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

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

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

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

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

28 (2) If the registered owner is a lessor of motor vehicles, and at the time of
29 the video toll transaction the motor vehicle involved was in the possession of a lessee, and
30 the lessor by the date stated on the notice of toll due provides the Authority or its duly
31 authorized agent with a copy of the lease agreement or other documentation acceptable to
32 the Authority identifying the lessee, including the person's name, address, and driver's
33 license identification number or federal employer identification number, then the lessee
34 shall be liable under this section and shall be sent a notice of toll due.

35 (3) If the motor vehicle involved in a video toll transaction is operated using
36 a dealer or transporter registration plate, and at the time of the video toll transaction the
37 motor vehicle was under the custody and control of a person other than the owner of the

1 dealer or transporter registration plate, and if the owner of the dealer or transporter
2 registration plate by the date stated on the notice of toll due provides to the Authority or
3 its duly authorized agent a copy of the contractual agreement or other documentation
4 acceptable to the Authority identifying the person, including the person's name, address,
5 and driver's license identification number, who had custody and control over the motor
6 vehicle at the time of the video toll transaction, then that person and not the owner of the
7 dealer or transporter registration plate shall be liable under this section and shall be sent
8 a notice of toll due.

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

15 (h) Notwithstanding any other provision of law, until the Authority refers the
16 debt to the Central Collection Unit, the Authority may waive any portion of the video toll
17 due or civil penalty assessed under this section.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2017.