

SENATE BILL 973

R5
HB 963/17 – ENV

8lr2535

By: **Senator Manno**

Introduced and read first time: February 5, 2018

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of clarifying that the Maryland Transportation Authority may refer
4 certain unpaid video tolls and associated civil penalties to the Central Collection
5 Unit for collection; authorizing the Authority to recall certain unpaid video tolls and
6 associated civil penalties from the Central Collection Unit under certain
7 circumstances; establishing that the Central Collection Unit may not collect certain
8 unpaid video tolls and associated civil penalties under certain circumstances;
9 authorizing the Authority to waive certain unpaid video tolls and associated civil
10 penalties under certain circumstances; requiring the Authority to submit a certain
11 report to the Governor and the General Assembly on or before a certain date;
12 providing for the termination of this Act; and generally relating to the collection of
13 certain video tolls.

14 BY repealing and reenacting, with amendments,
15 Article – State Finance and Procurement
16 Section 3–302
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2017 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Transportation
21 Section 21–1414
22 Annotated Code of Maryland
23 (2012 Replacement Volume and 2017 Supplement)

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

26 **Article – State Finance and Procurement**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3–302.

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

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

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

13 1. the delinquent account or debt has not been settled by the
14 end of the late registration period of the semester after the student account became
15 delinquent; or

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

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

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

24 (1) any taxes;

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

27 (3) any unemployment insurance contribution or overpayment;

28 (4) any fine;

29 (5) any court costs;

30 (6) any forfeiture on bond;

31 (7) any money that is owed as a result of a default on a loan that the
32 Department of Commerce or the Department of Housing and Community Development has
33 made or insured; [or]

1 (8) any money that is owed under Title 9, Subtitles 2, 3, and 4 and Title 20
2 of the Insurance Article; **OR**

3 **(9) ANY MONEY THAT IS OWED UNDER A DELINQUENT ACCOUNT FOR**
4 **UNPAID VIDEO TOLLS AND ASSOCIATED CIVIL PENALTIES AND IS RECALLED BY THE**
5 **MARYLAND TRANSPORTATION AUTHORITY UNDER § 21-1414(H) OF THE**
6 **TRANSPORTATION ARTICLE.**

7 (c) The Central Collection Unit shall be responsible for the collection of each
8 delinquent account or other debt that is owed to a community college established or
9 operating under Title 16 of the Education Article if the board of trustees for the community
10 college:

11 (1) adopts a resolution appointing the Central Collection Unit as the
12 collector of delinquent accounts or other debt; and

13 (2) submits the resolution to the Central Collection Unit.

14 **Article – Transportation**

15 21-1414.

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

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

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

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

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

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

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

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

30 (i) On:

1 1. One or more photographs, micrographs, or electronic
2 images;

3 2. Videotape; or

4 3. Any other medium; and

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

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

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

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

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

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

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

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

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

28 (3) Except as provided in subsection (g) of this section, the person alleged
29 to be liable who receives a notice of toll due shall have at least 30 days to pay the video toll.

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

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

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

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

10 (3) A citation shall contain:

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

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

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

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

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

19 (vi) A copy of the recorded image;

20 (vii) A statement that the video toll was not paid before the civil
21 penalty was assessed;

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

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

24 (4) A citation shall also include:

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

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

30 (iii) A warning that failure to pay the video toll and civil penalty, to
31 contest liability in the manner and time prescribed, or to appear at a trial requested is an

1 admission of liability and a waiver of available defenses, and may result in the refusal or
2 suspension of the motor vehicle registration and referral for collection.

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

5 (i) Pay the video toll and the civil penalty directly to the Authority;
6 or

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

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

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

14 2. Notify the Administration of the failure to pay the video
15 toll and civil penalty in accordance with subsection (i) of this section.

16 (ii) No additional hearing or proceeding is required before the
17 Administration takes action with respect to the motor vehicle of the registered owner under
18 subsection (i) of this section.

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

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

28 (f) Adjudication of liability under this section:

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

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

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

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

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

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

17 (3) If the motor vehicle involved in a video toll transaction is operated using
18 a dealer or transporter registration plate, and at the time of the video toll transaction the
19 motor vehicle was under the custody and control of a person other than the owner of the
20 dealer or transporter registration plate, and if the owner of the dealer or transporter
21 registration plate by the date stated on the notice of toll due provides to the Authority or
22 its duly authorized agent a copy of the contractual agreement or other documentation
23 acceptable to the Authority identifying the person, including the person's name, address,
24 and driver's license identification number, who had custody and control over the motor
25 vehicle at the time of the video toll transaction, then that person and not the owner of the
26 dealer or transporter registration plate shall be liable under this section and shall be sent
27 a notice of toll due.

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

34 (h) **(1) THE AUTHORITY MAY REFER A DELINQUENT ACCOUNT FOR
35 UNPAID VIDEO TOLLS AND ASSOCIATED CIVIL PENALTIES TO THE CENTRAL
36 COLLECTION UNIT FOR COLLECTION.**

37 **(2) THE AUTHORITY MAY RECALL A DELINQUENT ACCOUNT FROM
38 THE CENTRAL COLLECTION UNIT IF:**

39 **(i) THE DELINQUENT ACCOUNT EXCEEDS \$300 IN UNPAID**

1 VIDEO TOLLS AND ASSOCIATED CIVIL PENALTIES;

2 (II) THE VIDEO TOLLS IN QUESTION WERE ASSESSED WITHIN A
3 30-DAY PERIOD; AND

4 (III) MITIGATING FACTORS EXIST WITH RESPECT TO THE
5 ASSESSMENT OF THE UNPAID VIDEO TOLLS AND ASSOCIATED CIVIL PENALTIES, AS
6 DETERMINED BY THE AUTHORITY.

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

11 (i) (1) The Administration shall refuse or suspend the registration of a motor
12 vehicle that incurs a toll violation under this section if:

13 (i) The Maryland Transportation Authority notifies the
14 Administration that a registered owner of the motor vehicle has been served with a citation
15 in accordance with this section and has failed to:

16 1. Pay the video toll and the civil penalty for the toll violation
17 by the date specified in the citation; and

18 2. Contest liability for the toll violation by the date identified
19 and in the manner specified in the citation; or

20 (ii) The Maryland Transportation Authority or the District Court
21 notifies the Administration that a person who elected to contest liability for a toll violation
22 under this section has failed to:

23 1. Appear for trial or has been determined to be guilty of the
24 toll violation; and

25 2. Pay the video toll and civil penalty.

26 (2) In conjunction with the Maryland Transportation Authority, the
27 Administration may adopt regulations and develop procedures to carry out the refusal or
28 suspension of a registration under this subsection.

29 (3) The procedures in this subsection are in addition to any other penalty
30 provided by law for a toll violation under this section.

31 (4) This subsection may be applied to enforce a reciprocal agreement
32 entered into by the State and another jurisdiction in accordance with § 21-1415 of this
33 subtitle.

1 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
2 2020, the Maryland Transportation Authority shall report to the Governor and, in
3 accordance with § 2-1246 of the State Government Article, the General Assembly on its
4 progress in improving access to its customer service operations, including enhanced use of
5 e-mails, text messaging, and other methods of wireless communications.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
7 1, 2018. It shall remain effective for a period of 3 years and, at the end of May 31, 2021,
8 this Act, with no further action required by the General Assembly, shall be abrogated and
9 of no further force and effect.