

Chapter 547

(Senate Bill 973)

AN ACT concerning

Maryland Transportation Authority – Video Tolls – Collection

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

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

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

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

Article – State Finance and Procurement

3–302.

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

(2) (i) Except as provided in subparagraph (ii) of this paragraph, an official or unit of the State government shall refer to the Central Collection Unit each debt for which the Central Collection Unit has collection responsibility under this subsection

and may not settle the debt.

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

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

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

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

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

(1) any taxes;

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

(3) any unemployment insurance contribution or overpayment;

(4) any fine;

(5) any court costs;

(6) any forfeiture on bond;

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

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

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

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

- (1) adopts a resolution appointing the Central Collection Unit as the collector of delinquent accounts or other debt; and
- (2) submits the resolution to the Central Collection Unit.

Article – Transportation

21-1414.

- (a) (1) In this section the following words have the meanings indicated.
 - (2) “Authority” means the Maryland Transportation Authority.
 - (3) “Electronic toll collection” means a system in a toll collection facility that is capable of collecting information from a motor vehicle for use in charging tolls.
 - (4) “Notice of toll due” or “notice” means an administrative notice of a video toll transaction.
 - (5) “Person alleged to be liable” means:
 - (i) The registered owner of a motor vehicle involved in a video toll transaction; or
 - (ii) A person to whom a registered owner of a motor vehicle has transferred liability for a video toll transaction in accordance with this section and the regulations of the Authority.
 - (6) “Recorded image” means an image of a motor vehicle passing through a toll collection facility recorded by a video monitoring system:
 - (i) On:
 1. One or more photographs, micrographs, or electronic images;
 2. Videotape; or
 3. Any other medium; and
 - (ii) Showing either the front or rear of the motor vehicle on at least

one image or portion of tape and clearly identifying the license plate number and state of the motor vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) A citation shall contain:

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

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

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

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

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

(vi) A copy of the recorded image;

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

(viii) The amount of the civil penalty; and

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

(4) A citation shall also include:

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

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

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

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

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

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

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

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

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

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

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

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

(f) Adjudication of liability under this section:

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

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

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

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

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

registered owner, and if the registered owner by the date stated on the notice of toll due provides the Authority or its duly authorized agent with a notarized admission by the person accepting liability which shall include that person's name, address, and driver's license identification number, then the person accepting liability shall be liable under this section and shall be sent a notice of toll due.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Pay the video toll and civil penalty.

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2020, the Maryland Transportation Authority shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on its

progress in improving access to its customer service operations, including enhanced use of e-mails, text messaging, and other methods of wireless communications.

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

Approved by the Governor, May 8, 2018.