

# HOUSE BILL 383

R5

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(PRE-FILED)

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By: **Delegate Carr**

Requested: August 8, 2020

Introduced and read first time: January 13, 2021

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Traffic Control Signal Monitoring Systems – Exclusion of Vehicle Rental**  
3 **Companies – Repeal and Notification Requirement**

4 FOR the purpose of altering a certain definition to repeal the exclusion of motor vehicle  
5 rental companies as owners of motor vehicles for the purpose of enforcing violations  
6 of entering an intersection against a red signal indication that are recorded by a  
7 traffic control signal monitoring system; requiring an agency to provide a certain  
8 notice to a motor vehicle rental company before issuing a certain citation; prohibiting  
9 an agency from mailing to a motor vehicle rental company a certain citation if the  
10 motor vehicle rental company provided the agency with certain information or pays  
11 a certain penalty; making conforming, clarifying, and stylistic changes; and  
12 generally relating to motor vehicle rental companies and traffic control signal  
13 monitoring systems.

14 BY repealing and reenacting, with amendments,  
15 Article – Transportation  
16 Section 21–202.1(a), (e), and (g)(5)  
17 Annotated Code of Maryland  
18 (2020 Replacement Volume)

19 BY repealing and reenacting, without amendments,  
20 Article – Transportation  
21 Section 21–202.1(c) and (d)(1)  
22 Annotated Code of Maryland  
23 (2020 Replacement Volume)

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

26 **Article – Transportation**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 21–202.1.

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

3 (2) “Agency” means:

4 (i) For a traffic control signal operated and maintained at an  
5 intersection under the control of the State, the law enforcement agency primarily  
6 responsible for traffic control at that intersection; or

7 (ii) For a traffic control signal operated and maintained at an  
8 intersection under the control of a political subdivision, a law enforcement agency of the  
9 political subdivision that is authorized to issue citations for a violation of the Maryland  
10 Vehicle Law or of local traffic laws or regulations.

11 (3) (i) “Owner” means the registered owner of a motor vehicle or a  
12 lessee of a motor vehicle under a lease of 6 months or more.

13 (ii) “Owner” does not include a motor vehicle [rental or] leasing  
14 company or a holder of a special registration plate issued under Title 13, Subtitle 9, Part  
15 III of this article.

16 (4) “Recorded images” means images recorded by a traffic control signal  
17 monitoring system:

18 (i) On:

- 19 1. Two or more photographs;
- 20 2. Two or more microphotographs;
- 21 3. Two or more electronic images;
- 22 4. Videotape; or
- 23 5. Any other medium; and

24 (ii) Showing the rear of a motor vehicle and, on at least one image or  
25 portion of tape, clearly identifying the registration plate number of the motor vehicle.

26 (5) “Traffic control signal monitoring system” means a device with one or  
27 more motor vehicle sensors working in conjunction with a traffic control signal to produce  
28 recorded images of motor vehicles entering an intersection against a red signal indication.

29 (c) This section applies to a violation of § 21–202(h) of this subtitle at an  
30 intersection monitored by a traffic control signal monitoring system.

1 (d) (1) Unless the driver of the motor vehicle received a citation from a police  
2 officer at the time of the violation, the owner or, in accordance with subsection (g)(5) of this  
3 section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is  
4 recorded by a traffic control signal monitoring system while being operated in violation of  
5 § 21–202(h) of this subtitle.

6 (e) (1) Subject to the provisions of paragraphs (2) through [(4)] **(5)** of this  
7 subsection, an agency shall mail to the owner liable under subsection (d) of this section a  
8 citation which shall include:

9 (i) The name and address of the registered owner of the vehicle;

10 (ii) The registration number of the motor vehicle involved in the  
11 violation;

12 (iii) The violation charged;

13 (iv) The location of the intersection;

14 (v) The date and time of the violation;

15 (vi) A copy of the recorded image;

16 (vii) The amount of the civil penalty imposed and the date by which  
17 the civil penalty should be paid;

18 (viii) A signed statement by a technician employed by the agency that,  
19 based on inspection of recorded images, the motor vehicle was being operated in violation  
20 of § 21–202(h) of this subtitle;

21 (ix) A statement that recorded images are evidence of a violation of §  
22 21–202(h) of this subtitle; and

23 (x) Information advising the person alleged to be liable under this  
24 section:

25 1. Of the manner and time in which liability as alleged in the  
26 citation may be contested in the District Court; and

27 2. Warning that failure to pay the civil penalty or to contest  
28 liability in a timely manner is an admission of liability and may result in refusal or  
29 suspension of the motor vehicle registration.

30 (2) [The] **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**  
31 **SUBSECTION, THE** agency may mail a warning notice in lieu of a citation to the owner  
32 liable under subsection (d) of this section.

1           (3) (I) BEFORE MAILING A CITATION TO A MOTOR VEHICLE  
2 RENTAL COMPANY LIABLE UNDER SUBSECTION (D) OF THIS SECTION, THE AGENCY  
3 SHALL MAIL A NOTICE TO THE MOTOR VEHICLE RENTAL COMPANY STATING THAT A  
4 CITATION WILL BE MAILED TO THE MOTOR VEHICLE RENTAL COMPANY UNLESS,  
5 WITHIN 45 DAYS AFTER RECEIVING THE NOTICE, THE MOTOR VEHICLE RENTAL  
6 COMPANY PROVIDES THE LAW ENFORCEMENT AGENCY WITH:

7                   1. A STATEMENT MADE UNDER OATH THAT STATES THE  
8 NAME AND LAST KNOWN MAILING ADDRESS OF THE INDIVIDUAL DRIVING OR  
9 RENTING THE MOTOR VEHICLE WHEN THE VIOLATION OCCURRED;

10                   2. A. A STATEMENT MADE UNDER OATH THAT  
11 STATES THAT THE MOTOR VEHICLE RENTAL COMPANY IS UNABLE TO DETERMINE  
12 WHO WAS DRIVING OR RENTING THE VEHICLE AT THE TIME THE VIOLATION  
13 OCCURRED BECAUSE THE MOTOR VEHICLE WAS STOLEN AT THE TIME OF THE  
14 VIOLATION; AND

15                   B. A COPY OF THE POLICE REPORT ASSOCIATED WITH  
16 THE MOTOR VEHICLE THEFT CLAIMED UNDER ITEM A OF THIS ITEM; OR

17                   3. PAYMENT FOR THE PENALTY ASSOCIATED WITH THE  
18 VIOLATION.

19           (II) THE AGENCY MAY NOT MAIL A CITATION TO A MOTOR  
20 VEHICLE RENTAL COMPANY LIABLE UNDER SUBSECTION (D) OF THIS SECTION IF  
21 THE MOTOR VEHICLE RENTAL COMPANY COMPLIES WITH SUBPARAGRAPH (I) OF  
22 THIS PARAGRAPH.

23           (4) Except as provided in PARAGRAPH (3) OF THIS SUBSECTION AND  
24 subsection (g)(5) of this section, a citation issued under this section shall be mailed no later  
25 than 2 weeks after the alleged violation.

26           [(4)] (5) [An] EXCEPT AS PROVIDED IN SUBSECTION (G)(5) OF THIS  
27 SECTION, AN agency may not mail a citation to a person who is not an owner under  
28 subsection (a)(3)(ii) of this section.

29           [(5)] (6) A person who receives a citation under paragraph (1) of this  
30 subsection may:

31                   (i) Pay the civil penalty, in accordance with instructions on the  
32 citation, directly to the political subdivision or to the District Court; or

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

1 (g) (5) (i) If the District Court finds that the person named in the citation  
2 was not operating the vehicle at the time of the violation or receives evidence under  
3 paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at the time  
4 of the violation, the clerk of the court shall provide to the agency issuing the citation a copy  
5 of any evidence substantiating who was operating the vehicle at the time of the violation.

6 (ii) [Upon the] **ON** receipt of substantiating evidence from the  
7 District Court under subparagraph (i) of this paragraph, an agency may issue a citation as  
8 provided in subsection (e) of this section to the person that the evidence indicates was  
9 operating the vehicle at the time of the violation.

10 (iii) A citation issued under subparagraph (ii) of this paragraph shall  
11 be mailed no later than 2 weeks after receipt of the evidence from the District Court.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2021.