

**HB0230/103628/1**

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 230

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Speed Monitoring Systems**” and substitute “**Automated Enforcement**”; in line 5, after “for” insert “motor vehicle”; in the same line, strike “speed monitoring” and substitute “automated enforcement”; in line 7, strike “a speed monitoring” and substitute “an automated enforcement”; in line 8, after “system;” insert “requiring an agency to send a citation and other relevant notices related to automated enforcement to a motor vehicle rental company electronically in a certain manner under certain circumstances;”; in lines 8 and 9, strike “speed monitoring” and substitute “automated enforcement”; strike lines 10 through 14, inclusive; in line 17, after “Section” insert “21–202.1(a) and (e), 21–706.1(f), and”; and after line 19, insert:

“BY repealing and reenacting, without amendments,

Article - Transportation

Section 21–202.1(d)(1), 21–706.1(a) and (e)(1), and 21–809(a)(1), (2), and (8) and (c)(1)

Annotated Code of Maryland

(2020 Replacement Volume and 2021 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 22, insert:

“21–202.1.

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

(2) “Agency” means:

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

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

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

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

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

(i) On:

1. Two or more photographs;

2. Two or more microphotographs;

3. Two or more electronic images;

4. Videotape; or

5. Any other medium; and

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

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

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

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

- (i) The name and address of the registered owner of the vehicle;
- (ii) The registration number of the motor vehicle involved in the violation;
- (iii) The violation charged;
- (iv) The location of the intersection;
- (v) The date and time of the violation;
- (vi) A copy of the recorded image;
- (vii) The amount of the civil penalty imposed and the date by which the civil penalty should be paid;
- (viii) A signed statement by a technician employed by the agency that, based on inspection of recorded images, the motor vehicle was being operated in violation of § 21–202(h) of this subtitle;
- (ix) A statement that recorded images are evidence of a violation of § 21–202(h) of this subtitle; and
- (x) Information advising the person alleged to be liable under this section;

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

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

(2) The agency may [mail] SEND a warning notice in lieu of a citation to the owner liable under subsection (d) of this section.

(3) Except as provided in subsection (g)(5) of this section, a citation issued under this section shall be [mailed] SENT no later than 2 weeks after the alleged violation.

(4) An agency may not [mail] SEND a citation to a person who is not an owner under subsection (a)(3)(ii) of this section.

(5) (I) BEFORE SENDING A CITATION TO A MOTOR VEHICLE RENTAL COMPANY LIABLE UNDER SUBSECTION (D) OF THIS SECTION, AN AGENCY SHALL SEND A NOTICE TO THE MOTOR VEHICLE RENTAL COMPANY STATING THAT A CITATION WILL BE SENT TO THE MOTOR VEHICLE RENTAL COMPANY UNLESS, WITHIN 45 DAYS OF RECEIVING THE NOTICE, THE MOTOR VEHICLE RENTAL COMPANY PROVIDES THE AGENCY WITH:

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

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

3. PAYMENT FOR THE PENALTY ASSOCIATED WITH THE VIOLATION.

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

(III) AT THE REQUEST OF A MOTOR VEHICLE RENTAL COMPANY, AN AGENCY SHALL SEND A CITATION AND ANY OTHER RELEVANT NOTICES TO THE MOTOR VEHICLE RENTAL COMPANY ELECTRONICALLY IN A MANNER PRESCRIBED BY THE MOTOR VEHICLE RENTAL COMPANY.

(6) A person who receives a citation under paragraph (1) of this subsection may:

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

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

21-706.1.

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

(2) "Law enforcement agency" means a law enforcement agency of a local political subdivision that is authorized to issue a citation for a violation of the Maryland Vehicle Law or of local traffic laws or regulations.

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

(ii) "Owner" does not include:

1. A motor vehicle leasing company; or

2. A holder of a special registration plate issued under Title 13, Subtitle 9, Part III of this article.

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(4) “Recorded image” means images recorded by a school bus monitoring camera:

(i) On:

1. Two or more photographs;
2. Two or more microphotographs;
3. Two or more electronic images;
4. Videotape; or
5. Any other medium; and

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

(5) “School bus monitoring camera” means a camera placed on a school bus that is designed to capture a recorded image of a driver of a motor vehicle committing a violation.

(6) “Violation” means a violation of § 21–706 of this subtitle.

(e) (1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection (h)(5) of this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a school bus monitoring camera during the commission of a violation.

(f) (1) Subject to the provisions of paragraphs (2) through (5) of this subsection, a law enforcement agency shall [mail] SEND to the owner liable under subsection (e) of this section a citation that shall include:

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

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

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(iii) The violation charged;

(iv) To the extent possible, the location of the violation;

(v) The date and time of the violation;

(vi) A copy of the recorded image;

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

(viii) A signed statement by a technician employed by the law enforcement agency that, based on inspection of recorded images, the motor vehicle was being operated during the commission of a violation;

(ix) A statement that recorded images are evidence of a violation;

and

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

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

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

(2) The law enforcement agency may mail a warning notice in place of a citation to the owner liable under subsection (e) of this section.

(3) (i) Before [mailing] SENDING a citation to a motor vehicle rental company liable under subsection (e) of this section, a law enforcement agency shall [mail] SEND a notice to the motor vehicle rental company stating that a citation will be [mailed] SENT to the motor vehicle rental company unless, within 45 days of receiving the notice, the motor vehicle rental company provides the law enforcement agency with:

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1. A statement made under oath that states the name and last known mailing address of the individual driving or renting the motor vehicle when the violation occurred;

2. [A.] A statement made under oath that states that the motor vehicle rental company is unable to determine who was driving or renting the vehicle at the time the violation occurred because the motor vehicle was stolen at the time of the violation; [and

B. A copy of the police report associated with the motor vehicle theft claimed under item A of this item;] or

3. Payment for the penalty associated with the violation.

(ii) A law enforcement agency may not [mail] SEND a citation to a motor vehicle rental company liable under subsection (e) of this section if the motor vehicle rental company complies with subparagraph (i) of this paragraph.

**(III) AT THE REQUEST OF A MOTOR VEHICLE RENTAL COMPANY, A LAW ENFORCEMENT AGENCY SHALL SEND A CITATION AND ANY OTHER RELEVANT NOTICES TO THE MOTOR VEHICLE RENTAL COMPANY ELECTRONICALLY IN A MANNER PRESCRIBED BY THE MOTOR VEHICLE RENTAL COMPANY.**

(4) Except as provided in paragraph (3) of this subsection and subsection (h)(5) of this section, a citation issued under this section shall be [mailed] SENT no later than 2 weeks after the alleged violation.

(5) A person who receives a citation under paragraph (1) of this subsection may:

(i) Pay the civil penalty, in accordance with instructions on the citation, directly to the county; or

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

AMENDMENT NO. 3

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On page 2, in line 22, strike “mail” and substitute “SEND”.

On page 3, in lines 18 and 21, in each instance, strike “mail” and substitute “SEND”; in line 24, strike “MAILING” and substitute “SENDING”; in line 26, strike “MAIL” and substitute “SEND”; in line 27, strike “MAILED” and substitute “SENT”; and in line 33, strike “A.”.

On page 4, in line 2, strike “AND” and substitute “OR”; strike in their entirety lines 3 and 4; in line 7, strike “MAIL” and substitute “SEND”; after line 10, insert:

**“(III) AT THE REQUEST OF A MOTOR VEHICLE RENTAL COMPANY, AN AGENCY SHALL SEND A CITATION AND ANY OTHER RELEVANT NOTICES TO THE MOTOR VEHICLE RENTAL COMPANY ELECTRONICALLY IN A MANNER PRESCRIBED BY THE MOTOR VEHICLE RENTAL COMPANY.”;**

in line 12, strike “mail” and substitute “SEND”; in line 16, strike “mailed” and substitute “SENT”; and in line 25, strike “October 1, 2022” and substitute “June 1, 2023”.