

SENATE BILL 59

R2, R5

2lr1150

(PRE-FILED)

By: **Senator McCray**

Requested: November 1, 2021

Introduced and read first time: January 12, 2022

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transportation Authority – Options for the Payment of Tolls and Civil**
3 **Penalties**

4 FOR the purpose of requiring the Maryland Transportation Authority to provide, to the
5 greatest extent feasible, certain users of transportation facilities projects a range of
6 options to pay for certain toll transactions and penalties; requiring the Authority to
7 offer a certain installment plan agreement to certain persons for the payment of
8 certain tolls and penalties; requiring the Authority to offer certain account holders a
9 certain option to be billed for certain toll charges in certain installment amounts
10 under certain circumstances; authorizing the Authority to refer certain unpaid tolls
11 and penalties to the Central Collection Unit for collection; requiring the Authority to
12 recall certain unpaid video tolls and penalties from the Central Collection Unit under
13 certain circumstances; requiring the Authority to waive certain penalties under
14 certain circumstances; and generally relating to the Maryland Transportation
15 Authority and the payment of tolls and civil penalties.

16 BY repealing and reenacting, with amendments,
17 Article – State Finance and Procurement
18 Section 3–302
19 Annotated Code of Maryland
20 (2021 Replacement Volume)

21 BY adding to
22 Article – Transportation
23 Section 4–408
24 Annotated Code of Maryland
25 (2020 Replacement Volume and 2021 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 21–1414
2 Annotated Code of Maryland
3 (2020 Replacement Volume and 2021 Supplement)

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

6 **Article – State Finance and Procurement**

7 3–302.

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

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

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

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

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

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

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

30 (1) any taxes;

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

33 (3) any unemployment insurance contribution or overpayment;

1 (4) any fine;

2 (5) any court costs;

3 (6) any forfeiture on bond;

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

7 (8) any money that is owed under Title 9, Subtitles 2, 3, and 4 and Title 20
8 of the Insurance Article; [or]

9 (9) any money that is owed for unpaid video tolls and associated civil
10 penalties under § 21-1414 of the Transportation Article under a delinquent account
11 associated with a person residing outside the State; **OR**

12 **(10) ANY MONEY THAT IS OWED UNDER A DELINQUENT ACCOUNT FOR**
13 **UNPAID VIDEO TOLLS AND ASSOCIATED CIVIL PENALTIES AND IS RECALLED BY THE**
14 **MARYLAND TRANSPORTATION AUTHORITY UNDER § 21-1414(H) OF THE**
15 **TRANSPORTATION ARTICLE.**

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

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

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

23 **Article – Transportation**

24 **4-408.**

25 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
26 **INDICATED.**

27 **(2) “E-ZPASS ACCOUNT” HAS THE MEANING STATED IN § 21-1416 OF**
28 **THIS ARTICLE.**

29 **(3) “TOLL COLLECTION FACILITY” HAS THE MEANING STATED IN §**
30 **21-1414 OF THIS ARTICLE.**

1 **(B) TO THE GREATEST EXTENT FEASIBLE, THE AUTHORITY SHALL PROVIDE**
2 **TO E-ZPASS ACCOUNT HOLDERS AND OTHER USERS OF TRANSPORTATION**
3 **FACILITIES PROJECTS A RANGE OF OPTIONS TO PAY FOR TOLL TRANSACTIONS AT**
4 **TOLL COLLECTION FACILITIES AND ANY ASSOCIATED CIVIL PENALTIES FOR TOLL**
5 **VIOLATIONS, INCLUDING PAYMENT BY:**

6 **(1) CASH;**

7 **(2) CHECK;**

8 **(3) MONEY ORDER; AND**

9 **(4) AN ELECTRONIC FUNDS TRANSFER THROUGH THE USE OF:**

10 **(I) A CREDIT OR DEBIT CARD;**

11 **(II) AN AUTOMATED CLEARING HOUSE (ACH) TRANSFER; OR**

12 **(III) AN ONLINE PAYMENT SYSTEM, INCLUDING A MONEY**
13 **TRANSFER THROUGH A DIGITAL WALLET PAYMENT PLATFORM OR OTHER MOBILE**
14 **PAYMENT SERVICE.**

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:

1 (i) On:

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

4 2. Videotape; or

5 3. Any other medium; and

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

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

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

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

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

19 (11) "Video toll" means the amount assessed by the Authority when a video
20 toll transaction occurs.

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

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

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

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

31 (c) (1) Failure of the person alleged to be liable to pay the video toll under a
32 notice of toll due by the date stated on the notice shall constitute a toll violation subject to

1 a civil citation and a civil penalty, which shall be assessed 15 days after the toll violation
2 occurs, as provided for in the regulations of the Authority.

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

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

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

12 (3) A citation shall contain:

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

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

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

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

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

21 (vi) A copy of the recorded image;

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

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

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

26 (4) A citation shall also include:

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

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

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

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

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

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

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

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

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

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

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

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

30 (f) Adjudication of liability under this section:

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

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

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

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

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

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

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

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

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

1 **(2) THE AUTHORITY SHALL RECALL A DELINQUENT ACCOUNT FROM**
2 **THE CENTRAL COLLECTION UNIT IF:**

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

5 **(II) THE PERSON ASSOCIATED WITH THE DELINQUENT**
6 **ACCOUNT AGREES TO PAY THE UNPAID VIDEO TOLLS AND ASSOCIATED CIVIL**
7 **PENALTIES UNDER AN INSTALLMENT PLAN AGREEMENT OFFERED BY THE**
8 **AUTHORITY UNDER SUBSECTION (J) OF THIS SECTION.**

9 **(3) Notwithstanding any other provision of law, until the Authority refers**
10 **the debt to the Central Collection Unit OR AFTER THE AUTHORITY HAS RECALLED A**
11 **DELINQUENT ACCOUNT FROM THE CENTRAL COLLECTION UNIT, the Authority**
12 **[may]:**

13 **(I) MAY** waive any portion of the video toll due or civil penalty
14 **assessed under this section; AND**

15 **(II) SHALL WAIVE ANY CIVIL PENALTY ASSESSED UNDER THIS**
16 **SECTION IF:**

17 **1. THE NOTICE OF TOLL DUE FOR THE VIDEO TOLL IN**
18 **QUESTION WAS SENT TO THE PERSON ALLEGED TO BE LIABLE MORE THAN 60 DAYS**
19 **AFTER THE VIDEO TOLL TRANSACTION; AND**

20 **2. THE AUTHORITY IS RESPONSIBLE FOR THE DELAY IN**
21 **THE TIMELY PROCESSING OF THE VIDEO TOLL TRANSACTION DUE TO**
22 **COVID-19-RELATED OR OTHER FACTORS.**

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

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

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

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

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

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

6 2. Pay the video toll and civil penalty.

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

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

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

15 **(J) (1) (I) THE AUTHORITY SHALL OFFER AN INSTALLMENT PLAN**
16 **AGREEMENT TO A PERSON ALLEGED TO BE LIABLE UNDER THIS SECTION FOR**
17 **PAYMENT OF UNPAID VIDEO TOLLS AND ANY ASSOCIATED CIVIL PENALTIES THAT**
18 **TOTAL AT LEAST \$300.**

19 **(II) AN INSTALLMENT PLAN AGREEMENT UNDER THIS**
20 **PARAGRAPH SHALL REQUIRE THE PERSON ALLEGED TO BE LIABLE TO MAKE**
21 **MONTHLY INSTALLMENT PAYMENTS OF 10% PER MONTH ON THE TOTAL AMOUNT OF**
22 **THE UNPAID VIDEO TOLLS AND ANY ASSOCIATED CIVIL PENALTIES OWED BY THE**
23 **PERSON.**

24 **(III) IF A PERSON FAILS TO PAY VIDEO TOLLS AND CIVIL**
25 **PENALTIES OWED IN ACCORDANCE WITH AN INSTALLMENT PLAN AGREEMENT, THE**
26 **AUTHORITY MAY REFER THE UNPAID TOLLS AND PENALTIES TO THE CENTRAL**
27 **COLLECTION UNIT FOR COLLECTION.**

28 **(2) (I) 1. IN THIS PARAGRAPH THE FOLLOWING WORDS HAVE**
29 **THE MEANINGS INDICATED.**

30 **2. "BACKLOG TOLL CHARGE" MEANS A TOLL FOR**
31 **PASSAGE OF A MOTOR VEHICLE THROUGH A TOLL COLLECTION FACILITY THAT IS**
32 **PROCESSED AND BILLED TO AN E-ZPASS ACCOUNT OR A PAY-BY-PLATE ACCOUNT**
33 **HOLDER MORE THAN 60 DAYS AFTER THE TOLL TRANSACTION OCCURRED DUE TO**
34 **COVID-19-RELATED OR OTHER FACTORS FOR WHICH THE AUTHORITY IS**
35 **RESPONSIBLE.**

1 3. **“E-ZPASS ACCOUNT” HAS THE MEANING STATED IN §**
2 **21-1416 OF THIS SUBTITLE.**

3 4. **“PAY-BY-PLATE ACCOUNT” MEANS AN**
4 **ARRANGEMENT IN WHICH A TOLL INCURRED FOR PASSAGE OF A MOTOR VEHICLE**
5 **THROUGH A TOLL COLLECTION FACILITY BY ELECTRONIC TOLL COLLECTION**
6 **THROUGH THE USE OF A VIDEO MONITORING SYSTEM IS BILLED TO A CREDIT CARD**
7 **OF A PERSON LINKED TO THE REGISTERED LICENSE PLATE OF THE MOTOR VEHICLE**
8 **UNDER AN AGREEMENT BETWEEN THE AUTHORITY AND THE PERSON.**

9 (ii) **IF THE AUTHORITY BILLS AN E-ZPASS ACCOUNT HOLDER**
10 **OR A PAY-BY-PLATE ACCOUNT HOLDER A SUM TOTAL OF BACKLOG TOLL CHARGES**
11 **OF \$300 OR MORE, THE AUTHORITY SHALL OFFER THE ACCOUNT HOLDER AN**
12 **OPTION TO BE BILLED FOR THE BACKLOG TOLL CHARGES IN MONTHLY**
13 **INSTALLMENT AMOUNTS OF 10% PER MONTH ON THE TOTAL BACKLOG TOLL**
14 **CHARGES OWED BY THE ACCOUNT HOLDER.**

15 (3) **THE AUTHORITY SHALL:**

16 (i) **ALLOW PERSONS TO APPLY FOR THE INSTALLMENT PLAN**
17 **AGREEMENT AND INSTALLMENT BILLING OPTIONS OFFERED UNDER THIS**
18 **SUBSECTION ON THE AUTHORITY’S WEBSITE; AND**

19 (ii) **ACCEPT AS SUFFICIENT AN ATTESTATION FROM AN**
20 **APPLICANT THAT THE APPLICANT QUALIFIES FOR AN INSTALLMENT PLAN**
21 **AGREEMENT OR INSTALLMENT BILLING OPTION OFFERED UNDER THIS SUBSECTION**
22 **WHEN APPROVING ELIGIBILITY FOR THE OPTION.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
24 1, 2022.