A BILL ENTITLED

AN ACT concerning

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

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

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement
Section 3–302
Annotated Code of Maryland
(2021 Replacement Volume)

BY adding to

Article – Transportation
Section 4–408
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
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;

(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 for unpaid video tolls and associated civil penalties under § 21–1414 of the Transportation Article under a delinquent account associated with a person residing outside the State; OR

(10) 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

4–408.

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

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

(3) “TOLL COLLECTION FACILITY” HAS THE MEANING STATED IN § 21–1414 OF THIS ARTICLE.
(B) To the greatest extent feasible, the Authority shall provide to E-ZPass account holders and other users of transportation facilities projects a range of options to pay for toll transactions at toll collection facilities and any associated civil penalties for toll violations, including payment by:

(1) Cash;

(2) Check;

(3) Money order; and

(4) An electronic funds transfer through the use of:

   (I) A credit or debit card;

   (II) An automated clearing house (ACH) transfer; or

   (III) An online payment system, including a money transfer through a digital wallet payment platform or other mobile payment service.

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
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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 shall recall a delinquent account from the Central Collection Unit if:

(i) The delinquent account exceeds $300 in unpaid video tolls and associated civil penalties; and

(ii) The person associated with the delinquent account agrees to pay the unpaid video tolls and associated civil penalties under an installment plan agreement offered by the Authority under subsection (j) of this section.

(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:

(i) May waive any portion of the video toll due or civil penalty assessed under this section; and

(ii) Shall waive any civil penalty assessed under this section if:

1. The notice of toll due for the video toll in question was sent to the person alleged to be liable more than 60 days after the video toll transaction; and

2. The Authority is responsible for the delay in the timely processing of the video toll transaction due to COVID–19–related or other factors.

(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.

(J) (1) (I) The Authority shall offer an installment plan agreement to a person alleged to be liable under this section for payment of unpaid video tolls and any associated civil penalties that total at least $300.

(II) An installment plan agreement under this paragraph shall require the person alleged to be liable to make monthly installment payments of 10% per month on the total amount of the unpaid video tolls and any associated civil penalties owed by the person.

(III) If a person fails to pay video tolls and civil penalties owed in accordance with an installment plan agreement, the Authority may refer the unpaid tolls and penalties to the Central Collection Unit for collection.

(2) (I) 1. In this paragraph the following words have the meanings indicated.

2. “Backlog toll charge” means a toll for passage of a motor vehicle through a toll collection facility that is processed and billed to an E–ZPass account or a Pay–by–Plate account holder more than 60 days after the toll transaction occurred due to COVID–19–related or other factors for which the Authority is responsible.
3. “E–ZPass account” has the meaning stated in § 21–1416 of this subtitle.

4. “Pay–by–plate account” means an arrangement in which a toll incurred for passage of a motor vehicle through a toll collection facility by electronic toll collection through the use of a video monitoring system is billed to a credit card of a person linked to the registered license plate of the motor vehicle under an agreement between the Authority and the person.

   (II) If the Authority bills an E–ZPass account holder or a pay–by–plate account holder a sum total of backlog toll charges of $300 or more, the Authority shall offer the account holder an option to be billed for the backlog toll charges in monthly installment amounts of 10% per month on the total backlog toll charges owed by the account holder.

(3) The Authority shall:

   (I) Allow persons to apply for the installment plan agreement and installment billing options offered under this subsection on the Authority’s website; and

   (II) Accept as sufficient an attestation from an applicant that the applicant qualifies for an installment plan agreement or installment billing option offered under this subsection when approving eligibility for the option.

Section 2. And be it further enacted, That this Act shall take effect July 1, 2022.