

HOUSE BILL 139

R1, R2

3lr0474

By: **Delegates Kerr and Fair**

Introduced and read first time: January 13, 2023

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Speed Monitoring Systems – Municipal Corporations – Statements and**
3 **Certificates of Violations**

4 FOR the purpose of providing that the statement alleging a violation recorded by a speed
5 monitoring system that must be included in a citation may be signed by an employee
6 of an agency established or designated by a municipal corporation to administer a
7 speed monitoring system; providing that a certain certificate alleging a violation
8 recorded by a speed monitoring system may be sworn to or affirmed by an employee
9 of an agency established or designated by a municipal corporation to administer
10 speed monitoring systems; and generally relating to municipal corporations and
11 speed monitoring systems.

12 BY repealing and reenacting, without amendments,
13 Article – Transportation
14 Section 21–809(a)(1) and (8), (b)(1)(i), and (c)(1)
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2022 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Transportation
19 Section 21–809(a)(2), (d)(1), and (e)
20 Annotated Code of Maryland
21 (2020 Replacement Volume and 2022 Supplement)

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

24 **Article – Transportation**

25 21–809.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (2) "Agency" means:

3 (i) A law enforcement agency of a local political subdivision that is
4 authorized to issue a citation for a violation of the Maryland Vehicle Law or of local traffic
5 laws or regulations; or

6 (ii) [For a municipal corporation that does not maintain a police
7 force, an] AN agency established or designated by [the] A municipal corporation to
8 implement this subtitle using speed monitoring systems in accordance with this section.

9 (8) "Speed monitoring system" means a device with one or more motor
10 vehicle sensors producing recorded images of motor vehicles traveling at speeds at least 12
11 miles per hour above the posted speed limit.

12 (b) (1) (i) A speed monitoring system may not be used in a local jurisdiction
13 under this section unless its use is authorized by the governing body of the local jurisdiction
14 by local law enacted after reasonable notice and a public hearing.

15 (c) (1) Unless the driver of the motor vehicle received a citation from a police
16 officer at the time of the violation, the owner or, in accordance with subsection (f)(4) of this
17 section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is
18 recorded by a speed monitoring system while being operated in violation of this subtitle.

19 (d) (1) Subject to the provisions of paragraphs (2) through (4) of this
20 subsection, an agency shall mail to an owner liable under subsection (c) of this section a
21 citation that shall include:

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

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

25 (iii) The violation charged;

26 (iv) The location where the violation occurred;

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

28 (vi) A copy of the recorded image;

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

31 (viii) A [signed] statement [by a duly authorized law enforcement
32 officer employed by or under contract with an agency] that, based on inspection of recorded

1 images, the motor vehicle was being operated in violation of this subtitle, **SIGNED BY:**

2 **1. A DULY AUTHORIZED LAW ENFORCEMENT OFFICER**
3 **EMPLOYED BY OR UNDER CONTRACT WITH AN AGENCY; OR**

4 **2. AN EMPLOYEE OF AN AGENCY ESTABLISHED OR**
5 **DESIGNATED BY A MUNICIPAL CORPORATION TO IMPLEMENT THIS SUBTITLE USING**
6 **SPEED MONITORING SYSTEMS IN ACCORDANCE WITH THIS SECTION;**

7 (ix) A statement that recorded images are evidence of a violation of
8 this subtitle;

9 (x) Information advising the person alleged to be liable under this
10 section of the manner and time in which liability as alleged in the citation may be contested
11 in the District Court; and

12 (xi) Information advising the person alleged to be liable under this
13 section that failure to pay the civil penalty or to contest liability in a timely manner:

14 1. Is an admission of liability;

15 2. May result in the refusal by the Administration to register
16 the motor vehicle; and

17 3. May result in the suspension of the motor vehicle
18 registration.

19 (e) (1) A certificate alleging that, **BASED ON INSPECTION OF RECORDED**
20 **IMAGES PRODUCED BY A SPEED MONITORING SYSTEM,** the violation of this subtitle
21 occurred and the requirements under subsection (b) of this section have been satisfied[,
22 sworn to, or affirmed by a duly authorized law enforcement officer employed by or under
23 contract with an agency, based on inspection of recorded images produced by a speed
24 monitoring system,] shall be evidence of the facts contained in the certificate and shall be
25 admissible in a proceeding alleging a violation under this section without the presence or
26 testimony of the speed monitoring system operator who performed the requirements under
27 subsection (b) of this section **IF THE CERTIFICATE IS SWORN TO OR AFFIRMED BY:**

28 **(I) A DULY AUTHORIZED LAW ENFORCEMENT OFFICER**
29 **EMPLOYED BY OR UNDER CONTRACT WITH AN AGENCY; OR**

30 **(II) AN EMPLOYEE OF AN AGENCY ESTABLISHED OR**
31 **DESIGNATED BY A MUNICIPAL CORPORATION TO IMPLEMENT THIS SUBTITLE USING**
32 **SPEED MONITORING SYSTEMS IN ACCORDANCE WITH THIS SECTION.**

33 (2) If a person who received a citation under subsection (d) of this section

1 desires the speed monitoring system operator to be present and testify at trial, the person
2 shall notify the court and the State in writing no later than 20 days before trial.

3 (3) Adjudication of liability shall be based on a preponderance of evidence.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2023.