

SB1067/613729/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 1067
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Washington,” insert “Klausmeier, Salling.”; in line 3, strike “placement” and substitute “State Highway Administration to place”; in the same line, strike the second “of”; in line 4, after “County” insert “subject to certain requirements”; in line 5, strike the first “by” and substitute “in”; in line 7, strike “an agency” and substitute “the Department of State Police”; in line 14, strike “7-302(e)(4)” and substitute “7-302(e)(3) and 10-311(b)”; and strike in their entirety lines 17 through 26, inclusive, and substitute:

“BY adding to

Article - Transportation

Section 21-811

Annotated Code of Maryland

(2020 Replacement Volume and 2023 Supplement)”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 4 on page 2 through line 22 on page 3, inclusive, and substitute:

“(e) (3) (I) [Civil] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, CIVIL penalties resulting from citations issued using a vehicle height monitoring system, traffic control signal monitoring system, speed monitoring system, work zone speed control system, school bus monitoring camera, or bus lane monitoring system that are collected by the District Court shall be collected in accordance with subsection (a) of this section and distributed in accordance with § 12–118 of the Transportation Article.”.

**SB1067/613729/01 Judicial Proceedings Committee
Amendments to SB 1067
Page 2 of 14**

On page 3, in line 23, strike “(VII)” and substitute “(II)”; in the same line, strike “FROM THE” and substitute “THE”; in lines 23 and 24, strike “BALTIMORE COUNTY” and substitute “THE DISTRICT COURT”; strike beginning with the comma in line 25 down through “PARAGRAPH” in line 26 and substitute “IN BALTIMORE COUNTY”; and after line 34, insert:

“10-311.

(b) A recorded image of a motor vehicle produced by a speed monitoring system in accordance with § 21-809 [or], § 21-810, OR § 21-811 of the Transportation Article is admissible in a proceeding concerning a civil citation issued under that section for a violation of Title 21, Subtitle 8 of the Transportation Article without authentication.”.

On pages 3 through 6, strike in their entirety the lines beginning with line 36 on page 3 through line 27 on page 6, inclusive, and substitute:

“21-811.

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

(2) (I) “OWNER” MEANS THE REGISTERED OWNER OF A MOTOR VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR LONGER.

(II) “OWNER” DOES NOT INCLUDE:

1. A MOTOR VEHICLE RENTAL OR LEASING COMPANY;

OR

2. A HOLDER OF A SPECIAL REGISTRATION PLATE ISSUED UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.

(3) "RECORDED IMAGE" MEANS AN IMAGE RECORDED BY A SPEED MONITORING SYSTEM:

(I) ON:

1. A PHOTOGRAPH;
2. A MICROPHOTOGRAPH;
3. AN ELECTRONIC IMAGE;
4. VIDEOTAPE; OR
5. ANY OTHER MEDIUM; AND

(II) SHOWING:

1. THE REAR OF A MOTOR VEHICLE;
2. AT LEAST TWO TIME-STAMPED IMAGES OF THE MOTOR VEHICLE THAT INCLUDE THE SAME STATIONARY OBJECT NEAR THE MOTOR VEHICLE; AND
3. ON AT LEAST ONE IMAGE OR PORTION OF TAPE, A CLEAR AND LEGIBLE IDENTIFICATION OF THE ENTIRE REGISTRATION PLATE NUMBER OF THE MOTOR VEHICLE.

(Over)

(4) “SPEED MONITORING SYSTEM” MEANS A DEVICE HAVING ONE OR MORE MOTOR VEHICLE SENSORS CONNECTED TO A CAMERA SYSTEM CAPABLE OF PRODUCING RECORDED IMAGES OF MOTOR VEHICLES TRAVELING AT SPEEDS AT LEAST 12 MILES PER HOUR ABOVE THE POSTED SPEED LIMIT.

(5) “SPEED MONITORING SYSTEM OPERATOR” MEANS AN INDIVIDUAL WHO HAS BEEN TRAINED AND CERTIFIED TO OPERATE A SPEED MONITORING SYSTEM AND WHO IS:

(I) A POLICE OFFICER OF THE DEPARTMENT OF STATE POLICE;

(II) A REPRESENTATIVE OF THE DEPARTMENT OF STATE POLICE; OR

(III) A STATE HIGHWAY ADMINISTRATION CONTRACTOR.

(B) (1) THE STATE HIGHWAY ADMINISTRATION MAY PLACE SPEED MONITORING SYSTEMS THAT MEET THE REQUIREMENTS OF THIS SECTION TO RECORD THE IMAGES OF MOTOR VEHICLES TRAVELING ON INTERSTATE 695 IN BALTIMORE COUNTY.

(2) (I) NOT MORE THAN 16 SPEED MONITORING SYSTEMS MAY BE PLACED ON A HIGHWAY SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.

(II) NOT MORE THAN FOUR SPEED MONITORING SYSTEMS MAY BE OPERATED ON A HIGHWAY SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION AT ANY GIVEN TIME.

(3) A SPEED MONITORING SYSTEM SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION MAY BE USED ONLY:

(I) WHEN BEING OPERATED BY A SPEED MONITORING SYSTEM OPERATOR; AND

(II) 1. IF ALL SPEED LIMIT SIGNS APPROACHING AND WITHIN THE SEGMENT OF HIGHWAY ON WHICH THE SPEED MONITORING SYSTEM IS LOCATED INCLUDE SIGNS THAT:

A. ARE IN ACCORDANCE WITH THE MARYLAND MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES; AND

B. INDICATE THAT A SPEED MONITORING SYSTEM IS IN USE; AND

2. IF THE STATE HIGHWAY ADMINISTRATION ENSURES THAT EACH SIGN THAT INDICATES THAT A SPEED MONITORING SYSTEM IS IN USE IS PROXIMATE TO A DEVICE THAT DISPLAYS A REAL-TIME POSTING OF THE SPEED AT WHICH A DRIVER IS TRAVELING.

(4) A SPEED MONITORING SYSTEM MAY BE USED ONLY TO RECORD THE IMAGES OF VEHICLES THAT ARE TRAVELING AT SPEEDS AT LEAST 12 MILES PER HOUR ABOVE THE POSTED WORK ZONE SPEED LIMIT.

(5) (I) A SPEED MONITORING SYSTEM OPERATOR SHALL COMPLETE TRAINING BY THE MANUFACTURER OF THE SPEED MONITORING

(Over)

SYSTEM IN THE PROCEDURES FOR SETTING UP, TESTING, AND OPERATING THE SPEED MONITORING SYSTEM.

(II) ON COMPLETION OF THE TRAINING, THE MANUFACTURER SHALL ISSUE A SIGNED CERTIFICATE TO THE SPEED MONITORING SYSTEM OPERATOR.

(III) THE CERTIFICATE OF TRAINING SHALL BE ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION OF THIS SECTION.

(6) A SPEED MONITORING SYSTEM OPERATOR SHALL FILL OUT AND SIGN A DAILY SET-UP LOG FOR A SPEED MONITORING SYSTEM THAT:

(I) STATES THE DATE AND TIME WHEN AND THE LOCATION WHERE THE SYSTEM WAS SET UP;

(II) STATES THAT THE SPEED MONITORING SYSTEM OPERATOR SUCCESSFULLY PERFORMED, AND THE DEVICE PASSED, THE MANUFACTURER-SPECIFIED SELF-TESTS OF THE SPEED MONITORING SYSTEM BEFORE PRODUCING A RECORDED IMAGE;

(III) SHALL BE KEPT ON FILE; AND

(IV) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION OF THIS SECTION.

(7) (I) A SPEED MONITORING SYSTEM SHALL UNDERGO AN ANNUAL CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION LABORATORY.

(ii) THE INDEPENDENT CALIBRATION LABORATORY SHALL ISSUE A SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL CALIBRATION CHECK THAT:

1. SHALL BE KEPT ON FILE; AND
2. SHALL BE ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION OF THIS SECTION.

(8) THE PROCUREMENT OF A SPEED MONITORING SYSTEM UNDER THIS SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH TITLE 13, SUBTITLE 1 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(c) (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 (F)(4) OF THIS SECTION, THE DRIVER OF A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF AN IMAGE OF THE MOTOR VEHICLE IS RECORDED BY A SPEED MONITORING SYSTEM IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION WHILE BEING OPERATED IN VIOLATION OF THIS SUBTITLE.

(2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED \$40.

(3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT SHALL:

(I) PRESCRIBE A UNIFORM CITATION FORM CONSISTENT WITH SUBSECTION (D)(1) OF THIS SECTION AND § 7-302 OF THE COURTS ARTICLE; AND

(II) INDICATE ON THE CITATION THE AMOUNT OF THE CIVIL PENALTY TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL PENALTY WITHOUT APPEARING IN DISTRICT COURT.

(D) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION, THE DEPARTMENT OF STATE POLICE OR A CONTRACTOR OF THE DEPARTMENT OF STATE POLICE SHALL MAIL TO THE OWNER LIABLE UNDER SUBSECTION (C) 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;

(III) THE VIOLATION CHARGED;

(IV) THE LOCATION WHERE THE VIOLATION OCCURRED;

(V) THE DATE AND TIME OF THE VIOLATION;

(VI) AT LEAST ONE RECORDED IMAGE OF THE VEHICLE WITH A DATA BAR IMPRINTED ON EACH IMAGE THAT INCLUDES THE SPEED OF THE VEHICLE AND THE DATE AND TIME THE IMAGE WAS RECORDED;

(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 POLICE OFFICER EMPLOYED BY THE DEPARTMENT OF STATE POLICE OR A CONTRACTOR OF THE DEPARTMENT OF STATE POLICE THAT, BASED ON INSPECTION OF RECORDED IMAGES, THE MOTOR VEHICLE WAS BEING OPERATED IN VIOLATION OF THIS SUBTITLE;

(IX) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE OF A VIOLATION OF THIS SUBTITLE;

(X) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE UNDER THIS SECTION OF THE MANNER AND TIME IN WHICH LIABILITY AS ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND

(XI) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE UNDER THIS SECTION THAT FAILURE TO PAY THE CIVIL PENALTY OR TO CONTEST LIABILITY IN A TIMELY MANNER:

1. IS AN ADMISSION OF LIABILITY;
2. MAY RESULT IN THE REFUSAL TO REGISTER THE MOTOR VEHICLE; AND
3. MAY RESULT IN THE SUSPENSION OF THE MOTOR VEHICLE REGISTRATION.

(Over)

(2) THE DEPARTMENT OF STATE POLICE SHALL MAIL A WARNING NOTICE INSTEAD OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION DURING THE FIRST 90 DAYS THAT THE SPEED MONITORING SYSTEM IS IN OPERATION.

(3) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS SECTION, THE DEPARTMENT OF STATE POLICE MAY NOT MAIL A CITATION TO A PERSON WHO IS NOT AN OWNER.

(4) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS SECTION, A CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NOT LATER THAN 2 WEEKS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS REGISTERED IN THE STATE, AND NOT LATER THAN 30 DAYS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS REGISTERED IN ANOTHER STATE.

(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; OR

(ii) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR THE ALLEGED VIOLATION.

(E) (1) A CERTIFICATE ALLEGING THAT THE VIOLATION OF THIS SUBTITLE OCCURRED AND THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION HAVE BEEN SATISFIED, SWORN TO, OR AFFIRMED BY AN OFFICER OF THE DEPARTMENT OF STATE POLICE, BASED ON INSPECTION OF RECORDED IMAGES PRODUCED BY A SPEED MONITORING SYSTEM, SHALL BE EVIDENCE OF

THE FACTS CONTAINED IN THE CERTIFICATE AND SHALL BE ADMISSIBLE IN A PROCEEDING ALLEGING A VIOLATION UNDER THIS SECTION WITHOUT THE PRESENCE OR TESTIMONY OF THE SPEED MONITORING SYSTEM OPERATOR WHO PERFORMED THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION.

(2) IF A PERSON WHO RECEIVED A CITATION UNDER SUBSECTION (D) OF THIS SECTION DESIRES A SPEED MONITORING SYSTEM OPERATOR TO BE PRESENT AND TESTIFY AT TRIAL, THE PERSON SHALL NOTIFY THE COURT AND THE DEPARTMENT OF STATE POLICE IN WRITING NOT LATER THAN 20 DAYS BEFORE TRIAL.

(3) ADJUDICATION OF LIABILITY SHALL BE BASED ON A PREPONDERANCE OF EVIDENCE.

(F) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A VIOLATION:

(i) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THAT THE MOTOR VEHICLE OR THE REGISTRATION PLATES OF THE MOTOR VEHICLE WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE VEHICLE OWNER AT THE TIME OF THE VIOLATION;

(ii) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EVIDENCE THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND

(iii) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT COURT DEEMS PERTINENT.

(2) TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT REGARDING THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN A TIMELY MANNER.

(3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE PERSON AND MAILED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT:

(I) STATES THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND

(II) INCLUDES ANY OTHER CORROBORATING EVIDENCE.

(4) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (3) OF THIS SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF THE VIOLATION, THE CLERK OF THE COURT MAY PROVIDE TO THE DEPARTMENT OF STATE POLICE A COPY OF ANY EVIDENCE SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

(II) ON RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT OF STATE POLICE MAY ISSUE A CITATION AS PROVIDED IN

SUBSECTION (D) OF THIS SECTION TO THE PERSON WHO THE EVIDENCE INDICATES WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

(III) ANY CITATION ISSUED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL BE MAILED NOT LATER THAN 2 WEEKS AFTER RECEIPT OF THE EVIDENCE FROM THE DISTRICT COURT.

(G) IF A PERSON LIABLE UNDER THIS SECTION DOES NOT PAY THE CIVIL PENALTY OR CONTEST THE VIOLATION, THE ADMINISTRATION MAY:

(1) REFUSE TO REGISTER OR REREGISTER THE REGISTRATION OF THE MOTOR VEHICLE CITED FOR THE VIOLATION; OR

(2) SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE CITED FOR THE VIOLATION.

(H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS SECTION:

(1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING POINTS UNDER § 16-402 OF THIS ARTICLE;

(2) MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OR DRIVER OF THE VEHICLE;

(3) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF § 26-305 OF THIS ARTICLE; AND

(4) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE INSURANCE COVERAGE.

(I) IN CONSULTATION WITH THE DEPARTMENT OF STATE POLICE, THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE ISSUANCE OF CITATIONS, THE TRIAL OF CIVIL VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES UNDER THIS SECTION.

(J) (1) THE DEPARTMENT OF STATE POLICE OR A CONTRACTOR DESIGNATED BY THE DEPARTMENT OF STATE POLICE SHALL ADMINISTER AND PROCESS CIVIL CITATIONS ISSUED UNDER THIS SECTION IN COORDINATION WITH THE DISTRICT COURT.

(2) IF A CONTRACTOR PROVIDES, DEPLOYS, OR OPERATES A SPEED MONITORING SYSTEM FOR THE DEPARTMENT OF STATE POLICE OR THE STATE HIGHWAY ADMINISTRATION, THE CONTRACTOR'S FEE MAY NOT BE CONTINGENT ON THE NUMBER OF CITATIONS ISSUED OR PAID.

(K) THE DEPARTMENT OF STATE POLICE AND THE STATE HIGHWAY ADMINISTRATION JOINTLY SHALL ADOPT REGULATIONS ESTABLISHING STANDARDS AND PROCEDURES FOR SPEED MONITORING SYSTEMS AUTHORIZED UNDER THIS SECTION."