

HB1032/593724/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 1032
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “**Delegation**” insert “**and Delegate Young**”; in line 2, before “**Montgomery**” insert “**Baltimore City and**”; in line 4, after the second “in” insert “**Baltimore City and**”; in line 5, after “County” insert “**under the pilot program authorized for Prince George’s County**”; strike beginning with “establishing” in line 5 down through “manner;” in line 12; and in line 13, after “in” insert “**Baltimore City and**”.

On pages 1 and 2, strike the lines beginning with line 14 on page 1 through line 8 on page 2, inclusive.

On page 2, in line 14, strike “adding to” and substitute “**repealing and reenacting, with amendments,**”; and in line 16, strike “21-707.2” and substitute “**21-707.1**”.

AMENDMENT NO. 2

On pages 2 through 5, strike the lines beginning with line 21 on page 2 through line 23 on page 5, inclusive.

AMENDMENT NO. 3

On pages 6 through 12, strike in their entirety the lines beginning with line 15 on page 6 through line 32 on page 12, inclusive, and substitute:

“**21-707.1.**”

(a) **This section applies only in BALTIMORE CITY, MONTGOMERY COUNTY, AND Prince George’s County.**

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

HB1032/593724/01 Environment and Transportation Committee
Amendments to HB 1032
Page 2 of 11

(2) “Agency” means a law enforcement agency 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 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.

(4) “Recorded image” means images recorded by a stop sign 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 a motor vehicle and, on at least one image or portion of tape, clearly identifying the registration plate number of the motor vehicle.

HB1032/593724/01 Environment and Transportation Committee
Amendments to HB 1032
Page 3 of 11

(5) “Stop sign monitoring system” means a device designed to capture a recorded image of a violation.

(6) (i) “Violation” means a failure to come to a complete stop at a stop sign in violation of § 21-707 of this subtitle.

(ii) “Violation” does not include any action a driver is instructed to take by a police officer.

(c) (1) Subject to paragraphs (2) through (5) of this subsection, an agency may use stop sign monitoring systems:

(i) On highways located in a school zone maintained by a local jurisdiction, if authorized by the governing body of the local jurisdiction; or

(ii) On State highways located in a school zone, if authorized by the State Highway Administration.

(2) A stop sign monitoring system:

(i) May not be used in a local jurisdiction under this section unless its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing; and

(ii) [May] **IN PRINCE GEORGE’S COUNTY, MAY** only be used at a location approved by the Prince George’s County Council.

(3) [The county] **PRINCE GEORGE’S COUNTY** shall prioritize the placement of stop sign monitoring systems within municipalities that have high violation rates.

(Over)

HB1032/593724/01 Environment and Transportation Committee
Amendments to HB 1032
Page 4 of 11

(4) Before beginning use of stop sign monitoring systems, an agency shall publish notice that the agency has adopted the use of stop sign monitoring systems on its website and, IN BALTIMORE CITY AND PRINCE GEORGE'S COUNTY ONLY, in a newspaper of general circulation in the jurisdiction in which the stop sign monitoring system will be used.

(5) (i) [The] A county shall prominently place signs on highways within the county providing notice that stop sign monitoring systems are used in the county.

(ii) The State Highway Administration shall place signs prominently providing notice that stop sign monitoring systems are in use on State highways.

(d) A recorded image under this section indicating that the driver of a motor vehicle has committed a violation shall include:

(1) The time and date of the violation; and

(2) To the extent possible, the location of the violation.

(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 (f)(3) or (h)(4) or (5) of this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a stop sign monitoring system during the commission of a violation.

(2) A civil penalty under this subsection may not exceed \$40.

(3) For purposes of this section, the District Court shall prescribe:

HB1032/593724/01 Environment and Transportation Committee
Amendments to HB 1032
Page 5 of 11

(i) A uniform citation form consistent with subsection (f)(1) of this section and § 7–302 of the Courts Article; and

(ii) A civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

(f) (1) Subject to the provisions of paragraphs (2) through (5) of this subsection, an agency shall mail 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 PLATE number of the motor vehicle involved in the violation;

(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 agency that, based on the inspection of the recorded image, the motor vehicle was being operated during the commission of a violation;

(Over)

HB1032/593724/01 Environment and Transportation Committee
Amendments to HB 1032
Page 6 of 11

(ix) A statement that the recorded image is 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 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 a citation to a motor vehicle rental company
liable under subsection (e) of this section, an agency shall mail a notice to the motor
vehicle rental company stating that a citation will be mailed to the motor vehicle rental
company unless, within 45 days after 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. A statement made under oath that states that
the motor vehicle rental company is unable to determine who was driving the vehicle at
the time the violation occurred because the motor vehicle was stolen at the time of the
violation; and

HB1032/593724/01 Environment and Transportation Committee
Amendments to HB 1032
Page 7 of 11

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) An agency may not mail 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.

(4) Except as provided in paragraph (3) of this subsection and subsection (h)(4) and (5) of this section, a citation issued under this section shall be mailed not 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; or

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

(g) (1) A certificate alleging that a violation occurred, sworn to or affirmed by a duly authorized law enforcement officer employed by or under contract with an agency, based on the inspection of a recorded image, shall be evidence of the facts contained in the certificate and shall be admissible in any proceeding concerning the alleged violation.

(2) Adjudication of liability shall be based on preponderance of the evidence.

(h) (1) The District Court may consider in defense of a violation:

(Over)

HB1032/593724/01 Environment and Transportation Committee
Amendments to HB 1032
Page 8 of 11

(i) Subject to paragraph (2) of this subsection, that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the 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 considers 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 must submit proof that a police report about 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 evidence to the satisfaction of the District Court of who was operating the vehicle at the time of the violation, including, at a minimum, the operator's name and current address.

(4) (i) The provisions of this paragraph apply only to a citation that involves a Class E (truck) vehicle with a registered gross weight of 26,001 pounds or more, Class F (tractor) vehicle, Class G (trailer) vehicle operated in combination with a Class F (tractor) vehicle, or Class P (passenger bus) vehicle.

(ii) To satisfy the evidentiary burden under paragraph (1)(ii) of this subsection, the person named in a citation described under subparagraph (i) of this paragraph may provide to the District Court a letter, sworn to or affirmed by the person and mailed by certified mail, return receipt requested, that:

HB1032/593724/01 Environment and Transportation Committee
Amendments to HB 1032
Page 9 of 11

1. States that the person named in the citation was not operating the vehicle at the time of the violation; and

2. Provides the name, address, and driver's license identification number of the person who was operating the vehicle at the time of the violation.

(5) (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 (4)(ii)2 of this subsection identifying the person driving the vehicle at the time of the violation, the clerk of court shall provide to the agency issuing the citation 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 agency may issue a citation as provided in subsection (f) of this section to the person who the evidence indicates was operating the vehicle at the time of the violation.

(iii) A 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.

(i) If the civil penalty is not paid and the violation is not contested, the Administration may refuse to register or reregister or may suspend the registration of the motor vehicle.

(j) 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 and may not be recorded by the Administration on the driving record of the owner or driver of the vehicle; and

(Over)

HB1032/593724/01 Environment and Transportation Committee
Amendments to HB 1032
Page 10 of 11

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

(k) In consultation with law enforcement agencies, the Chief Judge of the District Court shall adopt procedures for the issuance of citations, trials for violations, and the collection of civil penalties imposed under this section.

(l) (1) An agency or an agent or a contractor designated by the agency shall administer and process civil citations issued under this section in coordination with the District Court.

(2) If a contractor in any manner operates a stop sign monitoring system or administers or processes citations generated by a STOP SIGN monitoring system on behalf of a local jurisdiction, the contractor's fee may not be contingent on a per-ticket basis on the number of citations issued or paid."

AMENDMENT NO. 4

On page 12, in line 33, strike "4." and substitute "2."; and in line 34, strike "2026" and substitute "2027".

AMENDMENT NO. 5

On page 13, in line 3, strike "2026" and substitute "2027"; after line 19, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, 2027, the Baltimore City Department of Transportation shall report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly on:

(1) through October 1, 2027:

HB1032/593724/01 Environment and Transportation Committee
Amendments to HB 1032
Page 11 of 11

(i) the time period during which stop sign monitoring systems were in use in the city; and

(ii) the number of warnings and citations issued as a result of violations recorded by a stop sign monitoring system in the city over the reported time period, by location and date;

(2) (i) the costs associated with implementing and operating stop sign monitoring systems; and

(ii) the revenue collected on a monthly basis as a result of violations recorded by stop sign monitoring systems;

(3) appropriate locations for the deployment of stop sign monitoring systems;

(4) the performance and reliability of stop sign monitoring systems used by the city; and

(5) the effectiveness of stop sign monitoring systems in reducing violations, crashes, and pedestrian injuries in the city and in areas where the stop sign monitoring systems were implemented and used.”;

strike in their entirety lines 20 through 25, inclusive; in line 26, strike “6.” and substitute “4.”; strike beginning with “, subject” in line 26 down through “Act,” in line 27; in line 28, strike “5” and substitute “4”; and in the same line, strike “2030” and substitute “2029”.