

HOUSE BILL 364

R5

8lr0264
CF SB 269

By: **The Speaker (By Request – Administration) and Delegates McIntosh, Barve, Bobo, Bronrott, Cane, G. Clagett, V. Clagett, Frush, Glenn, Howard, Huckler, Lafferty, Manno, Montgomery, Niemann, ~~and Stein~~ Stein, and Burns**

Introduced and read first time: January 25, 2008

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 16, 2008

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use**
3 **in Highway Work Zones**

4 FOR the purpose of expanding to all counties and municipalities in the State the
5 authority to use certain speed monitoring systems to enforce certain highway
6 speed laws under certain standards and procedures; ~~altering the maximum fine~~
7 ~~for a violation of law enforced by means of a speed monitoring system;~~
8 prohibiting the use of a speed monitoring system in a local jurisdiction unless
9 authorized by the governing body by ordinance or resolution adopted after
10 reasonable notice and a public hearing; requiring a county, before using a speed
11 monitoring system at certain locations, to obtain certain approval, provide
12 certain notice, and provide a municipal corporation instead of the county the
13 opportunity to use a speed monitoring system at the locations; requiring certain
14 local ordinances or resolutions to provide for the issuance of warnings during a
15 certain period for certain violations; increasing the maximum speed limit for the
16 purpose of establishing residential highways on which speed laws may be
17 enforced using speed monitoring systems; requiring a local jurisdiction to
18 publish a certain notice before activating a certain speed monitoring system;
19 requiring a certain speed monitoring system placed in a certain location to be
20 calibrated to only record images of motor vehicles traveling at or above a certain
21 speed; repealing a certain requirement that an individual provide certain
22 information to satisfy a certain evidentiary burden; requiring the Chief Judge of
23 the District Court to consult with certain agencies in adopting certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 procedures; clarifying that certain fines for certain motor vehicle violations shall
2 be paid to the District Court; expanding the pool of entities authorized to
3 administer a speed monitoring program; authorizing the placement of certain
4 work zone speed control systems on certain highways under certain
5 circumstances; ~~providing that~~ requiring the Comptroller to distribute to the
6 State Highway Administration the revenues from civil fines collected under this
7 Act shall first in an amount to cover the costs of implementing and
8 administering the work zone speed control system; limiting the issuance of
9 citations to owners or drivers of vehicles that exceed certain speeds; requiring a
10 work zone speed control system operator to complete certain training and follow
11 certain procedures; requiring a work zone speed control system to undergo
12 certain calibration; requiring the procurement of a work zone speed control
13 system by a unit of State or local government to be conducted in a certain
14 manner, subject to a certain exception; requiring the State Highway
15 Administration to place a certain road sign within a ~~certain~~ reasonable distance
16 of a highway work zone containing a speed monitoring system; providing that
17 certain owners or drivers of motor vehicles, recorded by a work zone speed
18 control system while being operated in violation of certain speed limit laws, are
19 subject to certain penalties; authorizing certain police departments to mail a
20 certain citation to the owner of a motor vehicle; establishing certain civil
21 penalties for a violation of certain provisions of this Act; requiring certain
22 citations to include certain information; authorizing a police department to send
23 a warning instead of a citation under certain circumstances; authorizing the
24 police department to reissue a citation to the driver of a vehicle under certain
25 circumstances; requiring certain citations to be mailed within certain time
26 periods; requiring the District Court to prescribe a certain citation form and to
27 indicate the amount of a certain civil penalty on the citation; establishing the
28 standard of proof in a trial for certain violations of this Act; authorizing persons
29 receiving certain citations to have the work zone speed control system operator
30 be present and testify at trial; providing that certain persons are responsible for
31 paying the civil penalty indicated on the citation under certain circumstances;
32 providing that persons receiving certain citations may elect to stand trial in the
33 District Court; establishing defenses that the District Court may consider;
34 authorizing vehicle owners to submit a certain letter to the District Court to
35 establish a certain defense; authorizing the Motor Vehicle Administration to
36 impose certain penalties if the person cited for violating certain provisions of
37 this Act fails to pay the civil penalty or contest liability; prohibiting certain
38 violations under this Act from being considered for certain purposes; providing
39 for the admissibility and use of certain evidence; modifying the jurisdiction of
40 the District Court to include certain proceedings; providing for the handling of
41 certain court costs and penalties; clarifying certain language; prohibiting an
42 insurer from considering a certain civil penalty for purposes of reclassifying an
43 insured; prohibiting the custodian of recorded images produced by a work zone
44 speed control system from allowing inspection of the recorded images, subject to
45 certain exceptions; requiring the Department of State Police and the State
46 Highway Administration jointly to adopt regulations establishing the standards
47 and procedures for work zone speed control systems; requiring certain State and
48 local entities to administer and process civil citations issued under this Act in

1 consultation with the District Court; providing that the fees of certain
2 contractors may not be contingent on the number of citations issued or paid
3 under this Act; requiring the issuance of warnings for a certain time period for
4 certain violations; defining certain terms; repealing a certain definition; altering
5 a certain definition; making certain stylistic changes; making a technical
6 correction; restricting the use of certain revenues generated by this Act;
7 providing for the application of this Act; providing that existing obligations or
8 contract rights may not be impaired by this Act; providing that certain
9 provisions of this Act do not apply to certain speed monitoring systems in
10 Montgomery County; requiring certain local jurisdictions to issue a certain
11 report by a certain date; and generally relating to the use of speed monitoring
12 systems to enforce certain laws regarding the operation of motor vehicles in
13 excess of certain speed limits.

14 BY repealing and reenacting, with amendments,
15 Article – Courts and Judicial Proceedings
16 Section 4–401(13), 7–302(e), and 10–311
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2007 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Courts and Judicial Proceedings
21 Section 7–301(a)
22 Annotated Code of Maryland
23 (2006 Replacement Volume and 2007 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Insurance
26 Section 11–215(e) and 11–318(e)
27 Annotated Code of Maryland
28 (2003 Replacement Volume and 2007 Supplement)

29 BY repealing and reenacting, with amendments,
30 Article – State Government
31 Section 10–616(o)
32 Annotated Code of Maryland
33 (2004 Replacement Volume and 2007 Supplement)

34 BY repealing and reenacting, with amendments,
35 Article – Transportation
36 Section 12–118(c), 21–809, 26–305(a), and 26–401
37 Annotated Code of Maryland
38 (2006 Replacement Volume and 2007 Supplement)

39 BY adding to
40 Article – Transportation
41 Section 21–810
42 Annotated Code of Maryland

1 (2006 Replacement Volume and 2007 Supplement)

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

4 **Article – Courts and Judicial Proceedings**

5 7–301.

6 (a) The court costs in a traffic case, including parking and impounding cases,
7 cases under § 21–202.1 or § 21–809 of the Transportation Article in which costs are
8 imposed, and cases under § 10–112 of the Criminal Law Article in which costs are
9 imposed are \$22.50. Such costs shall also be applicable to those cases in which the
10 defendant elects to waive his right to trial and pay the fine or penalty deposit
11 established by the Chief Judge of the District Court by administrative regulation. In
12 an uncontested case under § 21–202.1 or § 21–809 of the Transportation Article, an
13 uncontested case under § 10–112 of the Criminal Law Article, or an uncontested
14 parking or impounding case in which the fines are paid directly to a political
15 subdivision or municipality, costs are \$2.00, which costs shall be paid to and retained
16 by the political subdivision or municipality. In an uncontested case in which the fine is
17 paid directly to an agency of State government authorized by law to regulate parking
18 of motor vehicles, the costs are \$2.00. The fine and the costs shall be paid to the
19 agency, which shall receive and account for these funds as in all other cases involving
20 sums due the State through a State agency.

21 7–302.

22 (e) (1) A citation issued pursuant to § 21–202.1 or § 21–809 of the
23 Transportation Article shall provide that the person receiving the citation may elect to
24 stand trial by notifying the issuing agency of the person's intention to stand trial at
25 least 5 days prior to the date of payment as set forth in the citation. On receipt of the
26 notice to stand trial, the agency shall forward to the District Court having venue a
27 copy of the citation and a copy of the notice from the person who received the citation
28 indicating the person's intention to stand trial. On receipt thereof, the District Court
29 shall schedule the case for trial and notify the defendant of the trial date under
30 procedures adopted by the Chief Judge of the District Court.

31 (2) A citation issued as the result of a traffic control signal monitoring
32 system or speed monitoring system controlled by a political subdivision shall provide
33 that, in an uncontested case, the penalty shall be paid directly to that political
34 subdivision. A citation issued as the result of a traffic control signal monitoring system
35 ~~OR A SPEED MONITORING SYSTEM~~ controlled by a State [agency or a speed
36 monitoring system,] **AGENCY, OR AS A RESULT OF A TRAFFIC CONTROL SIGNAL**
37 **MONITORING SYSTEM OR A SPEED MONITORING SYSTEM** in a case contested in
38 District Court, shall provide that the penalty shall be paid directly to the District
39 Court.

1 (3) Civil penalties resulting from citations issued using traffic control
2 signal monitoring systems or speed monitoring systems that are collected by the
3 District Court shall be collected in accordance with subsection (a) of this section and
4 distributed in accordance with § 12–118 of the Transportation Article.

5 Article – State Government

6 10–616.

7 (o) (1) In this subsection, “recorded images” has the meaning stated in §
8 21–202.1 or § 21–809 of the Transportation Article.

9 (2) Except as provided in paragraph (3) of this subsection, a custodian
10 of recorded images produced by a traffic control signal monitoring system operated
11 under § 21–202.1 of the Transportation Article or a speed monitoring system operated
12 under § 21–809 of the Transportation Article shall deny inspection of the recorded
13 images.

14 (3) A custodian shall allow inspection of recorded images:

15 (i) as required in § 21–202.1 or § 21–809 of the Transportation
16 Article;

17 (ii) by any person issued a citation under § 21–202.1 or § 21–809
18 of the Transportation Article, or an attorney of record for the person; or

19 (iii) by an employee or agent of [a law enforcement] AN agency
20 in an investigation or proceeding relating to the imposition of or indemnification from
21 civil liability pursuant to § 21–202.1 or § 21–809 of the Transportation Article.

22 Article – Transportation

23 21–809.

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

25 [(2) “Local police department” means:

26 (i) The Montgomery County Department of Police; and

27 (ii) The police department of any municipal corporation in
28 Montgomery County]

29 (2) “AGENCY” MEANS:

30 (I) A LAW ENFORCEMENT AGENCY OF ~~THE STATE OR A~~ A
31 LOCAL POLITICAL SUBDIVISION THAT IS AUTHORIZED TO ISSUE A CITATION FOR

1 A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR
2 REGULATIONS; OR

3 (II) FOR A MUNICIPAL CORPORATION THAT DOES NOT
4 MAINTAIN A POLICE FORCE, AN AGENCY ESTABLISHED OR DESIGNATED BY THE
5 MUNICIPAL CORPORATION TO ~~ENFORCE~~ IMPLEMENT THIS SUBTITLE USING
6 SPEED MONITORING SYSTEMS IN ACCORDANCE WITH THIS SECTION.

7 (3) (i) "Owner" means the registered owner of a motor vehicle or a
8 lessee of a motor vehicle under a lease of 6 months or more.

9 (ii) "Owner" does not include:

10 1. A motor vehicle rental or leasing company; or

11 2. A holder of a special registration plate issued under
12 Title 13, Subtitle 9, Part III of this article.

13 (4) "Recorded image" means an image recorded by a speed monitoring
14 system:

15 (i) On:

16 1. A photograph;

17 2. A microphotograph;

18 3. An electronic image;

19 4. Videotape; or

20 5. Any other medium; and

21 (ii) Showing:

22 1. The rear of a motor vehicle;

23 2. At least two time-stamped images of the motor
24 vehicle that include the same stationary object near the motor vehicle; and

25 3. On at least one image or portion of tape, [clearly
26 identifying] A CLEAR AND LEGIBLE IDENTIFICATION OF the ENTIRE registration
27 plate number of the motor vehicle.

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

1 (6) "Speed monitoring system operator" means [an individual who] A
 2 **REPRESENTATIVE OF AN AGENCY OR CONTRACTOR THAT** operates a speed
 3 monitoring system.

4 (b) (1) (i) **A SPEED MONITORING SYSTEM MAY NOT BE USED IN A**
 5 **LOCAL JURISDICTION UNDER THIS SECTION UNLESS ITS USE IS AUTHORIZED BY**
 6 **THE GOVERNING BODY OF THE LOCAL JURISDICTION BY LOCAL LAW ENACTED**
 7 **AFTER REASONABLE NOTICE AND A PUBLIC HEARING.**

8 (ii) BEFORE A COUNTY MAY USE A SPEED MONITORING
 9 SYSTEM ON A STATE HIGHWAY AT A LOCATION WITHIN A MUNICIPAL
 10 CORPORATION, THE COUNTY SHALL:

11 1. OBTAIN THE APPROVAL OF THE STATE HIGHWAY
 12 ADMINISTRATION;

13 2. NOTIFY THE MUNICIPAL CORPORATION OF THE
 14 STATE HIGHWAY ADMINISTRATION'S APPROVAL OF THE USE OF A SPEED
 15 MONITORING SYSTEM AT THAT LOCATION; AND

16 3. GRANT THE MUNICIPAL CORPORATION 60 DAYS
 17 FROM THE DATE OF THE COUNTY'S NOTICE TO THE MUNICIPAL CORPORATION
 18 TO ENACT AN ORDINANCE AUTHORIZING THE MUNICIPAL CORPORATION
 19 INSTEAD OF THE COUNTY TO USE A SPEED MONITORING SYSTEM AT THAT
 20 LOCATION.

21 ~~(ii)~~ (iii) **AN ORDINANCE OR RESOLUTION ADOPTED BY**
 22 **THE GOVERNING BODY OF A LOCAL JURISDICTION UNDER THIS PARAGRAPH**
 23 **SHALL PROVIDE THAT FOR A PERIOD OF AT LEAST ~~12 MONTHS~~ 30 DAYS AFTER**
 24 **THE FIRST SPEED MONITORING SYSTEM IS PLACED IN THE LOCAL**
 25 **JURISDICTION, A VIOLATION RECORDED BY ANY SPEED MONITORING SYSTEM IN**
 26 **THE LOCAL JURISDICTION MAY BE ENFORCED ONLY BY THE ISSUANCE OF A**
 27 **WARNING.**

28 [(1)] ~~(iii)~~ (iv) This section applies to a violation of this subtitle [that
 29 occurs in Montgomery County] recorded by a speed monitoring system that meets the
 30 requirements of this subsection and has been placed:

31 [(i)] 1. On a highway in a residential [district] **DISTRICT**, as
 32 defined in § 21-101 of this [title:

33 1. With] **TITLE, WITH** a maximum posted speed limit of
 34 [35] **45** miles per [hour; and

1 2. Shall be admitted as evidence in any court proceeding
2 for a violation of this section.

3 **(5) (I) THIS PARAGRAPH DOES NOT APPLY TO A SPEED**
4 **MONITORING SYSTEM PLACED IN A SCHOOL ZONE.**

5 **(II) IF A SPEED MONITORING SYSTEM IS PLACED WITHIN**
6 **250 FEET AFTER THE LOCATION OF A SIGN DECREASING THE MAXIMUM SPEED**
7 **LIMIT ON THE HIGHWAY, THE SPEED MONITORING SYSTEM SHALL BE**
8 **CALIBRATED TO ONLY RECORD IMAGES OF MOTOR VEHICLES TRAVELING AT**
9 **SPEEDS AT LEAST 10 MILES PER HOUR ABOVE THE POSTED SPEED LIMIT IN**
10 **EFFECT BEFORE THE LOCATION OF THE SIGN.**

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

16 (2) A civil penalty under this subsection may not exceed ~~[\$40]~~ \$75.

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

18 (i) A uniform citation form consistent with subsection (d)(1) of
19 this section and § 7-302 of the Courts Article; and

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

23 (d) (1) Subject to the provisions of paragraphs (2) through (4) of this
24 subsection, ~~[the local police department]~~ **AN AGENCY** shall mail to ~~[the owner,]~~ **AN**
25 **OWNER** liable under subsection (c) of this section~~[,]~~ a citation that shall include:

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

27 (ii) The registration number of the motor vehicle involved in the
28 violation;

29 (iii) The violation charged;

30 (iv) The location where the violation occurred;

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

32 (vi) A copy of the recorded image;

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

3 (viii) A signed statement by a duly authorized ~~EMPLOYEE OR~~
4 ~~agent of~~ **LAW ENFORCEMENT OFFICER EMPLOYED BY OR UNDER CONTRACT**
5 **WITH** [the local police department] **AN AGENCY** that, based on inspection of recorded
6 images, the motor vehicle was being operated in violation of this subtitle;

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

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

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

15 1. Is an admission of liability;

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

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

20 (2) [The local police department] **AN AGENCY** may mail a warning
21 notice instead of a citation to the owner liable under subsection (c) of this section.

22 (3) Except as provided in subsection (f)(4) of this section, [the local
23 police department] **AN AGENCY** may not mail a citation to a person who is not an
24 owner.

25 (4) Except as provided in subsection (f)(4) of this section, a citation
26 issued under this section shall be mailed no later than 2 weeks after the alleged
27 violation if the vehicle is registered in this State, and 30 days after the alleged
28 violation if the vehicle is registered in another state.

29 (5) A person who receives a citation under paragraph (1) of this
30 subsection may:

31 (i) Pay the civil penalty, in accordance with instructions on the
32 citation, directly to the [Montgomery County Department of Finance] **POLITICAL**
33 **SUBDIVISION**; or

1 (ii) Elect to stand trial in the District Court for the alleged
2 violation.

3 (e) (1) A certificate alleging that the violation of this subtitle occurred and
4 the requirements under subsection (b) of this section have been satisfied, sworn to, or
5 affirmed by [a duly authorized agent of the local police department] **AN AGENT OR**
6 **EMPLOYEE OF AN AGENCY**, based on inspection of recorded images produced by a
7 speed monitoring system, shall be evidence of the facts contained in the certificate and
8 shall be admissible in a proceeding alleging a violation under this section without the
9 presence or testimony of the speed monitoring system operator who performed the
10 requirements under subsection (b) of this section.

11 (2) If a person who received a citation under subsection (d) of this
12 section desires the speed monitoring system operator to be present and testify at trial,
13 the person shall notify the court and the State in writing no later than 20 days before
14 trial.

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

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

18 (i) Subject to paragraph (2) of this subsection, that the motor
19 vehicle or the registration plates of the motor vehicle were stolen before the violation
20 occurred and were not under the control or possession of the owner at the time of the
21 violation;

22 (ii) Subject to paragraph (3) of this subsection, evidence that the
23 person named in the citation was not operating the vehicle at the time of the violation;
24 and

25 (iii) Any other issues and evidence that the District Court deems
26 pertinent.

27 (2) [In order to] **TO** demonstrate that the motor vehicle or the
28 registration plates were stolen before the violation occurred and were not under the
29 control or possession of the owner at the time of the violation, the owner shall submit
30 proof that a police report regarding the stolen motor vehicle or registration plates was
31 filed in a timely manner.

32 (3) To satisfy the evidentiary burden under paragraph (1)(ii) of this
33 subsection, the person named in the citation shall provide to the District Court a
34 letter, sworn to or affirmed by the person and mailed by certified mail, return receipt
35 requested, that:

36 (i) States that the person named in the citation was not
37 operating the vehicle at the time of the violation; **AND**

1 (ii) ~~Provides the name, address, and, if possible, the driver's~~
2 ~~license identification number of the person who was operating the vehicle at the time~~
3 ~~of the violation; and~~

4 ~~(iii)~~ Includes any other corroborating evidence.

5 (4) (i) If the District Court finds that the person named in the
6 citation was not operating the vehicle at the time of the violation or receives evidence
7 under paragraph (3) of this subsection identifying the person driving the vehicle at the
8 time of the violation, the clerk of the court shall provide to the [local police
9 department] **AGENCY ISSUING THE CITATION** a copy of any evidence substantiating
10 who was operating the vehicle at the time of the violation.

11 (ii) On receipt of substantiating evidence from the District
12 Court under subparagraph (i) of this paragraph, [the local police department] **AN**
13 **AGENCY** may issue a citation as provided in subsection (d) of this section to the person
14 who the evidence indicates was operating the vehicle at the time of the violation.

15 (iii) A citation issued under subparagraph (ii) of this paragraph
16 shall be mailed no later than 2 weeks after receipt of the evidence from the District
17 Court.

18 (g) If a person liable under this section does not pay the civil penalty or
19 contest the violation, the Administration:

20 (1) May refuse to register or reregister the motor vehicle cited for the
21 violation; or

22 (2) May suspend the registration of the motor vehicle cited for the
23 violation.

24 (h) A violation for which a civil penalty is imposed under this section:

25 (1) Is not a moving violation for the purpose of assessing points under
26 § 16-402 of this article;

27 (2) May not be recorded by the Administration on the driving record of
28 the owner or driver of the vehicle;

29 (3) May be treated as a parking violation for purposes of § 26-305 of
30 this article; and

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

1 (i) In consultation with the [Montgomery County Department of Finance
2 and the local police departments] ~~APPROPRIATE STATE AND LOCAL GOVERNMENT~~
3 ~~AGENCIES OR UNITS~~, the Chief Judge of the District Court shall adopt procedures for
4 the issuance of citations, the trial of civil violations, and the collection of civil penalties
5 under this section.

6 (j) **(1) AN AGENCY OR AN AGENT OR CONTRACTOR DESIGNATED BY**
7 **THE AGENCY SHALL ADMINISTER AND PROCESS CIVIL CITATIONS ISSUED UNDER**
8 **THIS SECTION IN COORDINATION WITH THE DISTRICT COURT.**

9 **(2)** If a contractor operates a speed monitoring system on behalf of
10 [Montgomery County] ~~A LOCAL JURISDICTION OR AN AGENCY~~, the contractor's fee
11 may not be contingent on the number of citations issued or paid.

12 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
13 read as follows:

14 **Article - Courts and Judicial Proceedings**

15 4-401.

16 Except as provided in § 4-402 of this subtitle, and subject to the venue
17 provisions of Title 6 of this article, the District Court has exclusive original civil
18 jurisdiction in:

19 (13) A proceeding for a civil infraction under § 21-202.1, §
20 21-704.1 [or], § 21-809, **OR § 21-810** of the Transportation Article or § 10-112 of the
21 Criminal Law Article;

22 7-302.

23 (e) (1) A citation issued pursuant to § 21-202.1 [or], § 21-809, **OR §**
24 **21-810** of the Transportation Article shall provide that the person receiving the
25 citation may elect to stand trial by notifying the issuing agency of the person's
26 intention to stand trial at least 5 days prior to the date of payment as set forth in the
27 citation. On receipt of the notice to stand trial, the agency shall forward to the District
28 Court having venue a copy of the citation and a copy of the notice from the person who
29 received the citation indicating the person's intention to stand trial. On receipt
30 thereof, the District Court shall schedule the case for trial and notify the defendant of
31 the trial date under procedures adopted by the Chief Judge of the District Court.

32 (2) A citation issued as the result of a traffic control signal monitoring
33 system or speed monitoring system, **INCLUDING A WORK ZONE SPEED CONTROL**
34 **SYSTEM**, controlled by a political subdivision shall provide that, in an uncontested
35 case, the penalty shall be paid directly to that political subdivision. A citation issued
36 as the result of a traffic control signal monitoring system **OR A WORK ZONE SPEED**

1 **CONTROL SYSTEM** controlled by a State agency or a speed monitoring system, in a
2 case contested in District Court, shall provide that the penalty shall be paid directly to
3 the District Court.

4 (3) Civil penalties resulting from citations issued using traffic control
5 signal monitoring systems or speed monitoring systems, **INCLUDING WORK ZONE**
6 **SPEED CONTROL SYSTEMS**, that are collected by the District Court shall be collected
7 in accordance with subsection (a) of this section and distributed in accordance with §
8 12–118 of the Transportation Article.

9 10–311.

10 (a) A recorded image of a motor vehicle produced by a traffic control signal
11 monitoring system in accordance with § 21–202.1 of the Transportation Article is
12 admissible in a proceeding concerning a civil citation issued under that section for a
13 violation of § 21–202(h) of the Transportation Article without authentication.

14 (b) A recorded image of a motor vehicle produced by a speed monitoring
15 system in accordance with § 21–809 **OR § 21–810** of the Transportation Article is
16 admissible in a proceeding concerning a civil citation issued under that section for a
17 violation of Title 21, Subtitle 8 of the Transportation Article without authentication.

18 (c) In any other judicial proceeding, a recorded image produced by a traffic
19 control signal monitoring system [or], speed monitoring system, **OR WORK ZONE**
20 **SPEED CONTROL SYSTEM** is admissible as otherwise provided by law.

21 **Article – Insurance**

22 11–215.

23 (e) For purposes of reclassifying an insured in a classification that entails a
24 higher premium, an insurer under an automobile insurance policy may not consider a
25 probation before judgment disposition of a motor vehicle law offense, a civil penalty
26 imposed pursuant to § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation
27 Article, or a first offense of driving with an alcohol concentration of 0.08 or more under
28 § 16–205.1 of the Transportation Article on record with the Motor Vehicle
29 Administration, as provided in § 16–117(b) of the Transportation Article.

30 11–318.

31 (e) For purposes of reclassifying an insured in a classification that entails a
32 higher premium, an insurer under an automobile insurance policy may not consider a
33 probation before judgment disposition of a motor vehicle law offense, a civil penalty
34 imposed pursuant to § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation
35 Article, or a first offense of driving with an alcohol concentration of 0.08 or more under
36 § 16–205.1 of the Transportation Article on record with the Motor Vehicle
37 Administration, as provided in § 16–117(b) of the Transportation Article.

1 **Article – State Government**

2 10–616.

3 (o) (1) In this subsection, “recorded images” has the meaning stated in §
4 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation Article.

5 (2) Except as provided in paragraph (3) of this subsection, a custodian
6 of recorded images produced by a traffic control signal monitoring system operated
7 under § 21–202.1 of the Transportation Article [or], a speed monitoring system
8 operated under § 21–809 of the Transportation Article, **OR A WORK ZONE SPEED**
9 **CONTROL SYSTEM OPERATED UNDER § 21–810 OF THE TRANSPORTATION**
10 **ARTICLE** shall deny inspection of the recorded images.

11 (3) A custodian shall allow inspection of recorded images:

12 (i) as required in § 21–202.1 [or], § 21–809, **OR § 21–810** of the
13 Transportation Article;

14 (ii) by any person issued a citation under § 21–202.1 [or], §
15 21–809, **OR § 21–810** of the Transportation Article, or an attorney of record for the
16 person; or

17 (iii) by an employee or agent of a law enforcement agency in an
18 investigation or proceeding relating to the imposition of or indemnification from civil
19 liability pursuant to § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation
20 Article.

21 **Article – Transportation**

22 12–118.

23 (c) (1) [Notwithstanding] **EXCEPT AS PROVIDED IN PARAGRAPH (2)**
24 **OF THIS SUBSECTION, NOTWITHSTANDING** any other law and in addition to any
25 other exceptions provided by law, all costs, fines, penalties, and forfeitures received by
26 or paid to the District Court under the Maryland Vehicle Law shall be collected and
27 remitted as provided in the Courts Article.

28 (2) ~~OF THE COMPTROLLER SHALL DISTRIBUTE TO THE STATE~~
29 **HIGHWAY ADMINISTRATION REVENUE FROM THE CIVIL FINES COLLECTED**
30 **THROUGH USE OF A WORK ZONE SPEED CONTROL SYSTEM UNDER § 21–810 OF**
31 **THIS ARTICLE, THE REVENUES SHALL FIRST BE PAID TO THE STATE HIGHWAY**
32 **ADMINISTRATION IN AN AMOUNT TO COVER THE COSTS OF IMPLEMENTING AND**
33 **ADMINISTERING THE WORK ZONE SPEED CONTROL SYSTEM.**

1 **21-810.**

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

4 (2) "LOCAL POLICE DEPARTMENT" MEANS:

5 (I) THE POLICE DEPARTMENT OF ANY MUNICIPAL
6 CORPORATION;

7 (II) THE POLICE DEPARTMENT OF ANY COUNTY; AND

8 (III) THE SHERIFF'S DEPARTMENT OF ANY COUNTY THAT
9 HAS HIGHWAY TRAFFIC PATROL RESPONSIBILITIES.

10 (3) (I) "OWNER" MEANS THE REGISTERED OWNER OF A MOTOR
11 VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR
12 LONGER.

13 (II) "OWNER" DOES NOT INCLUDE:

14 1. A MOTOR VEHICLE RENTAL OR LEASING
15 COMPANY; OR

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

18 (4) "RECORDED IMAGE" MEANS AN IMAGE RECORDED BY A WORK
19 ZONE SPEED CONTROL SYSTEM:

20 (I) ON:

21 1. A PHOTOGRAPH;

22 2. A MICROPHOTOGRAPH;

23 3. AN ELECTRONIC IMAGE;

24 4. VIDEOTAPE; OR

25 5. ANY OTHER MEDIUM; AND

26 (II) SHOWING:

27 1. THE REAR OF A MOTOR VEHICLE;

1 2. **AT LEAST TWO TIME-STAMPED IMAGES OF THE**
2 **MOTOR VEHICLE THAT INCLUDE THE SAME STATIONARY OBJECT NEAR THE**
3 **MOTOR VEHICLE; AND**

4 3. **ON AT LEAST ONE IMAGE OR PORTION OF TAPE, A**
5 **CLEAR AND LEGIBLE IDENTIFICATION OF THE ENTIRE REGISTRATION PLATE**
6 **NUMBER OF THE MOTOR VEHICLE.**

7 (5) **“STATE POLICE DEPARTMENT” MEANS:**

8 (I) **THE DEPARTMENT OF STATE POLICE; ~~AND~~**

9 (II) **THE MARYLAND TRANSPORTATION AUTHORITY**
10 **POLICE; AND**

11 (III) **THE MARYLAND TRANSIT ADMINISTRATION POLICE.**

12 (6) **“WORK ZONE” MEANS A SEGMENT OF A HIGHWAY:**

13 (I) **THAT IS IDENTIFIED AS A TEMPORARY TRAFFIC**
14 **CONTROL ZONE BY TRAFFIC CONTROL DEVICES THAT ARE INSTALLED IN**
15 **CONFORMANCE WITH THE STATE MANUAL AND SPECIFICATIONS ADOPTED FOR**
16 **A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES; AND**

17 (II) **WHERE HIGHWAY CONSTRUCTION, REPAIR, OR**
18 **MAINTENANCE, UTILITY WORK, OR A RELATED ACTIVITY, INCLUDING THE**
19 **INSTALLATION, MAINTENANCE, OR REMOVAL OF A WORK ZONE TRAFFIC**
20 **CONTROL DEVICE, IS BEING PERFORMED.**

21 (7) **“WORK ZONE SPEED CONTROL SYSTEM” MEANS A DEVICE**
22 **HAVING ONE OR MORE MOTOR VEHICLE SENSORS CONNECTED TO A CAMERA**
23 **SYSTEM CAPABLE OF PRODUCING RECORDED IMAGES OF MOTOR VEHICLES**
24 **TRAVELING AT OR ABOVE A PREDETERMINED SPEED.**

25 (8) **“WORK ZONE SPEED CONTROL SYSTEM OPERATOR” MEANS ~~A~~**
26 **POLICE OFFICER AN INDIVIDUAL WHO HAS BEEN TRAINED AND CERTIFIED TO**
27 **OPERATE A WORK ZONE SPEED CONTROL SYSTEM AND WHO IS:**

28 (I) **A POLICE OFFICER;**

29 (II) **A REPRESENTATIVE OF A LOCAL POLICE DEPARTMENT;**

30 (III) **A REPRESENTATIVE OF A STATE POLICE DEPARTMENT;**

31 **OR**

1 **(IV) A STATE HIGHWAY ADMINISTRATION CONTRACTOR.**

2 **(B) (1) A WORK ZONE SPEED CONTROL SYSTEM THAT MEETS THE**
3 **REQUIREMENTS OF THIS SUBSECTION MAY BE USED TO RECORD THE IMAGES OF**
4 **MOTOR VEHICLES TRAVELING ON A HIGHWAY:**

5 **(I) WITHIN A WORK ZONE;**

6 **(II) THAT IS AN EXPRESSWAY OR A CONTROLLED ACCESS**
7 **HIGHWAY AS DEFINED IN § 21-101 OF THIS TITLE; AND**

8 **(III) ON WHICH THE SPEED LIMIT, ESTABLISHED USING**
9 **GENERALLY ACCEPTED TRAFFIC ENGINEERING PRACTICES, IS 45 MILES PER**
10 **HOUR OR GREATER.**

11 **(2) A WORK ZONE SPEED CONTROL SYSTEM MAY BE USED ONLY:**

12 **(I) ON A HIGHWAY AS SPECIFIED IN PARAGRAPH (1) OF**
13 **THIS SUBSECTION;**

14 **(II) WHEN BEING OPERATED BY A WORK ZONE SPEED**
15 **CONTROL SYSTEM OPERATOR; AND**

16 **(III) IF, IN ACCORDANCE WITH THE MARYLAND MANUAL ON**
17 **UNIFORM TRAFFIC CONTROL DEVICES, A CONSPICUOUS ROAD SIGN IS PLACED**
18 **~~WITHIN ONE-QUARTER OF A MILE~~ AT A REASONABLE DISTANCE CONSISTENT**
19 **WITH NATIONAL GUIDELINES BEFORE THE WORK ZONE ALERTING DRIVERS**
20 **THAT A SPEED MONITORING SYSTEM MAY BE IN OPERATION IN THE WORK ZONE.**

21 **(3) A WORK ZONE SPEED CONTROL SYSTEM MAY BE USED ONLY**
22 **TO RECORD THE IMAGES OF VEHICLES THAT ARE TRAVELING AT SPEEDS THAT**
23 **ARE AT LEAST 10 MILES PER HOUR ABOVE THE POSTED WORK ZONE SPEED**
24 **LIMIT.**

25 **(4) (I) A WORK ZONE SPEED CONTROL SYSTEM OPERATOR**
26 **SHALL COMPLETE TRAINING BY THE MANUFACTURER OF THE WORK ZONE**
27 **SPEED CONTROL SYSTEM IN THE PROCEDURES FOR SETTING UP, TESTING, AND**
28 **OPERATING THE WORK ZONE SPEED CONTROL SYSTEM.**

29 **(II) THE MANUFACTURER SHALL ISSUE A SIGNED**
30 **CERTIFICATE TO THE WORK ZONE SPEED CONTROL SYSTEM OPERATOR ON**
31 **COMPLETION OF THE TRAINING.**

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

3 (5) A WORK ZONE SPEED CONTROL SYSTEM OPERATOR SHALL
4 FILL OUT AND SIGN A DAILY SET-UP LOG FOR A WORK ZONE SPEED CONTROL
5 SYSTEM THAT:

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

8 (II) STATES THAT THE WORK ZONE SPEED CONTROL
9 SYSTEM OPERATOR SUCCESSFULLY PERFORMED THE
10 MANUFACTURER-SPECIFIED SELF-TESTS OF THE WORK ZONE SPEED CONTROL
11 SYSTEM BEFORE PRODUCING A RECORDED IMAGE;

12 (III) SHALL BE KEPT ON FILE; AND

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

15 (6) (I) A WORK ZONE SPEED CONTROL SYSTEM SHALL
16 UNDERGO AN ANNUAL CALIBRATION CHECK PERFORMED BY AN INDEPENDENT
17 CALIBRATION LABORATORY.

18 (II) THE INDEPENDENT CALIBRATION LABORATORY SHALL
19 ISSUE A SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL
20 CALIBRATION CHECK THAT:

21 1. SHALL BE KEPT ON FILE; AND

22 2. SHALL BE ADMITTED AS EVIDENCE IN ANY COURT
23 PROCEEDING FOR A VIOLATION OF THIS SECTION.

24 (7) THE PROCUREMENT OF A WORK ZONE SPEED CONTROL
25 SYSTEM BY A UNIT OF STATE OR LOCAL GOVERNMENT SHALL BE CONDUCTED IN
26 ACCORDANCE WITH THE COMPETITIVE SEALED BIDDING REQUIREMENTS OF §
27 13-103 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, EXCEPT THAT
28 THE UNIT MAY NOT AWARD THE PROCUREMENT CONTRACT UNLESS THERE IS
29 MORE THAN ONE BIDDER.

30 (C) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A
31 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE
32 OWNER OR, IN ACCORDANCE WITH SUBSECTION (F)(4) OF THIS SECTION, THE
33 DRIVER OF A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF AN IMAGE OF
34 THE MOTOR VEHICLE IS RECORDED BY A WORK ZONE SPEED CONTROL SYSTEM

1 IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION WHILE BEING
2 OPERATED IN VIOLATION OF THIS SUBTITLE.

3 (2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED
4 \$75.

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

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

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

13 (D) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH
14 (4) OF THIS SUBSECTION, ~~THE A LOCAL POLICE DEPARTMENT OR STATE POLICE~~
15 ~~DEPARTMENT, STATE POLICE DEPARTMENT, OR POLICE DEPARTMENT~~
16 CONTRACTOR SHALL MAIL TO THE OWNER LIABLE UNDER SUBSECTION (C) OF
17 THIS SECTION A CITATION THAT SHALL INCLUDE:

18 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER
19 OF THE VEHICLE;

20 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE
21 INVOLVED IN THE VIOLATION;

22 (III) THE VIOLATION CHARGED;

23 (IV) THE LOCATION WHERE THE VIOLATION OCCURRED;

24 (V) THE DATE AND TIME OF THE VIOLATION;

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

28 (VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE
29 DATE BY WHICH THE CIVIL PENALTY SHOULD BE PAID;

30 (VIII) A SIGNED STATEMENT BY A POLICE OFFICER
31 EMPLOYED BY THE LOCAL POLICE DEPARTMENT OR STATE POLICE

1 DEPARTMENT THAT, BASED ON INSPECTION OF RECORDED IMAGES, THE MOTOR
2 VEHICLE WAS BEING OPERATED IN VIOLATION OF THIS SUBTITLE;

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

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

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

- 12 1. IS AN ADMISSION OF LIABILITY;
- 13 2. MAY RESULT IN THE REFUSAL TO REGISTER THE
14 MOTOR VEHICLE; AND
- 15 3. MAY RESULT IN THE SUSPENSION OF THE MOTOR
16 VEHICLE REGISTRATION.

17 (2) THE LOCAL POLICE DEPARTMENT OR STATE POLICE
18 DEPARTMENT MAY MAIL A WARNING NOTICE INSTEAD OF A CITATION TO THE
19 OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION.

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

23 (4) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS
24 SECTION, A CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NO
25 LATER THAN 2 WEEKS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS
26 REGISTERED IN THIS STATE, AND 30 DAYS AFTER THE ALLEGED VIOLATION IF
27 THE VEHICLE IS REGISTERED IN ANOTHER STATE.

28 (5) A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH (1)
29 OF THIS SUBSECTION MAY:

30 (I) PAY THE CIVIL PENALTY IN ACCORDANCE WITH
31 INSTRUCTIONS ON THE CITATION; OR

32 (II) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR
33 THE ALLEGED VIOLATION.

1 **(E) (1) A CERTIFICATE ALLEGING THAT THE VIOLATION OF THIS**
2 **SUBTITLE OCCURRED AND THE REQUIREMENTS UNDER SUBSECTION (B) OF**
3 **THIS SECTION HAVE BEEN SATISFIED, SWORN TO, OR AFFIRMED BY A POLICE**
4 **OFFICER EMPLOYED BY THE LOCAL POLICE DEPARTMENT OR STATE POLICE**
5 **DEPARTMENT, BASED ON INSPECTION OF RECORDED IMAGES PRODUCED BY A**
6 **WORK ZONE SPEED CONTROL SYSTEM, SHALL BE EVIDENCE OF THE FACTS**
7 **CONTAINED IN THE CERTIFICATE AND SHALL BE ADMISSIBLE IN A PROCEEDING**
8 **ALLEGING A VIOLATION UNDER THIS SECTION WITHOUT THE PRESENCE OR**
9 **TESTIMONY OF THE WORK ZONE SPEED CONTROL SYSTEM OPERATOR WHO**
10 **PERFORMED THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION.**

11 **(2) IF A PERSON WHO RECEIVED A CITATION UNDER SUBSECTION**
12 **(D) OF THIS SECTION DESIRES A WORK ZONE SPEED CONTROL SYSTEM**
13 **OPERATOR TO BE PRESENT AND TESTIFY AT TRIAL, THE PERSON SHALL NOTIFY**
14 **THE COURT AND THE POLICE DEPARTMENT THAT ISSUED THE CITATION IN**
15 **WRITING NO LATER THAN 20 DAYS BEFORE TRIAL.**

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

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

20 **(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**
21 **THAT THE MOTOR VEHICLE OR THE REGISTRATION PLATES OF THE MOTOR**
22 **VEHICLE WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT**
23 **UNDER THE CONTROL OR POSSESSION OF THE VEHICLE OWNER AT THE TIME OF**
24 **THE VIOLATION;**

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

28 **(III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT**
29 **COURT DEEMS PERTINENT.**

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

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

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

7 ~~(II) PROVIDES THE NAME, ADDRESS, AND, IF POSSIBLE, THE~~
8 ~~DRIVER'S LICENSE IDENTIFICATION NUMBER OF THE PERSON WHO WAS~~
9 ~~OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND~~

10 ~~(III)~~ INCLUDES ANY OTHER CORROBORATING EVIDENCE.

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

19 (II) ON RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE
20 DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE POLICE
21 DEPARTMENT THAT ISSUED THE CITATION MAY ISSUE A CITATION AS PROVIDED
22 IN SUBSECTION (D) OF THIS SECTION TO THE PERSON WHO THE EVIDENCE
23 INDICATES WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

24 (III) ANY CITATION ISSUED UNDER SUBPARAGRAPH (II) OF
25 THIS PARAGRAPH SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER RECEIPT
26 OF THE EVIDENCE FROM THE DISTRICT COURT.

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

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

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

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

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

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

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

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

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

13 (J) THE DEPARTMENT OF STATE POLICE OR AN AGENT OR
14 CONTRACTOR DESIGNATED BY THE DEPARTMENT OF STATE POLICE SHALL
15 ADMINISTER AND PROCESS CIVIL CITATIONS ISSUED UNDER THIS SECTION IN
16 COORDINATION WITH THE DISTRICT COURT.

17 (K) THE DEPARTMENT OF STATE POLICE AND THE STATE HIGHWAY
18 ADMINISTRATION SHALL ADOPT JOINTLY REGULATIONS ESTABLISHING
19 STANDARDS AND PROCEDURES FOR SPEED CONTROL SYSTEMS AUTHORIZED
20 UNDER THIS SECTION.

21 26-305.

22 (a) The Administration may not register or transfer the registration of any
23 vehicle involved in a parking violation under this subtitle, a violation under any
24 federal parking regulation that applies to property in this State under the jurisdiction
25 of the U.S. government, a violation of § 21-202(h) of this article as determined under §
26 21-202.1 of this article or Title 21, Subtitle 8 of this article as determined under
27 § 21-809 OR § 21-810 of this article, or a violation of the State litter control law or a
28 local law or ordinance adopted by Baltimore City relating to the unlawful disposal of
29 litter as determined under § 10-112 of the Criminal Law Article, if:

30 (1) It is notified by a political subdivision or authorized State agency
31 that the person cited for the violation under this subtitle, § 21-202.1 [or], § 21-809,
32 OR § 21-810 of this article, or § 10-112 of the Criminal Law Article has failed to
33 either:

34 (i) Pay the fine for the violation by the date specified in the
35 citation; or

1 (ii) File a notice of his intention to stand trial for the violation;

2 (2) It is notified by the District Court that a person who has elected to
3 stand trial for the violation under this subtitle, under § 21–202.1 [or], § 21–809, **OR** §
4 **21–810** of this article, or under § 10–112 of the Criminal Law Article has failed to
5 appear for trial; or

6 (3) It is notified by a U.S. District Court that a person cited for a
7 violation under a federal parking regulation:

8 (i) Has failed to pay the fine for the violation by the date
9 specified in the federal citation; or

10 (ii) Either has failed to file a notice of his intention to stand trial
11 for the violation, or, if electing to stand trial, has failed to appear for trial.

12 26–401.

13 If a person is taken before a District Court commissioner or is given a traffic
14 citation or a civil citation under § 21–202.1 [or], § 21–809, **OR** § **21–810** of this article
15 containing a notice to appear in court, the commissioner or court shall be one that sits
16 within the county in which the offense allegedly was committed.

17 SECTION 3. AND BE IT FURTHER ENACTED, That:

18 (1) Beginning in fiscal year 2009 and each fiscal year thereafter, each
19 local jurisdiction shall use the revenues generated from the enforcement of speed limit
20 laws as authorized under this Act solely to increase local expenditures for related
21 public safety purposes, including pedestrian safety programs; and

22 (2) Related public safety expenditures required under this Section
23 shall be used to supplement and may not supplant existing local expenditures for the
24 same purpose.

25 SECTION 4. AND BE IT FURTHER ENACTED, That, during the ~~12-month~~
26 30-day period after the first work zone speed control system is in place, a law
27 enforcement agency may issue warnings, but may not issue citations, for violations
28 enforced in accordance with § 21–810 of the Transportation Article as enacted by this
29 Act.

30 SECTION 5. AND BE IT FURTHER ENACTED, That, if a contractor provides
31 ~~or deploys, deploys, or operates~~ a work zone speed control system for a police
32 department under Section 2 of this Act, the contractor's fee may not be contingent on
33 the numbers of citations issued or paid.

34 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall be
35 construed to apply only prospectively and may not be applied or interpreted to have

1 any effect on or application to any contract awarded before the effective date of this
2 Act.

3 SECTION 7. AND BE IT FURTHER ENACTED, That an obligation or contract
4 right existing on the effective date of this Act may not be impaired in any way by this
5 Act.

6 SECTION 8. AND BE IT FURTHER ENACTED, That each local jurisdiction
7 that enforces speed limit laws as authorized under this Act shall report to the
8 Governor and the General Assembly on or before December 31, 2012, in accordance
9 with § 2-1246 of the State Government Article, on the effectiveness of speed
10 monitoring systems in the jurisdiction.

11 SECTION 9. AND BE IT FURTHER ENACTED, That § 21-809(b)(1)(i), (iii),
12 and (v) of the Transportation Article, as enacted by Section 1 of this Act, does not
13 apply to speed monitoring systems installed and operated in Montgomery County
14 before October 1, 2008.

15 SECTION ~~9~~ 10. AND BE IT FURTHER ENACTED, That this Act shall take
16 effect October 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.