

SENATE BILL 269

R5

8lr0070

By: **The President (By Request – Administration)**

Introduced and read first time: January 24, 2008

Rules suspended

Assigned to: Judicial Proceedings

A BILL ENTITLED

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 in the State the authority to use certain
5 speed monitoring systems to enforce certain highway speed laws under certain
6 standards and procedures; altering the maximum fine for a violation of law
7 enforced by means of a speed monitoring system; prohibiting the use of a speed
8 monitoring system in a local jurisdiction unless authorized by the governing
9 body by ordinance or resolution adopted after reasonable notice and a public
10 hearing; requiring certain local ordinances or resolutions to provide for the
11 issuance of warnings during a certain period for certain violations; increasing
12 the maximum speed limit for the purpose of establishing residential highways
13 on which speed laws may be enforced using speed monitoring systems; requiring
14 a local jurisdiction to publish a certain notice before activating a certain speed
15 monitoring system; requiring the Chief Judge of the District Court to consult
16 with certain agencies in adopting certain procedures; clarifying that certain
17 fines for certain motor vehicle violations shall be paid to the District Court;
18 expanding the pool of entities authorized to administer a speed monitoring
19 program; authorizing the placement of certain work zone speed control systems
20 on certain highways under certain circumstances; providing that the revenues
21 from civil fines collected under this Act shall first cover the costs of
22 implementing and administering the work zone speed control system; limiting
23 the issuance of citations to owners or drivers of vehicles that exceed certain
24 speeds; requiring a work zone speed control system operator to complete certain
25 training and follow certain procedures; requiring a work zone speed control
26 system to undergo certain calibration; requiring the State Highway
27 Administration to place a certain road sign within a certain distance of a
28 highway work zone containing a speed monitoring system; providing that
29 certain owners or drivers of motor vehicles, recorded by a work zone speed
30 control system while being operated in violation of certain speed limit laws, are

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 subject to certain penalties; authorizing certain police departments to mail a
2 certain citation to the owner of a motor vehicle; establishing certain civil
3 penalties for a violation of certain provisions of this Act; requiring certain
4 citations to include certain information; authorizing a police department to send
5 a warning instead of a citation under certain circumstances; authorizing the
6 police department to reissue a citation to the driver of a vehicle under certain
7 circumstances; requiring certain citations to be mailed within certain time
8 periods; requiring the District Court to prescribe a certain citation form and to
9 indicate the amount of a certain civil penalty on the citation; establishing the
10 standard of proof in a trial for certain violations of this Act; authorizing persons
11 receiving certain citations to have the work zone speed control system operator
12 be present and testify at trial; providing that certain persons are responsible for
13 paying the civil penalty indicated on the citation under certain circumstances;
14 providing that persons receiving certain citations may elect to stand trial in the
15 District Court; establishing defenses that the District Court may consider;
16 authorizing vehicle owners to submit a certain letter to the District Court to
17 establish a certain defense; authorizing the Motor Vehicle Administration to
18 impose certain penalties if the person cited for violating certain provisions of
19 this Act fails to pay the civil penalty or contest liability; prohibiting certain
20 violations under this Act from being considered for certain purposes; providing
21 for the admissibility and use of certain evidence; modifying the jurisdiction of
22 the District Court to include certain proceedings; providing for the handling of
23 certain court costs and penalties; clarifying certain language; prohibiting an
24 insurer from considering a certain civil penalty for purposes of reclassifying an
25 insured; prohibiting the custodian of recorded images produced by a work zone
26 speed control system from allowing inspection of the recorded images, subject to
27 certain exceptions; requiring the Department of State Police and the State
28 Highway Administration jointly to adopt regulations establishing the standards
29 and procedures for work zone speed control systems; providing that the fees of
30 certain contractors may not be contingent on the number of citations issued or
31 paid under this Act; requiring the issuance of warnings for a certain time period
32 for certain violations; defining certain terms; repealing a certain definition;
33 altering a certain definition; making certain stylistic changes; making a
34 technical correction; restricting the use of certain revenues generated by this
35 Act; providing for the application of this Act; providing that existing obligations
36 or contract rights may not be impaired by this Act; requiring certain local
37 jurisdictions to issue a certain report by a certain date; and generally relating to
38 the use of speed monitoring systems to enforce certain laws regarding the
39 operation of motor vehicles in excess of certain speed limits.

40 BY repealing and reenacting, with amendments,
41 Article – Courts and Judicial Proceedings
42 Section 4–401(13), 7–302(e), and 10–311
43 Annotated Code of Maryland
44 (2006 Replacement Volume and 2007 Supplement)

45 BY repealing and reenacting, without amendments,
46 Article – Courts and Judicial Proceedings

1 Section 7–301(a)
2 Annotated Code of Maryland
3 (2006 Replacement Volume and 2007 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Insurance
6 Section 11–215(e) and 11–318(e)
7 Annotated Code of Maryland
8 (2003 Replacement Volume and 2007 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article – State Government
11 Section 10–616(o)
12 Annotated Code of Maryland
13 (2004 Replacement Volume and 2007 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 12–118(c), 21–809, 26–305(a), and 26–401
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2007 Supplement)

19 BY adding to
20 Article – Transportation
21 Section 21–810
22 Annotated Code of Maryland
23 (2006 Replacement Volume and 2007 Supplement)

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

26 **Article – Courts and Judicial Proceedings**

27 7–301.

28 (a) The court costs in a traffic case, including parking and impounding cases,
29 cases under § 21–202.1 or § 21–809 of the Transportation Article in which costs are
30 imposed, and cases under § 10–112 of the Criminal Law Article in which costs are
31 imposed are \$22.50. Such costs shall also be applicable to those cases in which the
32 defendant elects to waive his right to trial and pay the fine or penalty deposit
33 established by the Chief Judge of the District Court by administrative regulation. In
34 an uncontested case under § 21–202.1 or § 21–809 of the Transportation Article, an
35 uncontested case under § 10–112 of the Criminal Law Article, or an uncontested
36 parking or impounding case in which the fines are paid directly to a political
37 subdivision or municipality, costs are \$2.00, which costs shall be paid to and retained
38 by the political subdivision or municipality. In an uncontested case in which the fine is
39 paid directly to an agency of State government authorized by law to regulate parking
40 of motor vehicles, the costs are \$2.00. The fine and the costs shall be paid to the

1 agency, which shall receive and account for these funds as in all other cases involving
2 sums due the State through a State agency.

3 7-302.

4 (e) (1) A citation issued pursuant to § 21-202.1 or § 21-809 of the
5 Transportation Article shall provide that the person receiving the citation may elect to
6 stand trial by notifying the issuing agency of the person's intention to stand trial at
7 least 5 days prior to the date of payment as set forth in the citation. On receipt of the
8 notice to stand trial, the agency shall forward to the District Court having venue a
9 copy of the citation and a copy of the notice from the person who received the citation
10 indicating the person's intention to stand trial. On receipt thereof, the District Court
11 shall schedule the case for trial and notify the defendant of the trial date under
12 procedures adopted by the Chief Judge of the District Court.

13 (2) A citation issued as the result of a traffic control signal monitoring
14 system or speed monitoring system controlled by a political subdivision shall provide
15 that, in an uncontested case, the penalty shall be paid directly to that political
16 subdivision. A citation issued as the result of a traffic control signal monitoring system
17 **OR A SPEED MONITORING SYSTEM** controlled by a State [agency or a speed
18 monitoring system,] **AGENCY, OR AS A RESULT OF A TRAFFIC CONTROL SIGNAL**
19 **MONITORING SYSTEM OR A SPEED MONITORING SYSTEM** in a case contested in
20 District Court, shall provide that the penalty shall be paid directly to the District
21 Court.

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

26 **Article - State Government**

27 10-616.

28 (o) (1) In this subsection, "recorded images" has the meaning stated in §
29 21-202.1 or § 21-809 of the Transportation Article.

30 (2) Except as provided in paragraph (3) of this subsection, a custodian
31 of recorded images produced by a traffic control signal monitoring system operated
32 under § 21-202.1 of the Transportation Article or a speed monitoring system operated
33 under § 21-809 of the Transportation Article shall deny inspection of the recorded
34 images.

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

36 (i) as required in § 21-202.1 or § 21-809 of the Transportation
37 Article;

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

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

6 Article – Transportation

7 21–809.

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

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

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

11 (ii) The police department of any municipal corporation in
12 Montgomery County]

13 (2) **“AGENCY” MEANS:**

14 (I) **A LAW ENFORCEMENT AGENCY OF THE STATE OR A**
15 **POLITICAL SUBDIVISION THAT IS AUTHORIZED TO ISSUE A CITATION FOR A**
16 **VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR**
17 **REGULATIONS; OR**

18 (II) **FOR A MUNICIPAL CORPORATION THAT DOES NOT**
19 **MAINTAIN A POLICE FORCE, AN AGENCY ESTABLISHED OR DESIGNATED BY THE**
20 **MUNICIPAL CORPORATION TO ENFORCE THIS SUBTITLE USING SPEED**
21 **MONITORING SYSTEMS IN ACCORDANCE WITH THIS SECTION.**

22 (3) (i) “Owner” means the registered owner of a motor vehicle or a
23 lessee of a motor vehicle under a lease of 6 months or more.

24 (ii) “Owner” does not include:

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

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

28 (4) “Recorded image” means an image recorded by a speed monitoring
29 system:

1 (i) On:

- 2 1. A photograph;
- 3 2. A microphotograph;
- 4 3. An electronic image;
- 5 4. Videotape; or
- 6 5. Any other medium; and

7 (ii) Showing:

- 8 1. The rear of a motor vehicle;
- 9 2. At least two time-stamped images of the motor
10 vehicle that include the same stationary object near the motor vehicle; and
- 11 3. On at least one image or portion of tape, [clearly
12 identifying] **A CLEAR IDENTIFICATION OF** the registration plate number of the motor
13 vehicle.

14 (5) “Speed monitoring system” means a device with one or more motor
15 vehicle sensors producing recorded images of motor vehicles traveling at speeds at
16 least 10 miles per hour above the posted speed limit.

17 (6) “Speed monitoring system operator” means [an individual who] **A**
18 **REPRESENTATIVE OF AN AGENCY OR CONTRACTOR THAT** operates a speed
19 monitoring system.

20 (b) (1) (I) **A SPEED MONITORING SYSTEM MAY NOT BE USED IN A**
21 **LOCAL JURISDICTION UNDER THIS SECTION UNLESS ITS USE IS AUTHORIZED BY**
22 **THE GOVERNING BODY OF THE LOCAL JURISDICTION BY LOCAL LAW ENACTED**
23 **AFTER REASONABLE NOTICE AND A PUBLIC HEARING.**

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

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

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

3 1. With] **TITLE, WITH** a maximum posted speed limit of
4 [35] **45** miles per [hour; and

5 2. That has a speed limit that] **HOUR, WHICH SPEED**
6 **LIMIT** was established using generally accepted traffic engineering practices; or

7 [(ii)] 2. In a school zone established under § 21–803.1 of this
8 subtitle.

9 **(IV) BEFORE ACTIVATING AN UNMANNED STATIONARY**
10 **SPEED MONITORING SYSTEM, THE LOCAL JURISDICTION SHALL:**

11 1. **PUBLISH NOTICE OF THE LOCATION OF THE**
12 **SPEED MONITORING SYSTEM ON ITS WEBSITE AND IN A NEWSPAPER OF**
13 **GENERAL CIRCULATION IN THE JURISDICTION; AND**

14 2. **ENSURE THAT EACH SIGN THAT DESIGNATES A**
15 **SCHOOL ZONE INDICATES THAT SPEED MONITORING SYSTEMS ARE IN USE IN**
16 **SCHOOL ZONES.**

17 (2) (i) A speed monitoring system operator shall complete training
18 by a manufacturer of speed monitoring systems in the procedures for setting up and
19 operating the speed monitoring system.

20 (ii) The manufacturer shall issue a signed certificate to the
21 speed monitoring system operator [upon] **ON** completion of the training.

22 (iii) The certificate of training shall be admitted as evidence in
23 any court proceeding for a violation of this section.

24 (3) A speed monitoring system operator shall fill out and sign a daily
25 set-up log for a speed monitoring system that:

26 (i) States that the speed monitoring system operator
27 successfully performed the manufacturer-specified self-test of the speed monitoring
28 system prior to producing a recorded image;

29 (ii) Shall be kept on file; and

30 (iii) Shall be admitted as evidence in any court proceeding for a
31 violation of this section.

1 (4) (i) A speed monitoring system shall undergo an annual
2 calibration check performed by an independent calibration laboratory.

3 (ii) The independent calibration laboratory shall issue a signed
4 certificate of calibration after the annual calibration check, which:

5 1. Shall be kept on file; and

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

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

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

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

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

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

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

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

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

26 (iii) The violation charged;

27 (iv) The location where the violation occurred;

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

29 (vi) A copy of the recorded image;

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

1 (viii) A signed statement by a duly authorized **EMPLOYEE OR**
2 agent of [the local police department] **AN AGENCY** that, based on inspection of
3 recorded images, the motor vehicle was being operated in violation of this subtitle;

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

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

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

12 1. Is an admission of liability;

13 2. May result in the refusal by the Administration to
14 register the motor vehicle; and

15 3. May result in the suspension of the motor vehicle
16 registration.

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

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

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

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

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

31 (ii) Elect to stand trial in the District Court for the alleged
32 violation.

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

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

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

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

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

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

23 (iii) Any other issues and evidence that the District Court deems
24 pertinent.

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

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

34 (i) States that the person named in the citation was not
35 operating the vehicle at the time of the violation;

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.

33 (i) In consultation with the [Montgomery County Department of Finance
34 and the local police departments] **APPROPRIATE STATE AND LOCAL GOVERNMENT**

1 **AGENCIES OR UNITS**, the Chief Judge of the District Court shall adopt procedures for
2 the issuance of citations, the trial of civil violations, and the collection of civil penalties
3 under this section.

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

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

9 **Article – Courts and Judicial Proceedings**

10 4–401.

11 Except as provided in § 4–402 of this subtitle, and subject to the venue
12 provisions of Title 6 of this article, the District Court has exclusive original civil
13 jurisdiction in:

14 (13) A proceeding for a civil infraction under § 21–202.1, §
15 21–704.1 [or], § 21–809, **OR § 21–810** of the Transportation Article or § 10–112 of the
16 Criminal Law Article;

17 7–302.

18 (e) (1) A citation issued pursuant to § 21–202.1 [or], § 21–809, **OR §**
19 **21–810** of the Transportation Article shall provide that the person receiving the
20 citation may elect to stand trial by notifying the issuing agency of the person's
21 intention to stand trial at least 5 days prior to the date of payment as set forth in the
22 citation. On receipt of the notice to stand trial, the agency shall forward to the District
23 Court having venue a copy of the citation and a copy of the notice from the person who
24 received the citation indicating the person's intention to stand trial. On receipt
25 thereof, the District Court shall schedule the case for trial and notify the defendant of
26 the trial date under procedures adopted by the Chief Judge of the District Court.

27 (2) A citation issued as the result of a traffic control signal monitoring
28 system or speed monitoring system controlled by a political subdivision shall provide
29 that, in an uncontested case, the penalty shall be paid directly to that political
30 subdivision. A citation issued as the result of a traffic control signal monitoring system
31 controlled by a State agency or a speed monitoring system, in a case contested in
32 District Court, shall provide that the penalty shall be paid directly to the District
33 Court.

34 (3) Civil penalties resulting from citations issued using traffic control
35 signal monitoring systems or speed monitoring systems, **INCLUDING WORK ZONE**
36 **SPEED CONTROL SYSTEMS**, that are collected by the District Court shall be collected

1 in accordance with subsection (a) of this section and distributed in accordance with §
2 12–118 of the Transportation Article.

3 10–311.

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

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

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

15 **Article – Insurance**

16 11–215.

17 (e) For purposes of reclassifying an insured in a classification that entails a
18 higher premium, an insurer under an automobile insurance policy may not consider a
19 probation before judgment disposition of a motor vehicle law offense, a civil penalty
20 imposed pursuant to § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation
21 Article, or a first offense of driving with an alcohol concentration of 0.08 or more under
22 § 16–205.1 of the Transportation Article on record with the Motor Vehicle
23 Administration, as provided in § 16–117(b) of the Transportation Article.

24 11–318.

25 (e) For purposes of reclassifying an insured in a classification that entails a
26 higher premium, an insurer under an automobile insurance policy may not consider a
27 probation before judgment disposition of a motor vehicle law offense, a civil penalty
28 imposed pursuant to § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation
29 Article, or a first offense of driving with an alcohol concentration of 0.08 or more under
30 § 16–205.1 of the Transportation Article on record with the Motor Vehicle
31 Administration, as provided in § 16–117(b) of the Transportation Article.

32 **Article – State Government**

33 10–616.

34 (o) (1) In this subsection, “recorded images” has the meaning stated in §
35 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation Article.

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

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

8 (i) as required in § 21-202.1 [or], § 21-809, **OR § 21-810** of the
9 Transportation Article;

10 (ii) by any person issued a citation under § 21-202.1 [or], §
11 21-809, **OR § 21-810** of the Transportation Article, or an attorney of record for the
12 person; or

13 (iii) by an employee or agent of a law enforcement agency in an
14 investigation or proceeding relating to the imposition of or indemnification from civil
15 liability pursuant to § 21-202.1 [or], § 21-809, **OR § 21-810** of the Transportation
16 Article.

17 **Article - Transportation**

18 12-118.

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

24 (2) **OF THE CIVIL FINES COLLECTED THROUGH USE OF A WORK**
25 **ZONE SPEED CONTROL SYSTEM UNDER § 21-810 OF THIS ARTICLE, THE**
26 **REVENUES SHALL FIRST BE PAID TO THE STATE HIGHWAY ADMINISTRATION TO**
27 **COVER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE WORK ZONE**
28 **SPEED CONTROL SYSTEM.**

29 **21-810.**

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

32 (2) **“LOCAL POLICE DEPARTMENT” MEANS:**

1 (I) THE POLICE DEPARTMENT OF ANY MUNICIPAL
2 CORPORATION;

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

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

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

9 (II) "OWNER" DOES NOT INCLUDE:

10 1. A MOTOR VEHICLE RENTAL OR LEASING
11 COMPANY; OR

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

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

16 (I) ON:

17 1. A PHOTOGRAPH;

18 2. A MICROPHOTOGRAPH;

19 3. AN ELECTRONIC IMAGE;

20 4. VIDEOTAPE; OR

21 5. ANY OTHER MEDIUM; AND

22 (II) SHOWING:

23 1. THE REAR OF A MOTOR VEHICLE;

24 2. AT LEAST TWO TIME-STAMPED IMAGES OF THE
25 MOTOR VEHICLE THAT INCLUDE THE SAME STATIONARY OBJECT NEAR THE
26 MOTOR VEHICLE; AND

1 **3. ON AT LEAST ONE IMAGE OR PORTION OF TAPE, A**
2 **CLEAR IDENTIFICATION OF THE REGISTRATION PLATE NUMBER OF THE MOTOR**
3 **VEHICLE.**

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

5 **(I) THE DEPARTMENT OF STATE POLICE; AND**

6 **(II) THE MARYLAND TRANSPORTATION AUTHORITY**
7 **POLICE.**

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

9 **(I) THAT IS IDENTIFIED AS A TEMPORARY TRAFFIC**
10 **CONTROL ZONE BY TRAFFIC CONTROL DEVICES THAT ARE INSTALLED IN**
11 **CONFORMANCE WITH THE STATE MANUAL AND SPECIFICATIONS ADOPTED FOR**
12 **A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES; AND**

13 **(II) WHERE HIGHWAY CONSTRUCTION, REPAIR, OR**
14 **MAINTENANCE, UTILITY WORK, OR A RELATED ACTIVITY, INCLUDING THE**
15 **INSTALLATION, MAINTENANCE, OR REMOVAL OF A WORK ZONE TRAFFIC**
16 **CONTROL DEVICE, IS BEING PERFORMED.**

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

21 **(8) “WORK ZONE SPEED CONTROL SYSTEM OPERATOR” MEANS A**
22 **POLICE OFFICER WHO HAS BEEN TRAINED AND CERTIFIED TO OPERATE A WORK**
23 **ZONE SPEED CONTROL SYSTEM.**

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

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

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

30 **(III) ON WHICH THE SPEED LIMIT IS 45 MILES PER HOUR OR**
31 **GREATER.**

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

3 (6) (I) A WORK ZONE SPEED CONTROL SYSTEM SHALL
4 UNDERGO AN ANNUAL CALIBRATION CHECK PERFORMED BY AN INDEPENDENT
5 CALIBRATION LABORATORY.

6 (II) THE INDEPENDENT CALIBRATION LABORATORY SHALL
7 ISSUE A SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL
8 CALIBRATION CHECK THAT:

9 1. SHALL BE KEPT ON FILE; AND

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

12 (C) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A
13 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE
14 OWNER OR, IN ACCORDANCE WITH SUBSECTION (F)(4) OF THIS SECTION, THE
15 DRIVER OF A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF AN IMAGE OF
16 THE MOTOR VEHICLE IS RECORDED BY A WORK ZONE SPEED CONTROL SYSTEM
17 IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION WHILE BEING
18 OPERATED IN VIOLATION OF THIS SUBTITLE.

19 (2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED
20 \$75.

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

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

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

29 (D) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH
30 (4) OF THIS SUBSECTION, THE LOCAL POLICE DEPARTMENT OR STATE POLICE
31 DEPARTMENT SHALL MAIL TO THE OWNER LIABLE UNDER SUBSECTION (C) OF
32 THIS SECTION A CITATION THAT SHALL INCLUDE:

1 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER
2 OF THE VEHICLE;

3 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE
4 INVOLVED IN THE VIOLATION;

5 (III) THE VIOLATION CHARGED;

6 (IV) THE LOCATION WHERE THE VIOLATION OCCURRED;

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

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

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

13 (VIII) A SIGNED STATEMENT BY A POLICE OFFICER
14 EMPLOYED BY THE LOCAL POLICE DEPARTMENT OR STATE POLICE
15 DEPARTMENT THAT, BASED ON INSPECTION OF RECORDED IMAGES, THE MOTOR
16 VEHICLE WAS BEING OPERATED IN VIOLATION OF THIS SUBTITLE;

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

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

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

26 1. IS AN ADMISSION OF LIABILITY;

27 2. MAY RESULT IN THE REFUSAL TO REGISTER THE
28 MOTOR VEHICLE; AND

29 3. MAY RESULT IN THE SUSPENSION OF THE MOTOR
30 VEHICLE REGISTRATION.

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

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

7 **(4) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS**
8 **SECTION, A CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NO**
9 **LATER THAN 2 WEEKS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS**
10 **REGISTERED IN THIS STATE, AND 30 DAYS AFTER THE ALLEGED VIOLATION IF**
11 **THE VEHICLE IS REGISTERED IN ANOTHER STATE.**

12 **(5) A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH (1)**
13 **OF THIS SUBSECTION MAY:**

14 **(I) PAY THE CIVIL PENALTY IN ACCORDANCE WITH**
15 **INSTRUCTIONS ON THE CITATION; OR**

16 **(II) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR**
17 **THE ALLEGED VIOLATION.**

18 **(E) (1) A CERTIFICATE ALLEGING THAT THE VIOLATION OF THIS**
19 **SUBTITLE OCCURRED AND THE REQUIREMENTS UNDER SUBSECTION (B) OF**
20 **THIS SECTION HAVE BEEN SATISFIED, SWORN TO, OR AFFIRMED BY A POLICE**
21 **OFFICER EMPLOYED BY THE LOCAL POLICE DEPARTMENT OR STATE POLICE**
22 **DEPARTMENT, BASED ON INSPECTION OF RECORDED IMAGES PRODUCED BY A**
23 **WORK ZONE SPEED CONTROL SYSTEM, SHALL BE EVIDENCE OF THE FACTS**
24 **CONTAINED IN THE CERTIFICATE AND SHALL BE ADMISSIBLE IN A PROCEEDING**
25 **ALLEGING A VIOLATION UNDER THIS SECTION WITHOUT THE PRESENCE OR**
26 **TESTIMONY OF THE WORK ZONE SPEED CONTROL SYSTEM OPERATOR WHO**
27 **PERFORMED THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION.**

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

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

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

3 **(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**
4 **THAT THE MOTOR VEHICLE OR THE REGISTRATION PLATES OF THE MOTOR**
5 **VEHICLE WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT**
6 **UNDER THE CONTROL OR POSSESSION OF THE VEHICLE OWNER AT THE TIME OF**
7 **THE VIOLATION;**

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

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

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

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

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

25 **(II) PROVIDES THE NAME, ADDRESS, AND, IF POSSIBLE, THE**
26 **DRIVER'S LICENSE IDENTIFICATION NUMBER OF THE PERSON WHO WAS**
27 **OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND**

28 **(III) INCLUDES ANY OTHER CORROBORATING EVIDENCE.**

29 **(4) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON**
30 **NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF**
31 **THE VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (3) OF THIS**
32 **SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF**
33 **THE VIOLATION, THE CLERK OF THE COURT MAY PROVIDE TO THE POLICE**
34 **DEPARTMENT THAT ISSUED THE CITATION A COPY OF ANY EVIDENCE**

1 SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE
2 VIOLATION.

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

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

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

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

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

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

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

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

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

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

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

31 (J) THE DEPARTMENT OF STATE POLICE AND THE STATE HIGHWAY
32 ADMINISTRATION SHALL ADOPT JOINTLY REGULATIONS ESTABLISHING

1 **STANDARDS AND PROCEDURES FOR SPEED CONTROL SYSTEMS AUTHORIZED**
2 **UNDER THIS SECTION.**

3 26–305.

4 (a) The Administration may not register or transfer the registration of any
5 vehicle involved in a parking violation under this subtitle, a violation under any
6 federal parking regulation that applies to property in this State under the jurisdiction
7 of the U.S. government, a violation of § 21–202(h) of this article as determined under §
8 21–202.1 of this article or Title 21, Subtitle 8 of this article as determined under
9 § 21–809 **OR § 21–810** of this article, or a violation of the State litter control law or a
10 local law or ordinance adopted by Baltimore City relating to the unlawful disposal of
11 litter as determined under § 10–112 of the Criminal Law Article, if:

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

16 (i) Pay the fine for the violation by the date specified in the
17 citation; or

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

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

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

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

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

29 26–401.

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

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

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

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

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

12 SECTION 5. AND BE IT FURTHER ENACTED, That, if a contractor provides
13 or deploys a work zone speed control system for a police department under Section 2 of
14 this Act, the contractor’s fee may not be contingent on the numbers of citations issued
15 or paid.

16 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall be
17 construed to apply only prospectively and may not be applied or interpreted to have
18 any effect on or application to any contract awarded before the effective date of this
19 Act.

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

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

28 SECTION 9. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2008.