

SENATE BILL 486

R5
SB 671/11 – JPR

2lr1724
CF HB 944

By: **Senators Raskin, Forehand, and Rosapepe**

Introduced and read first time: February 2, 2012

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: March 8, 2012

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Speed Monitoring Systems – Enforcement**

3 FOR the purpose of authorizing certain persons to sign a statement that alleges, based
4 on inspection of recorded images from a speed monitoring system, that a motor
5 vehicle was being operated in violation of highway speed laws; authorizing
6 certain persons to swear to and affirm for evidentiary purposes, based on
7 inspection of recorded images from a speed monitoring system, that a motor
8 vehicle was being operated in violation of highway speed laws; prohibiting
9 certain persons from receiving any salary or payments for services from a
10 certain contractor; and generally relating to the enforcement of highway speed
11 laws using speed monitoring systems.

12 BY repealing and reenacting, without amendments,
13 Article – Transportation
14 Section 21–809(a)(1) and (2) and (b)(1)(i) and 21–810(b)(1)
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2011 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Transportation
19 Section 21–809(d)(1) ~~and (e)(1)~~, (e)(1), and (j) and 21–810(d)(1) ~~and (e)(1)~~, (e)(1),
20 and (j)
21 Annotated Code of Maryland
22 (2009 Replacement Volume and 2011 Supplement)

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

3 **Article – Transportation**

4 21–809.

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

6 (2) “Agency” means:

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

10 (ii) For a municipal corporation that does not maintain a police
11 force, an agency established or designated by the municipal corporation to implement
12 this subtitle using speed monitoring systems in accordance with this section.

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

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

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

20 (ii) The registration number of the motor vehicle involved in the
21 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) A copy of the recorded image;

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

28 (viii) A signed statement by [a duly authorized law enforcement
29 officer] **AN AUTHORIZED PERSON TRAINED IN SPEED MONITORING SYSTEM**
30 **ENFORCEMENT AND** employed by or under contract with an agency that, based on

1 inspection of recorded images, the motor vehicle was being operated in violation of this
2 subtitle;

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

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

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

11 1. Is an admission of liability;

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

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

16 (e) (1) A certificate alleging that the violation of this subtitle occurred and
17 the requirements under subsection (b) of this section have been satisfied, sworn to, or
18 affirmed by an **AUTHORIZED** agent or employee of an agency **WHO INSPECTED THE**
19 **IMAGE**, based on inspection of recorded images produced by a speed monitoring
20 system, shall be evidence of the facts contained in the certificate and shall be
21 admissible in a proceeding alleging a violation under this section without the presence
22 or testimony of the speed monitoring system operator who performed the requirements
23 under subsection (b) of this section.

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

27 (2) If a contractor operates a speed monitoring system on behalf of a
28 local jurisdiction, the contractor's fee may not be contingent on the number of citations
29 issued or paid.

30 (3) IF A CONTRACTOR OPERATES A SPEED MONITORING SYSTEM
31 ON BEHALF OF A LOCAL JURISDICTION, THE PERSON AUTHORIZED UNDER
32 SUBSECTION (D)(1)(VIII) OF THIS SECTION TO SIGN A STATEMENT THAT THE
33 MOTOR VEHICLE WAS BEING OPERATED IN VIOLATION OF THIS SUBTITLE MAY
34 NOT RECEIVE ANY PART OF THE PERSON'S SALARY OR ANY OTHER PAYMENT
35 FOR SERVICES FROM THE CONTRACTOR.

1 21-810.

2 (b) (1) A work zone speed control system that meets the requirements of
3 this subsection may be used to record the images of motor vehicles traveling on a
4 highway:

5 (i) Within a work zone;

6 (ii) That is an expressway or a controlled access highway as
7 defined in § 21-101 of this title; and

8 (iii) On which the speed limit, established using generally
9 accepted traffic engineering practices, is 45 miles per hour or greater.

10 (d) (1) Subject to the provisions of paragraphs (2) through (4) of this
11 subsection, a local police department, State police department, or police department
12 contractor shall mail to the owner liable under subsection (c) of this section a citation
13 that shall include:

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

15 (ii) The registration number of the motor vehicle involved in the
16 violation;

17 (iii) The violation charged;

18 (iv) The location where the violation occurred;

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

20 (vi) At least one recorded image of the vehicle with a data bar
21 imprinted on each image that includes the speed of the vehicle and the date and time
22 the image was recorded;

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

25 (viii) A signed statement by [a police officer] **AN AUTHORIZED**
26 **PERSON TRAINED IN SPEED MONITORING SYSTEM ENFORCEMENT AND** employed
27 by the local police department or State police department that, based on inspection of
28 recorded images, the motor vehicle was being operated in violation of this subtitle;

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

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

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

- 7 1. Is an admission of liability;
- 8 2. May result in the refusal to register the motor vehicle;
- 9 and
- 10 3. May result in the suspension of the motor vehicle
 11 registration.

12 (e) (1) A certificate alleging that the violation of this subtitle occurred and
 13 the requirements under subsection (b) of this section have been satisfied, sworn to, or
 14 affirmed by [a police officer] **AN AUTHORIZED PERSON** employed by the local police
 15 department or State police department **WHO INSPECTED THE IMAGE**, based on
 16 inspection of recorded images produced by a work zone speed control system, shall be
 17 evidence of the facts contained in the certificate and shall be admissible in a
 18 proceeding alleging a violation under this section without the presence or testimony of
 19 the work zone speed control system operator who performed the requirements under
 20 subsection (b) of this section.

21 (j) (1) The Department of State Police or a contractor designated by the
 22 Department of State Police shall administer and process civil citations issued under
 23 this section in coordination with the District Court.

24 (2) If a contractor provides, deploys, or operates a work zone speed
 25 control system for a police department, the contractor's fee may not be contingent on
 26 the number of citations issued or paid.

27 (3) **IF A CONTRACTOR OPERATES A WORK ZONE SPEED CONTROL**
 28 **SYSTEM FOR A POLICE DEPARTMENT, THE PERSON AUTHORIZED UNDER**
 29 **SUBSECTION (D)(1)(VIII) OF THIS SECTION TO SIGN A STATEMENT THAT THE**
 30 **MOTOR VEHICLE WAS BEING OPERATED IN VIOLATION OF THIS SUBTITLE MAY**
 31 **NOT RECEIVE ANY PART OF THE PERSON'S SALARY OR ANY OTHER PAYMENT**
 32 **FOR SERVICES FROM THE CONTRACTOR.**

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 34 October 1, 2012.