

SENATE BILL 389

R5
SB 486/12 – JPR

3lr2137

By: **Senators Raskin, Forehand, and Rosapepe**
Introduced and read first time: January 28, 2013
Assigned to: Judicial Proceedings

A BILL ENTITLED

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 (2012 Replacement Volume)

17 BY repealing and reenacting, with amendments,
18 Article – Transportation
19 Section 21–809(d)(1), (e)(1), and (j) and 21–810(d)(1), (e)(1), and (j)
20 Annotated Code of Maryland
21 (2012 Replacement Volume)

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

24 **Article – Transportation**

25 21–809.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

2 (2) "Agency" means:

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

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

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

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

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

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

18 (iii) The violation charged;

19 (iv) The location where the violation occurred;

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

21 (vi) A copy of the recorded image;

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

24 (viii) A signed statement by [a duly authorized law enforcement
25 officer] **AN AUTHORIZED PERSON TRAINED IN SPEED MONITORING SYSTEM**
26 **ENFORCEMENT AND** employed by or under contract with an agency that, based on
27 inspection of recorded images, the motor vehicle was being operated in violation of this
28 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 by the Administration to
9 register the motor vehicle; 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 an **AUTHORIZED** agent or employee of an agency **WHO INSPECTED THE**
15 **IMAGE**, based on inspection of recorded images produced by a speed monitoring
16 system, shall be evidence of the facts contained in the certificate and shall be
17 admissible in a proceeding alleging a violation under this section without the presence
18 or testimony of the speed monitoring system operator who performed the requirements
19 under subsection (b) of this section.

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

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

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

32 21-810.

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

- 1 (i) Within a work zone;
- 2 (ii) That is an expressway or a controlled access highway as
3 defined in § 21–101 of this title; and
- 4 (iii) On which the speed limit, established using generally
5 accepted traffic engineering practices, is 45 miles per hour or greater.
- 6 (d) (1) Subject to the provisions of paragraphs (2) through (4) of this
7 subsection, a local police department, State police department, or police department
8 contractor shall mail to the owner liable under subsection (c) of this section a citation
9 that shall include:
- 10 (i) The name and address of the registered owner of the vehicle;
- 11 (ii) The registration number of the motor vehicle involved in the
12 violation;
- 13 (iii) The violation charged;
- 14 (iv) The location where the violation occurred;
- 15 (v) The date and time of the violation;
- 16 (vi) At least one recorded image of the vehicle with a data bar
17 imprinted on each image that includes the speed of the vehicle and the date and time
18 the image was recorded;
- 19 (vii) The amount of the civil penalty imposed and the date by
20 which the civil penalty should be paid;
- 21 (viii) A signed statement by [a police officer] **AN AUTHORIZED**
22 **PERSON TRAINED IN SPEED MONITORING SYSTEM ENFORCEMENT AND** employed
23 by the local police department or State police department that, based on inspection of
24 recorded images, the motor vehicle was being operated in violation of this subtitle;
- 25 (ix) A statement that recorded images are evidence of a violation
26 of this subtitle;
- 27 (x) Information advising the person alleged to be liable under
28 this section of the manner and time in which liability as alleged in the citation may be
29 contested in the District Court; and
- 30 (xi) Information advising the person alleged to be liable under
31 this section that failure to pay the civil penalty or to contest liability in a timely
32 manner;

- 1 1. Is an admission of liability;
- 2 2. May result in the refusal to register the motor vehicle;
- 3 and
- 4 3. May result in the suspension of the motor vehicle
- 5 registration.

6 (e) (1) A certificate alleging that the violation of this subtitle occurred and

7 the requirements under subsection (b) of this section have been satisfied, sworn to, or

8 affirmed by [a police officer] **AN AUTHORIZED PERSON** employed by the local police

9 department or State police department **WHO INSPECTED THE IMAGE**, based on

10 inspection of recorded images produced by a work zone speed control system, shall be

11 evidence of the facts contained in the certificate and shall be admissible in a

12 proceeding alleging a violation under this section without the presence or testimony of

13 the work zone speed control system operator who performed the requirements under

14 subsection (b) of this section.

15 (j) (1) The Department of State Police or a contractor designated by the

16 Department of State Police shall administer and process civil citations issued under

17 this section in coordination with the District Court.

18 (2) If a contractor provides, deploys, or operates a work zone speed

19 control system for a police department, the contractor's fee may not be contingent on

20 the number of citations issued or paid.

21 **(3) IF A CONTRACTOR OPERATES A WORK ZONE SPEED CONTROL**

22 **SYSTEM FOR A POLICE DEPARTMENT, THE PERSON AUTHORIZED UNDER**

23 **SUBSECTION (D)(1)(VIII) OF THIS SECTION TO SIGN A STATEMENT THAT THE**

24 **MOTOR VEHICLE WAS BEING OPERATED IN VIOLATION OF THIS SUBTITLE MAY**

25 **NOT RECEIVE ANY PART OF THE PERSON'S SALARY OR ANY OTHER PAYMENT**

26 **FOR SERVICES FROM THE CONTRACTOR.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

28 October 1, 2013.