

Chapter 113

(House Bill 420)

AN ACT concerning

Vehicle Laws – Maryland Transportation Authority – Payment of Tolls

FOR the purpose of altering procedures of the Maryland Transportation Authority for the collection of unpaid tolls through a certain notice and a citation for toll violations; altering the contents of a certain citation; altering procedures for paying or contesting the amounts due under a citation; providing for the admissibility and prima facie effect of the information in a citation in any proceeding to contest liability; altering certain defenses to a citation; altering procedures for collection of unpaid tolls and civil penalties; ~~authorizing the publication of the names of toll violators;~~ providing for the payment of court costs in certain toll violation cases; providing that a certain surcharge may not be added to court costs imposed in certain toll violation cases; establishing the venue for contesting a citation; authorizing reciprocal agreements with other jurisdictions for enforcement of toll violations; defining certain terms; altering certain definitions; clarifying language; making conforming changes; providing for the application of this Act to certain tolls previously incurred; requiring the Authority to adopt certain regulations before a certain date; providing for the effective dates of this Act; and generally relating to the issuance of citations for nonpayment of tolls on Maryland Transportation Authority facilities.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 7–301(a)(1) and (2) and (f)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

~~BY repealing and reenacting, with amendments,
Article – State Government
Section 10–616(m)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1414, 26–401, and 27–110
Annotated Code of Maryland
(2012 Replacement Volume)

BY adding to

Article – Transportation
 Section 21–1415
 Annotated Code of Maryland
 (2012 Replacement Volume)

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

Article – Courts and Judicial Proceedings

7–301.

(a) (1) Except as provided in paragraphs (2) and (3) of this subsection, the court costs in a traffic case, including parking and impounding cases, cases under § 21–202.1, § 21–809, § 21–810, **§ 21–1414**, or § 24–111.3 of the Transportation Article in which costs are imposed, and cases under § 10–112 of the Criminal Law Article in which costs are imposed:

(i) Are \$22.50 plus the surcharge under subsection (f) of this section; and

(ii) Shall also be applicable to those cases in which the defendant elects to waive the defendant’s right to trial and pay the fine or penalty deposit established by the Chief Judge of the District Court by administrative regulation.

(2) In an uncontested case under § 21–202.1, § 21–809, § 21–810, **§ 21–1414**, or § 24–111.3 of the Transportation Article, an uncontested case under § 10–112 of the Criminal Law Article, or an uncontested parking or impounding case in which the fines are paid directly to a political subdivision or municipality, costs are \$2.00, which costs shall be paid to and retained by the political subdivision or municipality.

(f) (1) This subsection does not apply to a traffic case under § 21–202.1, § 21–809, [or § 21–810] **§ 21–810, OR § 21–1414** of the Transportation Article or to a parking or impounding case.

~~Article – State Government~~

~~10–616.~~

~~(m) (1) Subject to the provisions of paragraph (2) of this subsection AND EXCEPT AS PROVIDED IN § 21–1414(D)(6)(I)3 OF THE TRANSPORTATION ARTICLE, a custodian shall deny inspection of all photographs, videotapes or electronically recorded images of vehicles, vehicle movement records, personal~~

~~financial information, credit reports, or other personal or financial data created, recorded, obtained by or submitted to the Maryland Transportation Authority or its agents or employees in connection with any electronic toll collection system or associated transaction system.~~

Article – Transportation

21-1414.

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

(2) “AUTHORITY” MEANS THE MARYLAND TRANSPORTATION AUTHORITY.

[(2)] (3) “Electronic toll collection” means a system [of collecting tolls or charges] IN A TOLL COLLECTION FACILITY that is capable of [charging an account holder for the appropriate toll by electronic transmission of] COLLECTING information [between a device on a motor vehicle and a device in a toll lane at a toll collection facility] FROM A MOTOR VEHICLE FOR USE IN CHARGING TOLLS.

(4) “NOTICE OF TOLL DUE” OR “NOTICE” MEANS ~~A WRITTEN AN~~ ADMINISTRATIVE NOTICE OF A VIDEO TOLL TRANSACTION.

[(3) “Pay” means paying a toll by cash, by permitting a charge against a valid account with the Maryland Transportation Authority, or by another means of payment approved by the Authority at the time.]

(5) “PERSON ALLEGED TO BE LIABLE” MEANS:

(I) THE REGISTERED OWNER OF A MOTOR VEHICLE INVOLVED IN A VIDEO TOLL TRANSACTION; OR

(II) A PERSON TO WHOM A REGISTERED OWNER OF A MOTOR VEHICLE HAS TRANSFERRED LIABILITY FOR A VIDEO TOLL TRANSACTION IN ACCORDANCE WITH THIS SECTION AND THE REGULATIONS OF THE AUTHORITY.

(6) “RECORDED IMAGE” MEANS AN IMAGE OF A MOTOR VEHICLE PASSING THROUGH A TOLL COLLECTION FACILITY RECORDED BY A VIDEO MONITORING SYSTEM:

(I) ON:

1. ONE OR MORE PHOTOGRAPHS, MICROGRAPHS, OR ELECTRONIC IMAGES;
2. VIDEOTAPE; OR
3. ANY OTHER MEDIUM; AND

(II) SHOWING EITHER THE FRONT OR REAR OF THE MOTOR VEHICLE ON AT LEAST ONE IMAGE OR PORTION OF TAPE AND CLEARLY IDENTIFYING THE LICENSE PLATE NUMBER AND STATE OF THE MOTOR VEHICLE.

(7) “REGISTERED OWNER” MEANS, WITH RESPECT TO A MOTOR VEHICLE, THE PERSON OR PERSONS DESIGNATED AS THE REGISTERED OWNER IN THE RECORDS OF THE STATE AGENCY THAT IS RESPONSIBLE FOR MOTOR VEHICLE REGISTRATION.

(8) “TOLL COLLECTION FACILITY” MEANS ANY POINT ON AN AUTHORITY HIGHWAY WHERE A TOLL IS INCURRED AND IS REQUIRED TO BE PAID.

(9) “TOLL VIOLATION” MEANS THE FAILURE TO PAY A VIDEO TOLL WITHIN THE TIME PRESCRIBED BY THE AUTHORITY IN A NOTICE OF TOLL DUE.

[(4)] (10) [“Video-monitoring system”] “VIDEO MONITORING SYSTEM” means a [motor vehicle sensor] DEVICE installed to work in conjunction with a toll collection facility that [automatically] produces a [photograph, microphotograph, videotape, or other] recorded image [of the license plate of a motor vehicle when the operator of the motor vehicle fails to pay a toll] WHEN A VIDEO TOLL TRANSACTION OCCURS.

(11) “VIDEO TOLL” MEANS THE AMOUNT ASSESSED BY THE AUTHORITY WHEN A VIDEO TOLL TRANSACTION OCCURS.

(12) “VIDEO TOLL TRANSACTION” MEANS ANY TRANSACTION IN WHICH A MOTOR VEHICLE DOES NOT OR DID NOT PAY A TOLL AT THE TIME OF PASSAGE THROUGH A TOLL COLLECTION FACILITY WITH A VIDEO MONITORING SYSTEM.

(b) (1) [If the operator of a motor vehicle fails to pay the prescribed toll at any Authority highway where tolls are collected by means of electronic toll collection, the] EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, THE registered

owner of [the] A motor vehicle shall be liable to the [Maryland Transportation] Authority for payment of [the] A VIDEO toll [and a civil penalty] as provided for in the regulations of the [Maryland Transportation] Authority.

(2) THE AUTHORITY SHALL SEND THE REGISTERED OWNER OF A MOTOR VEHICLE THAT HAS INCURRED A VIDEO TOLL A NOTICE OF TOLL DUE.

(3) EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, THE PERSON ALLEGED TO BE LIABLE WHO RECEIVES A NOTICE OF TOLL DUE SHALL HAVE 30 DAYS TO PAY THE VIDEO TOLL.

(c) (1) FAILURE OF THE PERSON ALLEGED TO BE LIABLE TO PAY THE VIDEO TOLL UNDER A NOTICE OF TOLL DUE BY THE DATE STATED ON THE NOTICE SHALL CONSTITUTE A TOLL VIOLATION SUBJECT TO CIVIL CITATION AND CIVIL PENALTY AS PROVIDED FOR IN THE REGULATIONS OF THE AUTHORITY.

(2) A registered owner of a **MOTOR** vehicle shall not be liable for a civil penalty imposed under this section if the operator of the **MOTOR** vehicle has been convicted of failure or refusal to pay a toll under § 21-1413 of this subtitle for the same violation.

[(c) (D) (1) The [Maryland Transportation] Authority or its duly authorized agent shall send a citation via first-class mail, no later than 60 days after the [alleged] TOLL violation, to [each] THE person alleged to be liable under this section [as a registered owner].

(2) Personal service **OF THE CITATION [upon] ON** the [registered owner] **PERSON ALLEGED TO BE LIABLE** shall not be required, and a record of mailing kept in the ordinary course of business shall be admissible evidence of the mailing of the **NOTICE OF TOLL DUE AND** citation.

(3) A citation shall contain:

(i) The name and address of the [registered owner] **PERSON** alleged to be liable under this section;

(ii) The [registration] **LICENSE PLATE** number **AND STATE OF REGISTRATION** of the motor vehicle involved in [such violation] **THE VIDEO TOLL TRANSACTION;**

(iii) The location where [such violation] **THE VIDEO TOLL TRANSACTION** took place;

(iv) The date and time of [such violation] **THE VIDEO TOLL TRANSACTION;**

(v) The amount of the [toll not paid] **VIDEO TOLL AND THE DATE IT WAS DUE AS STATED ON THE NOTICE OF TOLL DUE;**

(VI) A COPY OF THE RECORDED IMAGE;

(VII) A STATEMENT THAT THE VIDEO TOLL WAS NOT PAID BY THE DATE STATED ON THE NOTICE OF TOLL DUE;

[(vi)] **(VIII) The amount of the civil penalty; and**

[(vii)] **(IX) The date by which the VIDEO toll and CIVIL penalty must be paid.**

(4) A citation shall also include:

(i) Information advising the person **ALLEGED TO BE** liable under this section of the manner and the time in which liability alleged in the citation may be contested;

(ii) The statutory defenses described in subsection [(f)] **(G)** of this section **THAT WERE ORIGINALLY INCLUDED IN THE NOTICE OF TOLL DUE;** and

(iii) A warning that failure to pay the **VIDEO** toll and civil [penalty or] **PENALTY**, to contest liability in the manner and time prescribed, **OR TO APPEAR AT A TRIAL REQUESTED** is an admission of liability and a waiver of available defenses, and may result in [the entry of a default judgment or in] the refusal or suspension of the motor vehicle registration **AND REFERRAL FOR COLLECTION.**

(5) A person **ALLEGED TO BE LIABLE** receiving the citation for a **TOLL** violation under this section may:

(i) Pay the **VIDEO** toll and the civil penalty directly to the [Maryland Transportation] Authority; or

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

(6) **(I)** If the [registered owner of a motor vehicle who is] **PERSON ALLEGED TO BE** liable under this section fails to **ELECT TO STAND TRIAL OR TO** pay the prescribed **VIDEO** toll and civil penalty within [60] **30** days after mailing of the

citation, **OR IS ADJUDICATED TO BE LIABLE AFTER TRIAL, OR FAILS TO APPEAR AT TRIAL AFTER HAVING ELECTED TO STAND TRIAL,** the [Maryland Transportation] Authority or its duly authorized agent may:

[(i)] 1. Collect the [toll,] **VIDEO TOLL AND** the civil penalty[, and administrative expenses by civil action commenced in the District Court for the jurisdiction in which the alleged failure to pay a toll occurred; or] **BY ANY MEANS OF COLLECTION AS PROVIDED BY LAW; AND**

[(ii)] 2. Notify the Administration of the failure to pay the **VIDEO** toll and civil penalty in accordance with § 27-110 of this article;~~AND~~

~~**3. PUBLISH THE NAME, CITY AND COUNTY OF RESIDENCE, AND TOTAL AMOUNT DUE OF UNPAID TOLL VIOLATIONS AND CIVIL PENALTIES THAT HAVE BEEN INCURRED AND REMAIN DUE TO THE AUTHORITY.**~~

(II) NO ADDITIONAL HEARING OR PROCEEDING IS REQUIRED BEFORE THE ADMINISTRATION TAKES ACTION WITH RESPECT TO THE REGISTERED VEHICLE OF THE OWNER UNDER § 27-110 OF THIS ARTICLE.

[(d)] (E) (1) A certificate alleging that a [failure to pay a] toll **VIOLATION** occurred, sworn to or affirmed by a duly authorized agent of the [Maryland Transportation] Authority, based upon inspection of [photographs, videotape, or other electronically recorded images of the license plate of a motor vehicle produced by an electronic toll collection video-monitoring system] **A RECORDED IMAGE AND ELECTRONIC TOLL COLLECTION RECORDS PRODUCED BY AN ELECTRONIC TOLL COLLECTION VIDEO MONITORING SYSTEM** shall be evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under this section **WITHOUT THE PRESENCE OR TESTIMONY OF THE DULY AUTHORIZED AGENT WHO PERFORMED THE REQUIREMENTS UNDER THIS SECTION.**

(2) THE CITATION, INCLUDING THE CERTIFICATE, SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF LIABILITY FOR THE TOLL VIOLATION AND CIVIL PENALTY.

[(e)] (F) Adjudication of liability under this section:

(1) Shall be based upon a preponderance of evidence;

(2) May not be deemed a conviction of a registered owner of a motor vehicle under the Motor Vehicle Code;

(3) May not be made part of the registered owner's motor vehicle operating record; and

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

[(f)] (G) (1) If, AT THE TIME OF A VIDEO TOLL TRANSACTION, A MOTOR VEHICLE IS OPERATED BY a person other than the registered owner [of the motor vehicle is adjudicated responsible for the failure to pay the toll,] WITHOUT THE EXPRESS OR IMPLIED CONSENT OF THE REGISTERED OWNER, AND IF THE REGISTERED OWNER WITHIN 30 DAYS OF RECEIVING THE NOTICE OF TOLL DUE PROVIDES THE AUTHORITY OR ITS DULY AUTHORIZED AGENT WITH A NOTARIZED ADMISSION BY THE PERSON ACCEPTING LIABILITY WHICH SHALL INCLUDE THAT PERSON'S NAME, ADDRESS, AND DRIVER'S LICENSE IDENTIFICATION NUMBER, then the [registered owner is not] PERSON ACCEPTING LIABILITY SHALL BE liable under this section AND SHALL BE SENT A NOTICE OF TOLL DUE.

(2) If the registered owner is a lessor of motor vehicles, and at the time of the [failure to pay a toll] **VIDEO TOLL TRANSACTION** the motor vehicle involved was in the possession of a lessee, and the lessor within 30 days of the [citation] **NOTICE OF TOLL DUE** provides the [Maryland Transportation] Authority or its duly authorized agent with a copy of the lease agreement **OR OTHER DOCUMENTATION ACCEPTABLE TO THE AUTHORITY** identifying the lessee, then the lessee shall be liable under this section **AND SHALL BE SENT A NOTICE OF TOLL DUE.**

(3) If the motor vehicle involved in [a failure to pay a toll] **A VIDEO TOLL TRANSACTION** is operated using a dealer or transporter registration plate, and at the time of the [violation] **VIDEO TOLL TRANSACTION** the motor vehicle was under the custody and control of a person other than the **OWNER OF THE** dealer or transporter **REGISTRATION PLATE**, and if the **OWNER OF THE** dealer or transporter **REGISTRATION PLATE** within 30 days of the [citation identifies] **NOTICE OF TOLL DUE PROVIDES** to the [Maryland Transportation] Authority or its duly authorized agent **A COPY OF THE CONTRACTUAL AGREEMENT OR OTHER DOCUMENTATION ACCEPTABLE TO THE AUTHORITY IDENTIFYING** the person who had custody and control over the motor vehicle at the time of the [violation] **VIDEO TOLL TRANSACTION**, then that person and not the **OWNER OF THE** dealer or transporter **REGISTRATION PLATE** shall be liable under this section **AND SHALL BE SENT A NOTICE OF TOLL DUE.**

(4) If a motor vehicle is reported to a law enforcement agency as stolen at the time of the [failure to pay a toll, or within a reasonable period of time after the registered owner becomes aware of the theft,] **VIDEO TOLL TRANSACTION, AND THE**

REGISTERED OWNER WITHIN 30 DAYS OF THE NOTICE OF TOLL DUE PROVIDES TO THE AUTHORITY OR ITS DULY AUTHORIZED AGENT A COPY OF THE POLICE REPORT SUBSTANTIATING THAT THE MOTOR VEHICLE WAS STOLEN AT THE TIME OF THE VIDEO TOLL TRANSACTION, then the registered owner of the motor vehicle is not liable under this section.

[(5) (i) If within 30 days of notice of a violation, a registered owner provides to the Maryland Transportation Authority or its duly authorized agent substantial evidence of the identity of the person who was operating the motor vehicle at the time of the violation, then that person shall be subject to liability under this section and shall be sent a citation under subsection (c) of this section.

(ii) If that person subsequently admits to or is adjudicated responsible for failure to pay the toll, then the registered owner is not liable under this section.]

21-1415.

(A) THE MARYLAND TRANSPORTATION AUTHORITY IN CONSULTATION WITH THE ADMINISTRATOR MAY ENTER INTO AN AGREEMENT WITH ANOTHER JURISDICTION THAT PROVIDES FOR RECIPROCAL ENFORCEMENT OF TOLL VIOLATIONS BETWEEN THE STATE AND THE OTHER JURISDICTION.

(B) AN AGREEMENT MADE UNDER THIS SECTION SHALL PROVIDE THAT DRIVERS AND VEHICLES LICENSED IN THE STATE, WHILE OPERATING ON THE HIGHWAYS OF ANOTHER JURISDICTION, SHALL RECEIVE BENEFITS, PRIVILEGES, AND EXEMPTIONS OF A SIMILAR KIND WITH REGARD TO TOLL ENFORCEMENT AS ARE EXTENDED TO DRIVERS AND VEHICLES LICENSED OR REGISTERED IN THE OTHER JURISDICTION WHILE OPERATED IN THE STATE.

(C) A RECIPROCAL AGREEMENT UNDER THIS SECTION MAY PROVIDE FOR ENFORCEMENT OF TOLL VIOLATIONS BY REFUSAL OR SUSPENSION OF THE REGISTRATION OF A MOTOR VEHICLE IN ACCORDANCE WITH § 27-110 OF THIS ARTICLE.

26-401.

If a person is taken before a District Court commissioner or is given a traffic citation or a civil citation under § 21-202.1, § 21-809, § 21-810, **§ 21-1414**, or § 24-111.3 of this article containing a notice to appear in court, the commissioner or court shall be one that sits within the county in which the offense allegedly was committed.

27-110.

(a) The Administration [may not register or transfer] **SHALL REFUSE OR SUSPEND** the registration of any **MOTOR** vehicle [involved in a failure to pay] **INCURRING** a toll violation under § 21–1414 of this article if:

(1) It is notified by the Maryland Transportation Authority that a registered owner [who has received a notice of violation of] **HAS BEEN SERVED WITH A CITATION IN ACCORDANCE WITH** § 21–1414 of this article [has failed to either] **AND:**

(i) [Pay] **HAS FAILED TO PAY** the **VIDEO** toll and the civil penalty for the **TOLL** violation by the date specified in the [notice of violation] **CITATION**; or

(ii) [File a notice of intention] **HAS FAILED** to contest liability for the **TOLL** violation **BY THE DATE IDENTIFIED AND IN THE MANNER SPECIFIED IN THE CITATION**; or

(2) It is notified by the **MARYLAND TRANSPORTATION AUTHORITY OR THE** District Court that a person who elected to contest liability for a **TOLL** violation [of] **UNDER** § 21–1414 of this article has failed to appear for trial **OR HAS BEEN DETERMINED TO BE GUILTY OF THE TOLL VIOLATION AND HAS FAILED TO PAY THE VIDEO TOLL AND RELATED CIVIL PENALTY.**

(b) [Notwithstanding the provisions of subsection (a) of this section, the Administration may suspend the registration of a vehicle involved in a failure to pay a toll violation under § 21–1414 of this article if notified by the Maryland Transportation Authority that the violator is a chronic offender.

(c) In conjunction with the Maryland Transportation Authority, the Administration may adopt [rules and] regulations [to define chronic offender and to] **AND** develop procedures to carry out the [suspension and refusal to register or transfer] **REFUSAL OR SUSPENSION OF A** registration **AS** authorized by this section.

[(d)] **(C)** The procedures specified in this section are in addition to any other penalty provided by law for [the failure to pay a toll or appear for trial for a failure to pay a toll violation] **TOLL VIOLATIONS** under § 21–1414 of this article.

(D) THE PROVISIONS OF THIS SECTION MAY BE APPLIED TO ENFORCE A RECIPROCAL AGREEMENT ENTERED INTO BY THE STATE AND ANOTHER JURISDICTION IN ACCORDANCE WITH § 21–1415 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to any previously incurred toll that remains unpaid on the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland Transportation Authority shall adopt regulations implementing this Act before July 1, 2013.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect June 1, 2013.

SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect July 1, 2013.

Approved by the Governor, April 9, 2013.