

HOUSE BILL 1769

R5

8lr3886

By: **Delegate Kipke**

Introduced and read first time: February 23, 2018

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Automated Enforcement – Leased Vehicles**

3 FOR the purpose of requiring certain State or local agencies to mail certain traffic citations
4 generated by certain automated enforcement systems and issued to leased motor
5 vehicles to the lessee of the motor vehicle; making certain conforming changes; and
6 generally relating to traffic citations generated by automated enforcement systems
7 and issued to leased motor vehicles.

8 BY repealing and reenacting, without amendments,

9 Article – Transportation

10 Section 21–202.1(a)(3) and (d)(1), 21–706.1(a)(3) and (e)(1), 21–809(a)(4) and (c)(1),
11 and 21–810(a)(3) and (c)(1)

12 Annotated Code of Maryland

13 (2012 Replacement Volume and 2017 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article – Transportation

16 Section 21–202.1(e), 21–706.1(f), 21–809(d), and 21–810(d)

17 Annotated Code of Maryland

18 (2012 Replacement Volume and 2017 Supplement)

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

21 **Article – Transportation**

22 21–202.1.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) "Owner" does not include a motor vehicle rental or leasing
2 company or a holder of a special registration plate issued under Title 13, Subtitle 9, Part
3 III of this article.

4 (d) (1) Unless the driver of the motor vehicle received a citation from a police
5 officer at the time of the violation, the owner or, in accordance with subsection (g)(5) of this
6 section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is
7 recorded by a traffic control signal monitoring system while being operated in violation of
8 § 21-202(h) of this subtitle.

9 (e) (1) Subject to the provisions of paragraphs (2) through [(4)] (5) of this
10 subsection, an agency shall mail to the owner liable under subsection (d) of this section a
11 citation which shall include:

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

13 (ii) The registration number of the motor vehicle involved in the
14 violation;

15 (iii) The violation charged;

16 (iv) The location of the intersection;

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

18 (vi) A copy of the recorded image;

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

21 (viii) A signed statement by a technician employed by the agency that,
22 based on inspection of recorded images, the motor vehicle was being operated in violation
23 of § 21-202(h) of this subtitle;

24 (ix) A statement that recorded images are evidence of a violation of §
25 21-202(h) of this subtitle; and

26 (x) Information advising the person alleged to be liable under this
27 section:

28 1. Of the manner and time in which liability as alleged in the
29 citation may be contested in the District Court; and

30 2. Warning that failure to pay the civil penalty or to contest
31 liability in a timely manner is an admission of liability and may result in refusal or
32 suspension of the motor vehicle registration.

1 (2) The agency may mail a warning notice in lieu of a citation to the owner
2 liable under subsection (d) of this section.

3 (3) Except as provided in subsection (g)(5) of this section, a citation issued
4 under this section shall be mailed no later than 2 weeks after the alleged violation.

5 (4) An agency may not mail a citation to a person who is not an owner
6 under subsection (a)(3)(ii) of this section.

7 (5) **FOR A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR MORE,**
8 **THE AGENCY SHALL MAIL THE CITATION TO THE LESSEE.**

9 (6) A person who receives a citation under paragraph (1) of this subsection
10 may:

11 (i) Pay the civil penalty, in accordance with instructions on the
12 citation, directly to the political subdivision or to the District Court; or

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

14 21-706.1.

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

17 (ii) “Owner” does not include:

18 1. A motor vehicle leasing company; or

19 2. A holder of a special registration plate issued under Title
20 13, Subtitle 9, Part III of this article.

21 (e) (1) Unless the driver of the motor vehicle received a citation from a police
22 officer at the time of the violation, the owner or, in accordance with subsection (h)(5) of this
23 section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is
24 recorded by a school bus monitoring camera during the commission of a violation.

25 (f) (1) Subject to the provisions of paragraphs (2) through (5) of this
26 subsection, a law enforcement agency shall mail to the owner liable under subsection (e) of
27 this section a citation that shall include:

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

29 (ii) The registration number of the motor vehicle involved in the
30 violation;

31 (iii) The violation charged;

- 1 (iv) To the extent possible, the location of the violation;
- 2 (v) The date and time of the violation;
- 3 (vi) A copy of the recorded image;
- 4 (vii) The amount of the civil penalty imposed and the date by which
5 the civil penalty must be paid;
- 6 (viii) A signed statement by a technician employed by the law
7 enforcement agency that, based on inspection of recorded images, the motor vehicle was
8 being operated during the commission of a violation;
- 9 (ix) A statement that recorded images are evidence of a violation; and
- 10 (x) Information advising the person alleged to be liable under this
11 section:
- 12 1. Of the manner and time in which liability as alleged in the
13 citation may be contested in the District Court; and
- 14 2. That failure to pay the civil penalty or to contest liability
15 in a timely manner is an admission of liability and may result in refusal or suspension of
16 the motor vehicle registration.
- 17 (2) The law enforcement agency may mail a warning notice in place of a
18 citation to the owner liable under subsection (e) of this section.
- 19 (3) (i) Before mailing a citation to a motor vehicle rental company liable
20 under subsection (e) of this section, a law enforcement agency shall mail a notice to the
21 motor vehicle rental company stating that a citation will be mailed to the motor vehicle
22 rental company unless, within 45 days of receiving the notice, the motor vehicle rental
23 company provides the law enforcement agency with:
- 24 1. A statement made under oath that states the name and
25 last known mailing address of the individual driving or renting the motor vehicle when the
26 violation occurred;
- 27 2. A. A statement made under oath that states that the
28 motor vehicle rental company is unable to determine who was driving or renting the vehicle
29 at the time the violation occurred because the motor vehicle was stolen at the time of the
30 violation; and
- 31 B. A copy of the police report associated with the motor
32 vehicle theft claimed under item A of this item; or

1 3. Payment for the penalty associated with the violation.

2 (ii) A law enforcement agency may not mail a citation to a motor
3 vehicle rental company liable under subsection (e) of this section if the motor vehicle rental
4 company complies with subparagraph (i) of this paragraph.

5 (4) Except as provided in paragraph (3) of this subsection and subsection
6 (h)(5) of this section, a citation issued under this section shall be mailed no later than 2
7 weeks after the alleged violation.

8 (5) **FOR A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR MORE,**
9 **THE LAW ENFORCEMENT AGENCY SHALL MAIL THE CITATION TO THE LESSEE.**

10 (6) A person who receives a citation under paragraph (1) of this subsection
11 may:

12 (i) Pay the civil penalty, in accordance with instructions on the
13 citation, directly to the county; or

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

15 21-809.

16 (a) (4) (i) “Owner” means the registered owner of a motor vehicle or a
17 lessee of a motor vehicle under a lease of 6 months or more.

18 (ii) “Owner” does not include:

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

20 2. A holder of a special registration plate issued under Title
21 13, Subtitle 9, Part III of this article.

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

26 (d) (1) Subject to the provisions of paragraphs (2) through [(4)] (5) of this
27 subsection, an agency shall mail to an owner liable under subsection (c) of this section a
28 citation that shall include:

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

30 (ii) The registration number of the motor vehicle involved in the
31 violation;

- 1 (iii) The violation charged;
- 2 (iv) The location where the violation occurred;
- 3 (v) The date and time of the violation;
- 4 (vi) A copy of the recorded image;
- 5 (vii) The amount of the civil penalty imposed and the date by which
6 the civil penalty should be paid;
- 7 (viii) A signed statement by a duly authorized law enforcement officer
8 employed by or under contract with an agency that, based on inspection of recorded images,
9 the motor vehicle was being operated in violation of this subtitle;
- 10 (ix) A statement that recorded images are evidence of a violation of
11 this subtitle;
- 12 (x) Information advising the person alleged to be liable under this
13 section of the manner and time in which liability as alleged in the citation may be contested
14 in the District Court; and
- 15 (xi) Information advising the person alleged to be liable under this
16 section that failure to pay the civil penalty or to contest liability in a timely manner:
- 17 1. Is an admission of liability;
- 18 2. May result in the refusal by the Administration to register
19 the motor vehicle; and
- 20 3. May result in the suspension of the motor vehicle
21 registration.
- 22 (2) An agency may mail a warning notice instead of a citation to the owner
23 liable under subsection (c) of this section.
- 24 (3) Except as provided in subsection (f)(4) of this section, an agency may
25 not mail a citation to a person who is not an owner.
- 26 (4) Except as provided in subsections (b)(1)(ix) and (f)(4) of this section, a
27 citation issued under this section shall be mailed no later than 2 weeks after the alleged
28 violation if the vehicle is registered in this State, and 30 days after the alleged violation if
29 the vehicle is registered in another state.
- 30 (5) **FOR A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR MORE,**
31 **THE AGENCY SHALL MAIL THE CITATION TO THE LESSEE.**

1 **(6)** A person who receives a citation under paragraph (1) of this subsection
2 may:

3 (i) Pay the civil penalty, in accordance with instructions on the
4 citation, directly to the political subdivision; or

5 (ii) Elect to stand trial in the District Court for the alleged violation.
6 21–810.

7 (a) (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 longer.

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 Title
12 13, Subtitle 9, Part III of this article.

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

18 (d) (1) Subject to the provisions of paragraphs (2) through ~~[(4)]~~ **(5)** of this
19 subsection, a local police department, State police department, or police department
20 contractor shall mail to the owner liable under subsection (c) of this section a citation that
21 shall include:

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

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

25 (iii) The violation charged;

26 (iv) The location where the violation occurred;

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

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

31 (vii) The amount of the civil penalty imposed and the date by which

1 the civil penalty should be paid;

2 (viii) A signed statement by a police officer employed by the local police
3 department or State police department that, based on inspection of recorded images, the
4 motor vehicle was being operated in violation of this subtitle;

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

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

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

12 1. Is an admission of liability;

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

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

16 (2) The local police department or State police department may mail a
17 warning notice instead of a citation to the owner liable under subsection (c) of this section.

18 (3) Except as provided in subsection (f)(4) of this section, the local police
19 department or State police department may not mail a citation to a person who is not an
20 owner.

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

25 (5) **FOR A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR MORE,**
26 **THE LOCAL POLICE DEPARTMENT OR STATE POLICE DEPARTMENT SHALL MAIL THE**
27 **CITATION TO THE LESSEE.**

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

30 (i) Pay the civil penalty in accordance with instructions on the
31 citation; or

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2018.