

# HOUSE BILL 230

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By: **Delegates Carr, Crutchfield, Cullison, Lehman, and Qi**

Introduced and read first time: January 13, 2022

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Speed Monitoring Systems – Exclusion of Vehicle Rental Companies – Repeal**  
3 **and Notification Requirement**

4 FOR the purpose of repealing the exclusion of motor vehicle rental companies from  
5 enforcement provisions for violations that are recorded by speed monitoring systems;  
6 requiring an agency to provide certain notice to a motor vehicle rental company  
7 before issuing a citation for an alleged violation recorded by a speed monitoring  
8 system; and generally relating to motor vehicle rental companies and speed  
9 monitoring systems.

10 BY repealing and reenacting, without amendments,  
11 Article – Transportation  
12 Section 21–809(a)(1), (2), and (8) and (c)(1)  
13 Annotated Code of Maryland  
14 (2020 Replacement Volume and 2021 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Transportation  
17 Section 21–809(a)(4) and (d)  
18 Annotated Code of Maryland  
19 (2020 Replacement Volume and 2021 Supplement)

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

22 **Article – Transportation**

23 21–809.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) "Agency" means:

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

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

8 (4) (i) "Owner" means the registered owner of a motor vehicle or a  
9 lessee of a motor vehicle under a lease of 6 months or more.

10 (ii) "Owner" does not include:

11 1. A motor vehicle [rental or] leasing company; or

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

14 (8) "Speed monitoring system" means a device with one or more motor  
15 vehicle sensors producing recorded images of motor vehicles traveling at speeds at least 12  
16 miles per hour above the posted speed limit.

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

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

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

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

27 (iii) The violation charged;

28 (iv) The location where the violation occurred;

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

30 (vi) A copy of the recorded image;

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 duly authorized law enforcement officer  
3 employed by or under contract with an agency that, based on inspection of recorded images,  
4 the 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 by the Administration to register  
14 the motor vehicle; and

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

17 (2) (i) Except as provided in subparagraph (ii) of this paragraph AND  
18 **PARAGRAPH (3) OF THIS SUBSECTION**, an agency may mail a warning notice instead of  
19 a citation to the owner liable under subsection (c) of this subsection.

20 (ii) With regard to a speed monitoring system established on  
21 Interstate 83 in Baltimore City, an agency shall mail a warning notice instead of a citation  
22 for a violation recorded by the speed monitoring system during the first 90 days that the  
23 speed monitoring system is in operation.

24 (3) (I) **BEFORE MAILING A CITATION TO A MOTOR VEHICLE**  
25 **RENTAL COMPANY LIABLE UNDER SUBSECTION (C) OF THIS SECTION, THE AGENCY**  
26 **SHALL MAIL A NOTICE TO THE MOTOR VEHICLE RENTAL COMPANY STATING THAT A**  
27 **CITATION WILL BE MAILED TO THE MOTOR VEHICLE RENTAL COMPANY UNLESS,**  
28 **WITHIN 45 DAYS AFTER RECEIVING THE NOTICE, THE MOTOR VEHICLE RENTAL**  
29 **COMPANY PROVIDES THE LAW ENFORCEMENT AGENCY WITH:**

30 1. **A STATEMENT MADE UNDER OATH THAT STATES THE**  
31 **NAME AND LAST KNOWN MAILING ADDRESS OF THE INDIVIDUAL DRIVING OR**  
32 **RENTING THE MOTOR VEHICLE WHEN THE VIOLATION OCCURRED;**

33 2. **A. A STATEMENT MADE UNDER OATH THAT**  
34 **STATES THAT THE MOTOR VEHICLE RENTAL COMPANY IS UNABLE TO DETERMINE**

1 WHO WAS DRIVING THE VEHICLE AT THE TIME THE VIOLATION OCCURRED BECAUSE  
2 THE MOTOR VEHICLE WAS STOLEN AT THE TIME OF THE VIOLATION; AND

3 B. A COPY OF THE POLICE REPORT ASSOCIATED WITH  
4 THE MOTOR VEHICLE THEFT CLAIMED UNDER ITEM A OF THIS ITEM; OR

5 3. PAYMENT FOR THE PENALTY ASSOCIATED WITH THE  
6 VIOLATION.

7 (II) THE AGENCY MAY NOT MAIL A CITATION TO A MOTOR  
8 VEHICLE RENTAL COMPANY LIABLE UNDER SUBSECTION (C) OF THIS SECTION IF  
9 THE MOTOR VEHICLE RENTAL COMPANY COMPLIES WITH SUBPARAGRAPH (I) OF  
10 THIS PARAGRAPH.

11 (4) Except as provided in PARAGRAPH (3) OF THIS SUBSECTION AND  
12 subsection (f)(4) of this section, an agency may not mail a citation to a person who is not an  
13 owner.

14 [(4)] (5) Except as provided in PARAGRAPH (3) OF THIS SUBSECTION  
15 AND subsections [(b)(1)(ix)] (B)(1)(X) and (f)(4) of this section, a citation issued under this  
16 section shall be mailed no later than 2 weeks after the alleged violation if the vehicle is  
17 registered in this State, and 30 days after the alleged violation if the vehicle is registered  
18 in another state.

19 [(5)] (6) A person who receives a citation under paragraph (1) of this  
20 subsection may:

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

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2022.