

HOUSE BILL 282

R1

4lr1912

By: **Delegate Kerr**

Introduced and read first time: January 12, 2024

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 3, 2024

CHAPTER _____

1 AN ACT concerning

2 **Speed Monitoring Systems – Agencies – Statements and Certificates of**
3 **Violations**

4 FOR the purpose of providing that, for a municipal corporation that does not maintain a
5 police force, a technician employed by an agency may sign the statement alleging a
6 violation recorded by a speed monitoring system that must be included in a citation;
7 and generally relating to agencies and speed monitoring systems.

8 BY repealing and reenacting, without amendments,

9 Article – Transportation

10 Section 21–809(a)(1), (2), and (8), (b)(1)(i), and (c)(1)

11 Annotated Code of Maryland

12 (2020 Replacement Volume and 2023 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Transportation

15 Section 21–809(d)(1) and (e)

16 Annotated Code of Maryland

17 (2020 Replacement Volume and 2023 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Transportation**

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 21-809.

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

3 (2) "Agency" means:

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

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

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

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

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

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

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

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

26 (iii) The violation charged;

27 (iv) The location where the violation occurred;

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

29 (vi) A copy of the recorded image;

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

1 (viii) A signed statement by a duly authorized law enforcement officer
2 employed by or under contract with an agency **OR, FOR A MUNICIPAL CORPORATION**
3 **THAT DOES NOT MAINTAIN A POLICE FORCE, A TECHNICIAN EMPLOYED BY AN**
4 **AGENCY** that, based on inspection of recorded images, the motor vehicle was being operated
5 in violation of this subtitle;

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

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

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

- 13 1. Is an admission of liability;
- 14 2. May result in the refusal by the Administration to register
15 the motor vehicle; and
- 16 3. May result in the suspension of the motor vehicle
17 registration.

18 (e) (1) A certificate alleging that the violation of this subtitle occurred and the
19 requirements under subsection (b) of this section have been satisfied, sworn to, or affirmed
20 by a duly authorized law enforcement officer employed by or under contract with an agency
21 **OR, FOR A MUNICIPAL CORPORATION THAT DOES NOT MAINTAIN A POLICE FORCE, A**
22 **TECHNICIAN EMPLOYED BY AN AGENCY**, based on inspection of recorded images
23 produced by a speed monitoring system, shall be evidence of the facts contained in the
24 certificate and shall be admissible in a proceeding alleging a violation under this section
25 without the presence or testimony of the speed monitoring system operator who performed
26 the requirements under subsection (b) of this section.

27 (2) If a person who received a citation under subsection (d) of this section
28 desires the speed monitoring system operator to be present and testify at trial, the person
29 shall notify the court and the State in writing no later than 20 days before trial.

30 (3) Adjudication of liability shall be based on a preponderance of evidence.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2024.