

HOUSE BILL 929

R5

4r1887
CF SB 652

By: ~~Delegates Malone and McMillan~~, McMillan, Beidle, Cane, Fraser-Hidalgo, Frush, Healey, Holmes, Lafferty, McIntosh, Niemann, S. Robinson, Stein, Weir, and Wilson ~~Wilson, and Conaway~~

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Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted with floor amendments
Read second time: March 8, 2014

CHAPTER _____

1 AN ACT concerning

2 ~~Motor Vehicles—Speed Monitoring Systems—Local Jurisdictions~~

3 Speed Monitoring Systems Reform Act of 2014

4 FOR the purpose of altering the standards and requirements for the required warning
5 period for violations recorded by speed monitoring systems; establishing that
6 speed monitoring systems placed in certain areas may be placed only on
7 highways with a certain minimum speed limit; applying certain notice and
8 signage standards for unmanned local stationary speed monitoring systems to
9 all local speed monitoring systems; altering the standards for signage required
10 for local stationary speed monitoring systems; requiring certain local
11 jurisdictions to designate certain persons to act in a certain public liaison
12 capacity; altering the standards and requirements for daily self-tests and
13 annual calibrations for speed monitoring systems; requiring certain local
14 jurisdictions to designate a certain program administrator; requiring a contract
15 for a certain speed monitoring system to include certain provisions; establishing
16 certain training requirements; clarifying that a certificate alleging that a
17 certain speeding violation occurred is required to be sworn to or affirmed by a
18 certain law enforcement officer; expanding the application of the prohibition
19 against a speed monitoring system contractor's fee being contingent on the
20 number of citations issued or paid; requiring the Maryland Police Training
21 Commission to compile and make publicly available an annual report containing
22 certain information on each local speed monitoring system program; providing

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 that, except under certain circumstances, existing obligations, contracts, or
 2 contract rights may not be impaired by this Act; defining certain terms; and
 3 generally relating to speed monitoring systems operated by local jurisdictions.

4 BY repealing and reenacting, with amendments,
 5 Article – Transportation
 6 Section 21–809
 7 Annotated Code of Maryland
 8 (2012 Replacement Volume and 2013 Supplement)

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

11 **Article – Transportation**

12 21–809.

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

14 (2) “Agency” means:

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

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

21 (3) (I) **“ERRONEOUS VIOLATION” MEANS A POTENTIAL**
 22 **VIOLATION SUBMITTED BY A SPEED MONITORING SYSTEM CONTRACTOR FOR**
 23 **REVIEW BY AN AGENCY THAT IS:**

24 ~~1. CLEARLY NOT SUPPORTED BY THE AVAILABLE~~
 25 ~~EVIDENCE OR APPLICABLE LAW; OR~~

26 ~~2. APPARENTLY APPARENTLY INACCURATE BASED~~
 27 ~~ON A TECHNICAL VARIABLE FOR WHICH THE CONTRACTOR IS RESPONSIBLE~~
 28 ~~THAT IS UNDER THE CONTROL OF THE CONTRACTOR.~~

29 (II) **“ERRONEOUS VIOLATION” INCLUDES A POTENTIAL**
 30 **VIOLATION BASED ON:**

31 ~~1. A POTENTIAL VIOLATION BASED ON INACCURATE~~
 32 ~~RADAR IMAGING, INCLUDING THE PHENOMENON KNOWN AS THE “RADAR~~
 33 ~~EFFECT”; OR~~

1 ~~2. A POTENTIAL VIOLATION BASED ON A RECORDED~~
2 ~~IMAGE THAT IS GENERATED BY A SPEED MONITORING SYSTEM THAT IS AT AN~~
3 ~~IMPROPER DISTANCE OR ANGLE OR IN IMPROPER FOCUS~~ A RECORDED IMAGE
4 OF A REGISTRATION PLATE THAT DOES NOT MATCH THE REGISTRATION PLATE
5 ISSUED FOR THE MOTOR VEHICLE IN THE RECORDED IMAGE;

6 2. A RECORDED IMAGE THAT SHOWS A STOPPED
7 VEHICLE OR NO PROGRESSION;

8 3. AN INCORRECTLY MEASURED SPEED FOR A
9 MOTOR VEHICLE;

10 4. A MEASURED SPEED OF A MOTOR VEHICLE THAT
11 IS BELOW THE THRESHOLD SPEED THAT WOULD SUBJECT THE OWNER TO A
12 CIVIL CITATION UNDER THIS SECTION;

13 5. A RECORDED IMAGE THAT WAS TAKEN OUTSIDE
14 OF THE HOURS AND DAYS THAT SPEED MONITORING SYSTEMS ARE AUTHORIZED
15 FOR USE IN SCHOOL ZONES; AND

16 6. A RECORDED IMAGE THAT WAS TAKEN BY A
17 SPEED MONITORING SYSTEM WITH AN EXPIRED CALIBRATION CERTIFICATE.

18 ~~(III) “ERRONEOUS VIOLATION” DOES NOT INCLUDE A~~
19 ~~POTENTIAL VIOLATION THAT AN AGENCY IS UNABLE TO VALIDATE~~
20 ~~INDEPENDENTLY BUT THAT OTHERWISE COMPLIES WITH APPLICABLE LAWS~~
21 ~~AND CONTRACT PROVISIONS.~~

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

24 (ii) “Owner” does not include:

- 25 1. A motor vehicle rental or leasing company; or
- 26 2. A holder of a special registration plate issued under
27 Title 13, Subtitle 9, Part III of this article.

28 (5) “PROGRAM ADMINISTRATOR” MEANS AN EMPLOYEE OR A
29 REPRESENTATIVE OF THE LOCAL JURISDICTION DESIGNATED BY THE LOCAL
30 JURISDICTION TO OVERSEE A CONTRACT WITH A SPEED MONITORING SYSTEM
31 CONTRACTOR.

1 **[(4)] (6)** “Recorded image” means an image recorded by a speed
2 monitoring system:

3 (i) On:

- 4 1. A photograph;
- 5 2. A microphotograph;
- 6 3. An electronic image;
- 7 4. Videotape; or
- 8 5. Any other medium; and

9 (ii) Showing:

- 10 1. The rear of a motor vehicle;
- 11 2. At least two time-stamped images of the motor
12 vehicle that include the same stationary object near the motor vehicle; and
- 13 3. On at least one image or portion of tape, a clear and
14 legible identification of the entire registration plate number of the motor vehicle.

15 **(7) “SCHOOL ZONE” MEANS A DESIGNATED ROADWAY SEGMENT**
16 **WITHIN UP TO A HALF-MILE RADIUS OF A SCHOOL FOR ANY OF GRADES**
17 **KINDERGARTEN THROUGH GRADE 12 WHERE SCHOOL-RELATED ACTIVITY**
18 **OCCURS, INCLUDING:**

19 **(I) TRAVEL BY STUDENTS TO OR FROM SCHOOL ON FOOT**
20 **OR BY BICYCLE; OR**

21 **(II) THE DROPPING OFF OR PICKING UP OF STUDENTS BY**
22 **SCHOOL BUSES OR OTHER VEHICLES.**

23 **[(5)] (8)** “Speed monitoring system” means a device with one or more
24 motor vehicle sensors producing recorded images of motor vehicles traveling at speeds
25 at least 12 miles per hour above the posted speed limit.

26 **[(6)] (9)** “Speed monitoring system operator” means a representative
27 of an agency or contractor that operates a speed monitoring system.

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

1 (ii) Before a county may use a speed monitoring system on a
2 State highway at a location within a municipal corporation, the county shall:

3 1. Obtain the approval of the State Highway
4 Administration;

5 2. Notify the municipal corporation of the State
6 Highway Administration's approval of the use of a speed monitoring system at that
7 location; and

8 3. Grant the municipal corporation 60 days from the
9 date of the county's notice to the municipal corporation to enact an ordinance
10 authorizing the municipal corporation instead of the county to use a speed monitoring
11 system at that location.

12 (iii) 1. This subparagraph applies only in Prince George's
13 County.

14 2. In the county, a municipal corporation may
15 implement and use a speed monitoring system consistent with the requirements of
16 this subsection on a county highway at a location within its corporate limits if the
17 municipal corporation:

18 A. Submits to the county a plan describing the boundary
19 of the applicable school zone and the proposed location of the speed monitoring system;
20 and

21 B. Requests and receives permission from the county to
22 use the speed monitoring system at the proposed location.

23 3. If the county fails to respond to the request within 60
24 days, the municipal corporation may implement and use the speed monitoring system
25 as described in the plan submission.

26 4. The county may not:

27 A. Unreasonably deny a request under this
28 subparagraph; or

29 B. Place exactions, fees, or unreasonable restrictions on
30 the implementation and use of a speed monitoring system under this subparagraph.

31 5. The county shall state in writing the reasons for any
32 denial of a request under this subparagraph.

1 6. A municipal corporation may contest in the circuit
2 court a county denial of a request under this subparagraph.

3 (iv) In Prince George’s County, if a municipal corporation has
4 established a school zone that is within one–quarter mile of a school zone established
5 in another municipal corporation, the municipal corporation may not implement or use
6 a speed monitoring system in that school zone unless it has obtained the approval of
7 the other municipal corporation.

8 (v) An ordinance or resolution adopted by the governing body of
9 a local jurisdiction under this paragraph shall provide that [for a period of at least 30
10 days after the first speed monitoring system is placed in the local jurisdiction, a
11 violation recorded by any speed monitoring system in the local jurisdiction may be
12 enforced only by the issuance of a warning], **IF THE LOCAL JURISDICTION MOVES
13 OR PLACES A MOBILE OR STATIONARY SPEED MONITORING SYSTEM TO OR AT A
14 LOCATION WHERE A SPEED MONITORING SYSTEM HAD NOT PREVIOUSLY BEEN
15 MOVED OR PLACED, THE LOCAL JURISDICTION MAY NOT ISSUE A CITATION FOR
16 A VIOLATION RECORDED BY THAT SPEED MONITORING SYSTEM:**

17 1. **UNTIL SIGNAGE IS INSTALLED IN ACCORDANCE
18 WITH SUBPARAGRAPH (VII) OF THIS PARAGRAPH; AND**

19 2. **FOR AT LEAST THE FIRST 15 CALENDAR DAYS
20 AFTER THE SIGNAGE IS INSTALLED.**

21 (vi) This section applies to a violation of this subtitle recorded by
22 a speed monitoring system that meets the requirements of this subsection and has
23 been placed:

24 1. In Montgomery County, on a highway in a residential
25 district, as defined in § 21–101 of this title, with a maximum posted speed limit of 35
26 miles per hour, which speed limit was established using generally accepted traffic
27 engineering practices;

28 2. In a school zone [established under § 21–803.1 of this
29 subtitle] **WITH A POSTED SPEED LIMIT OF AT LEAST 20 MILES PER HOUR; or**

30 3. In Prince George’s County, on that part of a highway
31 located within the grounds of an institution of higher education as defined in §
32 10–101(h) of the Education Article, or within one–half mile of the grounds of a
33 building or property used by the institution of higher education where generally
34 accepted traffic and engineering practices indicate that motor vehicle, pedestrian, or
35 bicycle traffic is substantially generated or influenced by the institution of higher
36 education.

1 (vii) Before activating [an unmanned stationary] A speed
2 monitoring system, the local jurisdiction shall:

3 1. Publish notice of the location of the speed monitoring
4 system on its website and in a newspaper of general circulation in the jurisdiction;

5 2. Ensure that each sign that designates a school zone
6 [indicates] **IS PROXIMATE TO A SIGN THAT:**

7 **A. INDICATES** that speed monitoring systems are in use
8 in **THE** school [zones] **ZONE**; and

9 **B. IS IN ACCORDANCE WITH THE MANUAL FOR AND**
10 **THE SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES**
11 **ADOPTED BY THE STATE HIGHWAY ADMINISTRATION UNDER § 25-104 OF THIS**
12 **ARTICLE; AND**

13 3. With regard to a speed monitoring system established
14 based on proximity to an institution of higher education under paragraph (1)(vi)3 of
15 this subsection, ensure that all speed limit signs approaching and within the segment
16 of highway on which the speed monitoring system is located include signs that:

17 **A.** Are in accordance with the manual and specifications
18 for a uniform system of traffic control devices adopted by the State Highway
19 Administration under § 25-104 of this article; and

20 **B.** Indicate that a speed monitoring system is in use.

21 (viii) A speed monitoring system in a school zone may operate
22 only Monday through Friday between 6:00 a.m. and 8:00 p.m.

23 **(IX) 1. A LOCAL JURISDICTION THAT AUTHORIZES A**
24 **PROGRAM OF SPEED MONITORING SYSTEMS SHALL DESIGNATE AN OFFICIAL OR**
25 **EMPLOYEE TO INVESTIGATE AND RESPOND TO QUESTIONS OR CONCERNS**
26 **ABOUT THE LOCAL JURISDICTION'S SPEED MONITORING SYSTEM PROGRAM.**

27 **2. A. THE LOCAL DESIGNEE SHALL REVIEW A**
28 **CITATION GENERATED BY A SPEED MONITORING SYSTEM IF THE PERSON WHO**
29 **RECEIVED THE CITATION REQUESTS REVIEW BEFORE THE DEADLINE FOR**
30 **CONTESTING LIABILITY UNDER THIS SECTION.**

31 **B. IF THE LOCAL DESIGNEE DETERMINES THAT THE**
32 **CITATION IS AN ERRONEOUS VIOLATION, THE LOCAL DESIGNEE SHALL VOID**
33 **THE CITATION.**

1 **C. IF THE LOCAL DESIGNEE DETERMINES THAT A**
2 **PERSON DID NOT RECEIVE NOTICE OF A CITATION ISSUED UNDER THIS SECTION**
3 **DUE TO AN ADMINISTRATIVE ERROR, THE LOCAL DESIGNEE MAY RESEND THE**
4 **CITATION IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION OR VOID**
5 **THE CITATION.**

6 **D. A LOCAL DESIGNEE THAT TAKES ANY ACTION**
7 **DESCRIBED UNDER SUBSUBSUBPARAGRAPH C OF THIS SUBSUBPARAGRAPH**
8 **SHALL NOTIFY THE ADMINISTRATION OF THE ACTION FOR THE PURPOSE OF**
9 **RESCINDING ANY ADMINISTRATIVE PENALTIES IMPOSED UNDER SUBSECTION**
10 **(G) OF THIS SECTION.**

11 **E. A LOCAL DESIGNEE MAY NOT DETERMINE THAT A**
12 **CITATION IS AN ERRONEOUS VIOLATION BASED SOLELY ON THE DISMISSAL OF**
13 **THE CITATION BY A COURT.**

14 **3. A LOCAL DESIGNEE MAY NOT BE EMPLOYED BY A**
15 **SPEED MONITORING SYSTEM CONTRACTOR OR HAVE BEEN INVOLVED IN ANY**
16 **REVIEW OF A SPEED MONITORING SYSTEM CITATION, OTHER THAN REVIEW OF A**
17 **CITATION UNDER THIS SUBPARAGRAPH.**

18 **4. ON RECEIPT OF A WRITTEN QUESTION OR**
19 **CONCERN FROM A PERSON, THE LOCAL DESIGNEE SHALL PROVIDE A WRITTEN**
20 **ANSWER OR RESPONSE TO THE PERSON WITHIN A REASONABLE TIME.**

21 **5. A LOCAL JURISDICTION SHALL MAKE ANY**
22 **WRITTEN QUESTIONS OR CONCERNS RECEIVED UNDER THIS SUBPARAGRAPH**
23 **AND ANY SUBSEQUENT WRITTEN ANSWERS OR RESPONSES AVAILABLE FOR**
24 **PUBLIC INSPECTION.**

25 (2) (i) A speed monitoring system operator shall complete training
26 by a manufacturer of speed monitoring systems in the procedures for setting up and
27 operating the speed monitoring system.

28 (ii) The manufacturer shall issue a signed certificate to the
29 speed monitoring system operator on completion of the training.

30 (iii) The certificate of training shall be admitted as evidence in
31 any court proceeding for a violation of this section.

32 (3) A speed monitoring system operator shall fill out and sign a daily
33 set-up log for a speed monitoring system that:

1 (i) States that the speed monitoring system operator
2 successfully performed **OR REVIEWED AND EVALUATED** the manufacturer–specified
3 **DAILY** self–test of the speed monitoring system prior to producing a recorded image;

4 (ii) Shall be kept on file; and

5 (iii) Shall be admitted as evidence in any court proceeding for a
6 violation of this section.

7 (4) (i) A speed monitoring system shall undergo an annual
8 calibration check performed by an independent calibration laboratory **THAT IS:**

9 **1. SELECTED BY THE LOCAL JURISDICTION; AND**

10 **2. UNAFFILIATED WITH THE MANUFACTURER OF**
11 **THE SPEED MONITORING SYSTEM.**

12 (ii) The independent calibration laboratory shall issue a signed
13 certificate of calibration after the annual calibration check that:

14 1. Shall be kept on file; and

15 2. Shall be admitted as evidence in any court proceeding
16 for a violation of this section.

17 **(5) IF A LOCAL JURISDICTION AUTHORIZES A PROGRAM OF**
18 **SPEED MONITORING SYSTEMS UNDER THIS SECTION:**

19 **(I) THE LOCAL JURISDICTION SHALL DESIGNATE A**
20 **PROGRAM ADMINISTRATOR WHO MAY NOT BE AN EMPLOYEE OR**
21 **REPRESENTATIVE OF THE SPEED MONITORING SYSTEM CONTRACTOR; AND**

22 **(II) THE CONTRACT WITH THE SPEED MONITORING SYSTEM**
23 **CONTRACTOR SHALL INCLUDE THE FOLLOWING PROVISIONS:**

24 **1. FOR POTENTIAL VIOLATIONS SUBMITTED BY A**
25 **CONTRACTOR FOR REVIEW BY AN AGENCY, IF MORE THAN 5% OF THE**
26 **VIOLATIONS IN A CALENDAR YEAR ARE ERRONEOUS VIOLATIONS, THEN THE**
27 **CONTRACTOR SHALL BE SUBJECT TO LIQUIDATED DAMAGES FOR EACH**
28 **ERRONEOUS VIOLATION EQUAL TO AT LEAST 50% OF THE FINE AMOUNT FOR**
29 **THE ERRONEOUS VIOLATION, PLUS ANY REIMBURSEMENTS PAID BY THE LOCAL**
30 **JURISDICTION; AND**

31 **2. THE LOCAL JURISDICTION MAY CANCEL A**
32 **CONTRACT WITH A CONTRACTOR IF THE CONTRACTOR VIOLATES THE**

1 CONTRACT BY SUBMITTING ERRONEOUS VIOLATIONS TO THE AGENCY THAT
2 EXCEED A THRESHOLD SPECIFIED IN THE CONTRACT OR VIOLATES THE LAW IN
3 IMPLEMENTING THE CONTRACT.

4 (6) (I) THE MARYLAND POLICE TRAINING COMMISSION, IN
5 CONSULTATION WITH THE STATE HIGHWAY ADMINISTRATION AND OTHER
6 INTERESTED STAKEHOLDERS, SHALL DEVELOP A TRAINING PROGRAM
7 CONCERNING THE OVERSIGHT AND ADMINISTRATION OF A SPEED MONITORING
8 PROGRAM BY A LOCAL JURISDICTION, INCLUDING A CURRICULUM OF BEST
9 PRACTICES IN THE STATE.

10 (II) 1. A PROGRAM ADMINISTRATOR SHALL
11 PARTICIPATE IN THE TRAINING PROGRAM ESTABLISHED UNDER THIS
12 PARAGRAPH BEFORE A LOCAL JURISDICTION INITIALLY IMPLEMENTS A NEW
13 SPEED MONITORING PROGRAM AND SUBSEQUENTLY AT LEAST ONCE EVERY 2
14 YEARS.

15 2. A PROGRAM ADMINISTRATOR FOR A PROGRAM IN
16 EXISTENCE ON JUNE 1, 2014, SHALL INITIALLY PARTICIPATE IN THE TRAINING
17 PROGRAM ON OR BEFORE DECEMBER 31, 2014, AND SUBSEQUENTLY AT LEAST
18 ONCE EVERY 2 YEARS.

19 3. IF A LOCAL JURISDICTION DESIGNATES A NEW
20 PROGRAM ADMINISTRATOR, THE NEW PROGRAM ADMINISTRATOR SHALL
21 PARTICIPATE IN THE NEXT AVAILABLE TRAINING PROGRAM.

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

27 (2) A civil penalty under this subsection may not exceed \$40.

28 (3) For purposes of this section, the District Court shall prescribe:

29 (i) A uniform citation form consistent with subsection (d)(1) of
30 this section and § 7-302 of the Courts Article; and

31 (ii) A civil penalty, which shall be indicated on the citation, to be
32 paid by persons who choose to prepay the civil penalty without appearing in District
33 Court.

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

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

5 (ii) The registration number of the motor vehicle involved in the
6 violation;

7 (iii) The violation charged;

8 (iv) The location where the violation occurred;

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

10 (vi) A copy of the recorded image;

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

13 (viii) A signed statement by a duly authorized law enforcement
14 officer employed by or under contract with an agency that, based on inspection of
15 recorded images, the motor vehicle was being operated in violation of this subtitle;

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

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

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

24 1. Is an admission of liability;

25 2. May result in the refusal by the Administration to
26 register the motor vehicle; and

27 3. May result in the suspension of the motor vehicle
28 registration.

29 (2) An agency may mail a warning notice instead of a citation to the
30 owner liable under subsection (c) of this section.

1 (3) Except as provided in subsection (f)(4) of this section, an agency
2 may not mail a citation to a person who is not an owner.

3 (4) Except as provided in ~~subsection~~ **SUBSECTIONS (B)(1)(IX) AND**
4 (f)(4) of this section, a citation issued under this section shall be mailed no later than 2
5 weeks after the alleged violation if the vehicle is registered in this State, and 30 days
6 after the alleged violation if the vehicle is registered in another state.

7 (5) A person who receives a citation under paragraph (1) of this
8 subsection may:

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

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

13 (e) (1) A certificate alleging that the violation of this subtitle occurred and
14 the requirements under subsection (b) of this section have been satisfied, sworn to, or
15 affirmed by [an agent or employee of] **A DULY AUTHORIZED LAW ENFORCEMENT**
16 **OFFICER EMPLOYED BY OR UNDER CONTRACT WITH** an agency, based on
17 inspection of recorded images produced by a speed monitoring system, shall be
18 evidence of the facts contained in the certificate and shall be admissible in a
19 proceeding alleging a violation under this section without the presence or testimony of
20 the speed monitoring system operator who performed the requirements under
21 subsection (b) of this section.

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

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

28 (f) (1) The District Court may consider in defense of a violation:

29 (i) Subject to paragraph (2) of this subsection, that the motor
30 vehicle or the registration plates of the motor vehicle were stolen before the violation
31 occurred and were not under the control or possession of the owner at the time of the
32 violation;

33 (ii) Subject to paragraph (3) of this subsection, evidence that the
34 person named in the citation was not operating the vehicle at the time of the violation;
35 and

1 (iii) Any other issues and evidence that the District Court deems
2 pertinent.

3 (2) To demonstrate that the motor vehicle or the registration plates
4 were stolen before the violation occurred and were not under the control or possession
5 of the owner at the time of the violation, the owner shall submit proof that a police
6 report regarding the stolen motor vehicle or registration plates was filed in a timely
7 manner.

8 (3) To satisfy the evidentiary burden under paragraph (1)(ii) of this
9 subsection, the person named in the citation shall provide to the District Court a
10 letter, sworn to or affirmed by the person and mailed by certified mail, return receipt
11 requested, that:

12 (i) States that the person named in the citation was not
13 operating the vehicle at the time of the violation; and

14 (ii) Includes any other corroborating evidence.

15 (4) (i) If the District Court finds that the person named in the
16 citation was not operating the vehicle at the time of the violation or receives evidence
17 under paragraph (3) of this subsection identifying the person driving the vehicle at the
18 time of the violation, the clerk of the court shall provide to the agency issuing the
19 citation a copy of any evidence substantiating who was operating the vehicle at the
20 time of the violation.

21 (ii) On receipt of substantiating evidence from the District
22 Court under subparagraph (i) of this paragraph, an agency may issue a citation as
23 provided in subsection (d) of this section to the person who the evidence indicates was
24 operating the vehicle at the time of the violation.

25 (iii) A citation issued under subparagraph (ii) of this paragraph
26 shall be mailed no later than 2 weeks after receipt of the evidence from the District
27 Court.

28 (g) If a person liable under this section does not pay the civil penalty or
29 contest the violation, the Administration:

30 (1) May refuse to register or reregister the motor vehicle cited for the
31 violation; or

32 (2) May suspend the registration of the motor vehicle cited for the
33 violation.

34 (h) A violation for which a civil penalty is imposed under this section:

1 (1) Is not a moving violation for the purpose of assessing points under
2 § 16–402 of this article;

3 (2) May not be recorded by the Administration on the driving record of
4 the owner or driver of the vehicle;

5 (3) May be treated as a parking violation for purposes of § 26–305 of
6 this article; and

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

9 (i) In consultation with the appropriate local government agencies, the Chief
10 Judge of the District Court shall adopt procedures for the issuance of citations, the
11 trial of civil violations, and the collection of civil penalties under this section.

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

15 (2) If a contractor **IN ANY MANNER** operates a speed monitoring
16 system **OR ADMINISTERS OR PROCESSES CITATIONS GENERATED BY A SPEED**
17 **MONITORING SYSTEM** on behalf of a local jurisdiction, the contractor's fee may not be
18 contingent **ON A PER-TICKET BASIS** on the number of citations issued or paid.

19 **(K) (1) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE**
20 **MARYLAND POLICE TRAINING COMMISSION SHALL:**

21 **(I) COMPILE AND MAKE PUBLICLY AVAILABLE A REPORT**
22 **FOR THE PREVIOUS FISCAL YEAR ON EACH SPEED MONITORING SYSTEM**
23 **PROGRAM OPERATED BY A LOCAL JURISDICTION UNDER THIS SECTION; AND**

24 **(II) SUBMIT THE REPORT TO THE GOVERNOR AND, IN**
25 **ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE**
26 **GENERAL ASSEMBLY.**

27 **(2) THE REPORT SHALL INCLUDE:**

28 **(I) THE TOTAL NUMBER OF CITATIONS ISSUED;**

29 **(II) THE NUMBER OF CITATIONS ISSUED AND THE NUMBER**
30 **VOIDED AS ERRONEOUS VIOLATIONS FOR EACH CAMERA;**

31 **(III) THE GROSS REVENUE GENERATED BY THE PROGRAM;**

1 **(IV) THE EXPENDITURES INCURRED BY THE PROGRAM;**

2 **(V) THE NET REVENUE GENERATED BY THE PROGRAM;**

3 **(VI) THE TOTAL AMOUNT OF ANY PAYMENTS MADE TO A**
4 **CONTRACTOR UNDER THE PROGRAM;**

5 **(VII) A DESCRIPTION OF HOW THE NET REVENUE**
6 **GENERATED BY THE PROGRAM WAS USED;**

7 **(VIII) THE NUMBER OF EMPLOYEES OF THE LOCAL**
8 **JURISDICTION INVOLVED IN THE PROGRAM;**

9 **(IX) THE TYPE OF SPEED MONITORING SYSTEM USED BY THE**
10 **LOCAL JURISDICTION;**

11 **(X) THE LOCATIONS AT WHICH EACH SPEED MONITORING**
12 **SYSTEM WAS USED IN THE LOCAL JURISDICTION;**

13 **(XI) THE ACTIVATION START AND STOP DATES OF EACH**
14 **SPEED MONITORING SYSTEM FOR EACH LOCATION AT WHICH IT WAS USED; AND**

15 **(XII) THE NUMBER OF CITATIONS ISSUED BY EACH SPEED**
16 **MONITORING SYSTEM AT EACH LOCATION.**

17 **(3) EACH LOCAL JURISDICTION WITH A SPEED MONITORING**
18 **SYSTEM PROGRAM SHALL SUBMIT THE INFORMATION REQUIRED UNDER**
19 **PARAGRAPH (2) OF THIS SUBSECTION TO THE COMMISSION BY OCTOBER 31 OF**
20 **EACH YEAR AND ASSIST THE COMMISSION IN THE PREPARATION OF THE**
21 **ANNUAL REPORT.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That, except as provided in
23 Section 3 of this Act, a presently existing obligation, contract, or contract right may
24 not be impaired in any way by this Act and this Act does not abrogate any current
25 obligation, contract, or contract right in existence before the effective date of this Act.

26 SECTION 3. AND BE IT FURTHER ENACTED, That a local jurisdiction shall
27 alter without penalty an obligation, a contract, or a contract right existing on ~~January~~
28 ~~±~~ May 31, 2014, to comply with the provisions of this Act by June 1, 2017.

29 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 June 1, 2014.