

10 AN ACT CONCERNING:

20 **Transportation- Legality of Traffic Control Monitoring Systems**

30 FOR the purpose of protecting the rights of people; enforcing the right to face your accuser;
40 establishing privacy and protection for the people; questioning the legality of traffic control
50 monitoring devices.

60 BY repealing, and re-enacting with amendments
70 Article 21- Transportation
80 Section 202.1
90 Annotated Code of Maryland (1957 Volume)

100 SECTION 1. BE IT ENACTED BY THE MARYLAND STATE LEGISLATURE, That the laws
110 of Maryland read as follows ;

120 **Article-21**

130 § 202.1

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

150 (2) "Agency" means:

160 (i) For a traffic control signal operated and maintained at an intersection
170 under the control of the State, the law enforcement agency primarily responsible
180 for traffic control at that intersection

190 (ii) For a traffic control signal operated and maintained at an intersection
200 under the control of a political subdivision, a law enforcement agency of the
210 political subdivision that is authorized to issue citations for a violation of the
220 Maryland Vehicle Law or of local traffic laws or regulations.

230 (3) (i) "Owner" means the registered owner of a motor vehicle or a lessee of a
240 motor vehicle under a lease of 6 months or more.

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

280 (4) "Recorded images" means images recorded by a traffic control signal
290 monitoring system:

300 (i) On:

310 1. Two or more photographs;

320 2. Two or more microphotographs;

330 3. Two or more electronic images;

340 4. Videotape; or

350 5. Any other medium; and

360 (ii) Showing the rear of a motor vehicle and, on at least one image or
370 portion of tape, clearly identifying the registration plate number of the motor
380 vehicle.

390 (5) "Traffic control signal monitoring system" means a device with one or more
400 motor vehicle sensors working in conjunction with a traffic control signal to produce
410 recorded images of motor vehicles entering an intersection against a red signal indication.

420 (b) This section applies to a violation of § 21-202(h) of this subtitle at an intersection
430 monitored by a traffic control signal monitoring system.

440 (c) (1) Unless the driver of the motor vehicle received a citation from a police officer at
450 the time of the violation, the owner or, in accordance with subsection (f)(5) of this
460 section, the driver of a motor vehicle MAY ONLY BE SUBJECT TO A WARNING
470 WHEN the motor vehicle is recorded by a traffic control signal monitoring system while
480 being operated in violation of § 21-202(h) of this subtitle.

490 ~~(2) A civil penalty under this subsection may not exceed \$100.~~

500 (2) For purposes of this section, the District Court shall prescribe:

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

530 ~~(ii) A civil penalty, which shall be indicated on the citation, to be paid by~~
540 ~~persons who choose to prepay the civil penalty without appearing in District~~
550 ~~Court.~~

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

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

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

610 (iii) The violation charged;

620 (iv) The location of the intersection;

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

640 (vi) A copy of the recorded image;

650 (vii) The WARNING THAT A CIVIL PENALTY WAS COMMITTED;

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

690 (ix) A statement that recorded images are evidence of a violation of § 21-
700 202(h) of this subtitle; and

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

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

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

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

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

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

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

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

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

870 (e) (1) A certificate alleging that the violation of § 21-202(h) of this article occurred,
880 sworn to or affirmed by a duly authorized agent of the agency, based on inspection of
890 recorded images produced by a traffic control signal monitoring system shall be evidence
900 of the facts contained therein and shall be admissible in any proceeding alleging a
910 violation under this section.

920 (2) Adjudication of liability shall be based on a preponderance of evidence.

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

940 (i) That the driver of the vehicle passed through the intersection in
950 violation of § 21-202(h) of this subtitle:

960 1. In order to yield the right-of-way to an emergency vehicle; or

970 2. As part of a funeral procession in accordance with § 21-207 of
980 this subtitle;

990 (ii) Subject to paragraph (2) of this subsection, that the motor vehicle or
1000 registration plates of the motor vehicle were stolen before the violation occurred
1010 and were not under the control or possession of the owner at the time of the
1020 violation;

1030 (iii) That under § 21-201 of this subtitle, this section is unenforceable
1040 against the owner because at the time and place of the alleged violation, the
1050 traffic control signal was not in proper position and legible enough to be seen by
1060 an ordinarily observant individual;

1070 (iv) Subject to paragraph (3) of this subsection, evidence that the person
1080 named in the citation was not operating the vehicle at the time of the violation;
1090 and

1100 (v) Any other issues and evidence that the District Court deems pertinent.

1110 (2) In order to demonstrate that the motor vehicle or the registration plates were
1120 stolen before the violation occurred and were not under the control or possession of the
1130 owner at the time of the violation, the owner must submit proof that a police report about
1140 the stolen motor vehicle or registration plates was filed in a timely manner.

1150 (3) To satisfy the evidentiary burden under paragraph (1)(iv) of this subsection, the
1160 person named in the citation shall provide to the District Court evidence to the
1170 satisfaction of the court of who was operating the vehicle at the time of the violation,
1180 including, at a minimum, the operator's name and current address.

1190 (4) (i) The provisions of this paragraph apply only to a citation that involves a
1200 Class E (truck) vehicle with a registered gross weight of 26,001 pounds or more,
1210 Class F (tractor) vehicle, Class G (trailer) vehicle operated in combination with
1220 a Class F (tractor) vehicle, and Class P (passenger bus) vehicle.

1230 (ii) To satisfy the evidentiary burden under paragraph (1)(iv) of this
1240 subsection, the person named in a citation described under subparagraph (i) of
1250 this paragraph may provide to the District Court a letter, sworn to or affirmed by
1260 the person and mailed by certified mail, return receipt requested, that:

1270 1. States that the person named in the citation was not operating
1280 the vehicle at the time of the violation; and

1290 2. Provides the name, address, and driver's license identification
1300 number of the person who was operating the vehicle at the time of the
1310 violation.

1320 (5) (i) If the District Court finds that the person named in the citation was not
1330 operating the vehicle at the time of the violation or receives evidence under
1340 paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at
1350 the time of the violation, the clerk of the court shall provide to the agency
1360 issuing the citation a copy of any evidence substantiating who was operating the
1370 vehicle at the time of the violation.

1380 (ii) Upon the receipt of substantiating evidence from the District Court
1390 under subparagraph (i) of this paragraph, an agency may issue a citation as
1400 provided in subsection (d) of this section to the person that the evidence
1410 indicates was operating the vehicle at the time of the violation.

1420 (iii) A citation issued under subparagraph (ii) of this paragraph shall be
1430 mailed no later than 2 weeks after receipt of the evidence from the District
1440 Court.

1450 ~~(g) If the civil penalty is not paid and the violation is not contested, the Administration may~~
1460 ~~refuse to register or reregister or may suspend the registration of the motor vehicle.~~

1470 ~~(h) A violation for which a civil penalty is imposed under this section:~~

1480 ~~(1) Is not a moving violation for the purpose of assessing points under § 16-402 of~~
1490 ~~this article and may not be recorded by the Administration on the driving record of the~~
1500 ~~owner or driver of the vehicle;~~

1510 ~~(2) May be treated as a parking violation for purposes of § 26-305 of this article;~~
1520 ~~and~~

1530 ~~(3) — May not be considered in the provision of motor vehicle insurance coverage.~~

1540 ~~(i) — In consultation with local governments, the chief judge of the District~~
1550 ~~Court shall adopt procedures for the issuance of citations, the trial of civil~~
1560 ~~violations, and the collection of civil penalties under this section.~~

1570 MANDATES: Governor Parris N. Glendening
1580 Lt. Governor Kathleen Kennedy Townsend
1590 Department of Transportation
1600 Speaker of the House of Delegates Casper R Taylor
1610 President of the Senate Thomas V. Miller

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