

HOUSE BILL 758

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CF 5lr2023

By: **Delegates Guyton, Allen, Forbes, Kaufman, and Nawrocki**

Introduced and read first time: January 27, 2025

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Speed Monitoring Systems – Stolen Vehicles or Registration**
3 **Plates**

4 FOR the purpose of requiring a local designee under a local automated speed enforcement
5 program to void a civil citation issued under the program if the local designee
6 determines that the motor vehicle subject to the citation or its registration plates
7 were stolen at the time the alleged violation occurred; prohibiting a local automated
8 speed enforcement program from issuing or mailing a citation until the program
9 confirms that the motor vehicle involved in the alleged violation or its registration
10 plates were not reported as stolen; requiring a certain submission to the District
11 Court as a defense against a citation issued under a local automated speed
12 enforcement program to show exculpatory evidence; and generally relating to stolen
13 motor vehicles or registration plates recorded by local automated speed enforcement
14 programs.

15 BY repealing and reenacting, without amendments,
16 Article – Transportation
17 Section 21–809(a)(1) and (8), (b)(1)(i), (c)(1), and (f)(1)(i)
18 Annotated Code of Maryland
19 (2020 Replacement Volume and 2024 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Transportation
22 Section 21–809(b)(1)(x), (d), and (f)(2)
23 Annotated Code of Maryland
24 (2020 Replacement Volume and 2024 Supplement)

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

27 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



21-809.

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

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

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

(x) 1. A local jurisdiction that authorizes a program of speed monitoring systems shall designate an official or employee to investigate and respond to questions or concerns about the local jurisdiction's speed monitoring system program.

2. A. The local designee shall review a citation generated by a speed monitoring system if the person who received the citation requests review before the deadline for contesting liability under this section.

B. [If the local designee determines that the citation is an erroneous violation, the] **THE** local designee shall void the citation **IF THE LOCAL DESIGNEE DETERMINES THAT:**

I. THE CITATION INVOLVES AN ERRONEOUS VIOLATION;
OR

II. THE MOTOR VEHICLE SUBJECT TO THE CITATION OR ITS REGISTRATION PLATES WERE STOLEN AND THE MOTOR VEHICLE OR REGISTRATION PLATES WERE NOT IN THE CONTROL OR POSSESSION OF THE PERSON WHO RECEIVED THE CITATION AT THE TIME THE ALLEGED VIOLATION OCCURRED.

C. If the local designee determines that a person did not receive notice of a citation issued under this section due to an administrative error, the local designee may resend the citation in accordance with subsection (d) of this section or void the citation.

D. A local designee that takes any action described under subsubsubparagraph C of this subsubparagraph shall notify the Administration of the action for the purpose of rescinding any administrative penalties imposed under subsection (g) of this section.

E. A local designee may not determine that a citation is an erroneous violation based solely on the dismissal of the citation by a court.

1 3. A local designee may not be employed by a speed
2 monitoring system contractor or have been involved in any review of a speed monitoring
3 system citation, other than review of a citation under this subparagraph.

4 4. On receipt of a written question or concern from a person,
5 the local designee shall provide a written answer or response to the person within a
6 reasonable time.

7 5. A local jurisdiction shall make any written questions or
8 concerns received under this subparagraph and any subsequent written answers or
9 responses available for public inspection.

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

14 (d) (1) Subject to [the provisions of] paragraphs (2) through [(4)] **(5) AND (7)**
15 of this subsection, an agency shall mail to an owner liable under subsection (c) of this
16 section a citation that shall include:

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

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

20 (iii) The violation charged;

21 (iv) The location where the violation occurred;

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

23 (vi) A copy of the recorded image;

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

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

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

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

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

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

(2) (i) Except as provided in subparagraph (ii) of this paragraph, an agency may mail a warning notice instead of a citation to the owner liable under subsection (c) of this section.

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

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

(4) Except as provided in subsections (b)(1)(x) and (f)(4) of this section, a citation issued under this section shall be mailed no later than 2 weeks after the alleged violation if the vehicle is registered in this State, and 30 days after the alleged violation if the vehicle is registered in another state.

(5) AN AGENCY MAY NOT ISSUE OR MAIL A CITATION UNTIL THE AGENCY CONFIRMS THAT THE MOTOR VEHICLE INVOLVED IN THE ALLEGED VIOLATION OR ITS REGISTRATION PLATES WERE NOT REPORTED AS STOLEN.

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

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

(ii) **REQUEST REVIEW BY A LOCAL DESIGNEE UNDER SUBSECTION (B)(1)(X) OF THIS SECTION; OR**

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

[(6)] (7) To mail the citation or warning notice, an agency shall use:

1 (i) The current mailing address on file with the Administration; or

2 (ii) If a mailing address is unavailable, the current residential
3 address on file with the Administration.

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

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

8 (2) To demonstrate that the motor vehicle or the registration plates were
9 stolen before the violation occurred and were not under the control or possession of the
10 owner at the time of the violation, the owner shall submit proof that a police report
11 regarding the stolen motor vehicle or registration plates **SHOWING EXCULPATORY**
12 **EVIDENCE** was filed in a timely manner.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2025.