

SENATE BILL 1067

R5

4lr2647
CF HB 1502

By: **Senators West, Brooks, Sydnor, M. Washington, Klausmeier, Salling, and Hettleman**

Introduced and read first time: February 2, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2024

CHAPTER _____

1 AN ACT concerning

2 **Baltimore County – Speed Monitoring Systems – Interstate 695**

3 FOR the purpose of authorizing the ~~placement~~ State Highway Administration to place and
4 use ~~of~~ a certain number of speed monitoring systems on Interstate 695 in Baltimore
5 County subject to certain requirements; requiring that fines collected ~~by~~ in Baltimore
6 County as a result of violations enforced by speed monitoring systems on Interstate
7 695 be used to assist in covering the cost of roadway and safety improvements on
8 Interstate 695 in Baltimore County; requiring ~~an agency~~ the Department of State
9 Police to mail a warning notice instead of a citation for a violation recorded by a
10 speed monitoring system on Interstate 695 in Baltimore County during a certain
11 time period; and generally relating to speed monitoring systems on Interstate 695 in
12 Baltimore County.

13 BY repealing and reenacting, with amendments,
14 Article – Courts and Judicial Proceedings
15 Section ~~7–302(e)(4)~~ 7–302(e)(3) and 10–311(b)
16 Annotated Code of Maryland
17 (2020 Replacement Volume and 2023 Supplement)

18 ~~BY repealing and reenacting, without amendments,~~
19 ~~Article – Transportation~~
20 ~~Section 21–809(a)(1) and (8), (b)(1)(i), and (c)~~
21 ~~Annotated Code of Maryland~~
22 ~~(2020 Replacement Volume and 2023 Supplement)~~

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.



~~BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–809(b)(1)(vi) through (viii) and (d)(2)
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)~~

BY adding to
Article – Transportation
Section 21–811
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

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

Article – Courts and Judicial Proceedings

7–302.

~~(e) (4) (i) Except as provided in paragraph (5) of this subsection, from the
fines collected by a political subdivision as a result of violations enforced by speed
monitoring systems, school bus monitoring cameras, or bus lane monitoring systems, a
political subdivision:~~

~~1. May recover the costs of implementing and administering
the speed monitoring systems, school bus monitoring cameras, or bus lane monitoring
systems; and~~

~~2. Subject to subparagraphs (ii), (iii), [and] (iv), (v), (vi),
AND (vii) of this paragraph, may spend any remaining balance solely for public safety
purposes, including pedestrian safety programs.~~

~~(ii) 1. For any fiscal year, if the balance remaining from the fines
collected by a political subdivision as a result of violations enforced by speed monitoring
systems, after the costs of implementing and administering the systems are recovered in
accordance with subparagraph (i)1 of this paragraph, is greater than 10% of the total
revenues of the political subdivision for the fiscal year, the political subdivision shall remit
any funds that exceed 10% of the total revenues to the Comptroller.~~

~~2. The Comptroller shall deposit any money remitted under
this subparagraph to the General Fund of the State.~~

~~(iii) The fines collected by Prince George's County as a result of
violations enforced by speed monitoring systems on Maryland Route 210 shall be remitted
to the Comptroller for distribution to the State Highway Administration to be used solely
to assist in covering the costs of:~~

~~1. Examining the engineering, infrastructure, and other relevant factors that may contribute to safety issues on Maryland Route 210 in Prince George's County;~~

~~2. Reporting its findings and recommendations on any solutions to these safety issues; and~~

~~3. Implementing any solutions to these safety issues.~~

~~(iv) 1. From the fines collected by Baltimore City as a result of violations enforced by speed monitoring systems on Interstate 83, any balance remaining after the allocation of fines under subparagraph (i)1 of this paragraph shall be remitted to the Comptroller for distribution to the Baltimore City Department of Transportation to be used solely to assist in covering the cost of roadway improvements on Interstate 83 in Baltimore City.~~

~~2. Fines remitted to the Baltimore City Department of Transportation under subparagraph 1 of this subparagraph are supplemental to and are not intended to take the place of funding that would otherwise be appropriated for uses described under subparagraph 1 of this subparagraph.~~

~~(v) From the fines collected by Anne Arundel County as a result of violations enforced by speed monitoring systems on Maryland Route 175 (Jessup Road) between the Maryland Route 175/295 interchange and the Anne Arundel County Howard County line, any balance remaining after the allocation of fines under subparagraph (i)1 of this paragraph shall be remitted to the Comptroller for distribution to the State Highway Administration to be used solely to assist in covering the cost of speed reduction measures and roadway and pedestrian safety improvements on Maryland Route 175 (Jessup Road) between the Maryland Route 175/295 interchange and the Anne Arundel County Howard County line.~~

~~(vi) From the fines collected by the Town of Oxford as a result of violations enforced by speed monitoring systems at the intersection of Maryland Route 333 (Oxford Road) and Bonfield Avenue in Talbot County, any balance remaining after the allocation of fines under subparagraph (i)1 of this paragraph shall be remitted to the Comptroller for distribution to the State Highway Administration to be used solely to assist in covering the cost of roadway and pedestrian safety improvements in and around the intersection of Maryland Route 333 (Oxford Road) and Bonfield Avenue.~~

(e) (3) (I) [Civil] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, CIVIL penalties resulting from citations issued using a vehicle height monitoring system, traffic control signal monitoring system, speed monitoring system, work zone speed control system, school bus monitoring camera, or bus lane monitoring system that are collected by the District Court shall be collected in accordance with subsection (a) of this section and distributed in accordance with § 12-118 of the Transportation Article.

~~(vii) (ii) 1. FROM THE THE FINES COLLECTED BY BALTIMORE COUNTY THE DISTRICT COURT AS A RESULT OF VIOLATIONS ENFORCED BY SPEED MONITORING SYSTEMS ON INTERSTATE 695, ANY BALANCE REMAINING AFTER THE ALLOCATION OF FINES UNDER SUBPARAGRAPH (i)1 OF THIS PARAGRAPH IN BALTIMORE COUNTY SHALL BE REMITTED TO THE COMPTROLLER FOR DISTRIBUTION TO THE STATE HIGHWAY ADMINISTRATION TO BE USED SOLELY TO ASSIST IN COVERING THE COST OF ROADWAY AND SAFETY IMPROVEMENTS ON INTERSTATE 695 IN BALTIMORE COUNTY.~~

2. FINES REMITTED TO THE STATE HIGHWAY ADMINISTRATION UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH ARE SUPPLEMENTAL TO AND ARE NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE APPROPRIATED FOR USES DESCRIBED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH.

10-311.

(b) A recorded image of a motor vehicle produced by a speed monitoring system in accordance with § 21-809 [or], § 21-810, OR § 21-811 of the Transportation Article is admissible in a proceeding concerning a civil citation issued under that section for a violation of Title 21, Subtitle 8 of the Transportation Article without authentication.

Article – Transportation

~~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.~~

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

~~1. In Anne Arundel County, Montgomery County, or Prince George’s County, on a highway in a residential district, as defined in § 21-101 of this title, with a maximum posted speed limit of 35 miles per hour, which speed limit was established using generally accepted traffic engineering practices;~~

~~2. In a school zone with a posted speed limit of at least 20 miles per hour;~~

~~3. In Prince George's County;~~

~~A. Subject to subparagraph (vii)1 of this paragraph, on Maryland Route 210 (Indian Head Highway); or~~

~~B. On that part of a highway located within the grounds of an institution of higher education as defined in § 10-101(h) of the Education Article, or within one-half mile of the grounds of a building or property used by the institution of higher education where generally accepted traffic and engineering practices indicate that motor vehicle, pedestrian, or bicycle traffic is substantially generated or influenced by the institution of higher education;~~

~~4. Subject to subparagraph (vii)2 of this paragraph, on Interstate 83 in Baltimore City;~~

~~5. In Anne Arundel County, on Maryland Route 175 (Jessup Road) between the Maryland Route 175/295 interchange and the Anne Arundel County-Howard County line; [or]~~

~~6. Subject to subparagraph (vii)3 of this paragraph, at the intersection of Maryland Route 333 (Oxford Road) and Bonfield Avenue in Talbot County; OR~~

~~7. SUBJECT TO SUBPARAGRAPH (VII)4 OF THIS PARAGRAPH, ON INTERSTATE 695 IN BALTIMORE COUNTY.~~

~~(vii) 1. Not more than six mobile or stationary speed monitoring systems may be placed on Maryland Route 210 (Indian Head Highway).~~

~~2. Not more than two speed monitoring systems may be placed on Interstate 83 in Baltimore City.~~

~~3. Not more than one speed monitoring system may be placed at the intersection of Maryland Route 333 (Oxford Road) and Bonfield Avenue in Talbot County.~~

~~4. A. NOT MORE THAN 16 SPEED MONITORING SYSTEMS MAY BE PLACED ON INTERSTATE 695 IN BALTIMORE COUNTY.~~

~~B. NOT MORE THAN FOUR SPEED MONITORING SYSTEMS MAY BE OPERATED ON INTERSTATE 695 IN BALTIMORE COUNTY AT ANY GIVEN TIME.~~

~~(viii) Before activating a speed monitoring system, the local jurisdiction shall:~~

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

~~2. Ensure that each sign that designates a school zone is proximate to a sign that:~~

~~A. Indicates that speed monitoring systems are in use in the school zone; and~~

~~B. Is in accordance with the manual for and the specifications for a uniform system of traffic control devices adopted by the State Highway Administration under § 25-104 of this article;~~

~~3. With regard to a speed monitoring system established on Maryland Route 210 (Indian Head Highway) in Prince George's County, based on proximity to an institution of higher education under subparagraph (vi)3 of this paragraph, on Interstate 83 in Baltimore City, in Anne Arundel County on Maryland Route 175 (Jessup Road) between the Maryland Route 175/295 interchange and the Anne Arundel County Howard County line, [or] at the intersection of Maryland Route 333 (Oxford Road) and Bonfield Avenue in Talbot County, OR ON INTERSTATE 695 IN BALTIMORE COUNTY, ensure that all speed limit signs approaching and within the segment of highway on which the speed monitoring system is located include signs that:~~

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

~~B. Indicate that a speed monitoring system is in use; and~~

~~4. With regard to a speed monitoring system placed on Maryland Route 210 (Indian Head Highway) in Prince George's County, Interstate 83 in Baltimore City, in Anne Arundel County on Maryland Route 175 (Jessup Road) between the Maryland Route 175/295 interchange and the Anne Arundel County Howard County line, [or] at the intersection of Maryland Route 333 (Oxford Road) and Bonfield Avenue in Talbot County, OR ON INTERSTATE 695 IN BALTIMORE COUNTY, ensure that each sign that indicates that a speed monitoring system is in use is proximate to a device that displays a real-time posting of the speed at which a driver is traveling.~~

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

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

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

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

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

~~(d) (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 OR INTERSTATE 695 IN BALTIMORE COUNTY, 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.~~

21-811.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) "OWNER" MEANS THE REGISTERED OWNER OF A MOTOR VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR LONGER.

(II) "OWNER" DOES NOT INCLUDE:

1. A MOTOR VEHICLE RENTAL OR LEASING COMPANY;
OR

2. A HOLDER OF A SPECIAL REGISTRATION PLATE ISSUED UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.

(3) "RECORDED IMAGE" MEANS AN IMAGE RECORDED BY A SPEED MONITORING SYSTEM:

(I) ON:

1. A PHOTOGRAPH;

2. A MICROPHOTOGRAPH;

1 3. AN ELECTRONIC IMAGE;

2 4. VIDEOTAPE; OR

3 5. ANY OTHER MEDIUM; AND

4 (II) SHOWING:

5 1. THE REAR OF A MOTOR VEHICLE;

6 2. AT LEAST TWO TIME-STAMPED IMAGES OF THE
7 MOTOR VEHICLE THAT INCLUDE THE SAME STATIONARY OBJECT NEAR THE MOTOR
8 VEHICLE; AND

9 3. ON AT LEAST ONE IMAGE OR PORTION OF TAPE, A
10 CLEAR AND LEGIBLE IDENTIFICATION OF THE ENTIRE REGISTRATION PLATE
11 NUMBER OF THE MOTOR VEHICLE.

12 (4) “SPEED MONITORING SYSTEM” MEANS A DEVICE HAVING ONE OR
13 MORE MOTOR VEHICLE SENSORS CONNECTED TO A CAMERA SYSTEM CAPABLE OF
14 PRODUCING RECORDED IMAGES OF MOTOR VEHICLES TRAVELING AT SPEEDS AT
15 LEAST 12 MILES PER HOUR ABOVE THE POSTED SPEED LIMIT.

16 (5) “SPEED MONITORING SYSTEM OPERATOR” MEANS AN INDIVIDUAL
17 WHO HAS BEEN TRAINED AND CERTIFIED TO OPERATE A SPEED MONITORING
18 SYSTEM AND WHO IS:

19 (I) A POLICE OFFICER OF THE DEPARTMENT OF STATE
20 POLICE;

21 (II) A REPRESENTATIVE OF THE DEPARTMENT OF STATE
22 POLICE; OR

23 (III) A STATE HIGHWAY ADMINISTRATION CONTRACTOR.

24 (B) (1) THE STATE HIGHWAY ADMINISTRATION MAY PLACE SPEED
25 MONITORING SYSTEMS THAT MEET THE REQUIREMENTS OF THIS SECTION TO
26 RECORD THE IMAGES OF MOTOR VEHICLES TRAVELING ON INTERSTATE 695 IN
27 BALTIMORE COUNTY.

28 (2) (I) NOT MORE THAN 16 SPEED MONITORING SYSTEMS MAY BE
29 PLACED ON A HIGHWAY SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.

1 (II) NOT MORE THAN FOUR SPEED MONITORING SYSTEMS MAY
2 BE OPERATED ON A HIGHWAY SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION
3 AT ANY GIVEN TIME.

4 (3) A SPEED MONITORING SYSTEM SPECIFIED IN PARAGRAPH (1) OF
5 THIS SUBSECTION MAY BE USED ONLY:

6 (I) WHEN BEING OPERATED BY A SPEED MONITORING SYSTEM
7 OPERATOR; AND

8 (II) 1. IF ALL SPEED LIMIT SIGNS APPROACHING AND
9 WITHIN THE SEGMENT OF HIGHWAY ON WHICH THE SPEED MONITORING SYSTEM IS
10 LOCATED INCLUDE SIGNS THAT:

11 A. ARE IN ACCORDANCE WITH THE MARYLAND MANUAL
12 ON UNIFORM TRAFFIC CONTROL DEVICES; AND

13 B. INDICATE THAT A SPEED MONITORING SYSTEM IS IN
14 USE; AND

15 2. IF THE STATE HIGHWAY ADMINISTRATION ENSURES
16 THAT EACH SIGN THAT INDICATES THAT A SPEED MONITORING SYSTEM IS IN USE IS
17 PROXIMATE TO A DEVICE THAT DISPLAYS A REAL-TIME POSTING OF THE SPEED AT
18 WHICH A DRIVER IS TRAVELING.

19 (4) A SPEED MONITORING SYSTEM MAY BE USED ONLY TO RECORD
20 THE IMAGES OF VEHICLES THAT ARE TRAVELING AT SPEEDS AT LEAST 12 MILES PER
21 HOUR ABOVE THE POSTED WORK ZONE SPEED LIMIT.

22 (5) (I) A SPEED MONITORING SYSTEM OPERATOR SHALL
23 COMPLETE TRAINING BY THE MANUFACTURER OF THE SPEED MONITORING SYSTEM
24 IN THE PROCEDURES FOR SETTING UP, TESTING, AND OPERATING THE SPEED
25 MONITORING SYSTEM.

26 (II) ON COMPLETION OF THE TRAINING, THE MANUFACTURER
27 SHALL ISSUE A SIGNED CERTIFICATE TO THE SPEED MONITORING SYSTEM
28 OPERATOR.

29 (III) THE CERTIFICATE OF TRAINING SHALL BE ADMITTED AS
30 EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION OF THIS SECTION.

31 (6) A SPEED MONITORING SYSTEM OPERATOR SHALL FILL OUT AND
32 SIGN A DAILY SET-UP LOG FOR A SPEED MONITORING SYSTEM THAT:

1 (I) STATES THE DATE AND TIME WHEN AND THE LOCATION
2 WHERE THE SYSTEM WAS SET UP;

3 (II) STATES THAT THE SPEED MONITORING SYSTEM OPERATOR
4 SUCCESSFULLY PERFORMED, AND THE DEVICE PASSED, THE
5 MANUFACTURER-SPECIFIED SELF-TESTS OF THE SPEED MONITORING SYSTEM
6 BEFORE PRODUCING A RECORDED IMAGE;

7 (III) SHALL BE KEPT ON FILE; AND

8 (IV) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT
9 PROCEEDING FOR A VIOLATION OF THIS SECTION.

10 (7) (I) A SPEED MONITORING SYSTEM SHALL UNDERGO AN
11 ANNUAL CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION
12 LABORATORY.

13 (II) THE INDEPENDENT CALIBRATION LABORATORY SHALL
14 ISSUE A SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL CALIBRATION
15 CHECK THAT:

16 1. SHALL BE KEPT ON FILE; AND

17 2. SHALL BE ADMITTED AS EVIDENCE IN ANY COURT
18 PROCEEDING FOR A VIOLATION OF THIS SECTION.

19 (8) THE PROCUREMENT OF A SPEED MONITORING SYSTEM UNDER
20 THIS SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH TITLE 13, SUBTITLE 1
21 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

22 (C) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A
23 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER
24 OR, IN ACCORDANCE WITH SUBSECTION (F)(4) OF THIS SECTION, THE DRIVER OF A
25 MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF AN IMAGE OF THE MOTOR
26 VEHICLE IS RECORDED BY A SPEED MONITORING SYSTEM IN ACCORDANCE WITH
27 SUBSECTION (B) OF THIS SECTION WHILE BEING OPERATED IN VIOLATION OF THIS
28 SUBTITLE.

29 (2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED \$40.

30 (3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT SHALL:

31 (I) PRESCRIBE A UNIFORM CITATION FORM CONSISTENT WITH
32 SUBSECTION (D)(1) OF THIS SECTION AND § 7-302 OF THE COURTS ARTICLE; AND

1 (II) INDICATE ON THE CITATION THE AMOUNT OF THE CIVIL
2 PENALTY TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL PENALTY
3 WITHOUT APPEARING IN DISTRICT COURT.

4 (D) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (4)
5 OF THIS SUBSECTION, THE DEPARTMENT OF STATE POLICE OR A CONTRACTOR OF
6 THE DEPARTMENT OF STATE POLICE SHALL MAIL TO THE OWNER LIABLE UNDER
7 SUBSECTION (C) OF THIS SECTION A CITATION THAT SHALL INCLUDE:

8 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF
9 THE VEHICLE;

10 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE
11 INVOLVED IN THE VIOLATION;

12 (III) THE VIOLATION CHARGED;

13 (IV) THE LOCATION WHERE THE VIOLATION OCCURRED;

14 (V) THE DATE AND TIME OF THE VIOLATION;

15 (VI) AT LEAST ONE RECORDED IMAGE OF THE VEHICLE WITH A
16 DATA BAR IMPRINTED ON EACH IMAGE THAT INCLUDES THE SPEED OF THE VEHICLE
17 AND THE DATE AND TIME THE IMAGE WAS RECORDED;

18 (VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE
19 DATE BY WHICH THE CIVIL PENALTY SHOULD BE PAID;

20 (VIII) A SIGNED STATEMENT BY A POLICE OFFICER EMPLOYED BY
21 THE DEPARTMENT OF STATE POLICE OR A CONTRACTOR OF THE DEPARTMENT OF
22 STATE POLICE THAT, BASED ON INSPECTION OF RECORDED IMAGES, THE MOTOR
23 VEHICLE WAS BEING OPERATED IN VIOLATION OF THIS SUBTITLE;

24 (IX) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE OF
25 A VIOLATION OF THIS SUBTITLE;

26 (X) INFORMATION ADVISING THE PERSON ALLEGED TO BE
27 LIABLE UNDER THIS SECTION OF THE MANNER AND TIME IN WHICH LIABILITY AS
28 ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND

29 (XI) INFORMATION ADVISING THE PERSON ALLEGED TO BE
30 LIABLE UNDER THIS SECTION THAT FAILURE TO PAY THE CIVIL PENALTY OR TO
31 CONTEST LIABILITY IN A TIMELY MANNER;

1 1. IS AN ADMISSION OF LIABILITY;

2 2. MAY RESULT IN THE REFUSAL TO REGISTER THE
3 MOTOR VEHICLE; AND

4 3. MAY RESULT IN THE SUSPENSION OF THE MOTOR
5 VEHICLE REGISTRATION.

6 (2) THE DEPARTMENT OF STATE POLICE SHALL MAIL A WARNING
7 NOTICE INSTEAD OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION (C) OF
8 THIS SECTION DURING THE FIRST 90 DAYS THAT THE SPEED MONITORING SYSTEM
9 IS IN OPERATION.

10 (3) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS SECTION,
11 THE DEPARTMENT OF STATE POLICE MAY NOT MAIL A CITATION TO A PERSON WHO
12 IS NOT AN OWNER.

13 (4) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS SECTION, A
14 CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NOT LATER THAN 2
15 WEEKS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS REGISTERED IN THE
16 STATE, AND NOT LATER THAN 30 DAYS AFTER THE ALLEGED VIOLATION IF THE
17 VEHICLE IS REGISTERED IN ANOTHER STATE.

18 (5) A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH (1) OF
19 THIS SUBSECTION MAY:

20 (I) PAY THE CIVIL PENALTY IN ACCORDANCE WITH
21 INSTRUCTIONS ON THE CITATION; OR

22 (II) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR THE
23 ALLEGED VIOLATION.

24 (E) (1) A CERTIFICATE ALLEGING THAT THE VIOLATION OF THIS
25 SUBTITLE OCCURRED AND THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS
26 SECTION HAVE BEEN SATISFIED, SWORN TO, OR AFFIRMED BY AN OFFICER OF THE
27 DEPARTMENT OF STATE POLICE, BASED ON INSPECTION OF RECORDED IMAGES
28 PRODUCED BY A SPEED MONITORING SYSTEM, SHALL BE EVIDENCE OF THE FACTS
29 CONTAINED IN THE CERTIFICATE AND SHALL BE ADMISSIBLE IN A PROCEEDING
30 ALLEGING A VIOLATION UNDER THIS SECTION WITHOUT THE PRESENCE OR
31 TESTIMONY OF THE SPEED MONITORING SYSTEM OPERATOR WHO PERFORMED THE
32 REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION.

1 (2) IF A PERSON WHO RECEIVED A CITATION UNDER SUBSECTION (D)
2 OF THIS SECTION DESIRES A SPEED MONITORING SYSTEM OPERATOR TO BE
3 PRESENT AND TESTIFY AT TRIAL, THE PERSON SHALL NOTIFY THE COURT AND THE
4 DEPARTMENT OF STATE POLICE IN WRITING NOT LATER THAN 20 DAYS BEFORE
5 TRIAL.

6 (3) ADJUDICATION OF LIABILITY SHALL BE BASED ON A
7 PREPONDERANCE OF EVIDENCE.

8 (F) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A
9 VIOLATION:

10 (I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THAT
11 THE MOTOR VEHICLE OR THE REGISTRATION PLATES OF THE MOTOR VEHICLE WERE
12 STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL
13 OR POSSESSION OF THE VEHICLE OWNER AT THE TIME OF THE VIOLATION;

14 (II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,
15 EVIDENCE THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE
16 VEHICLE AT THE TIME OF THE VIOLATION; AND

17 (III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT
18 COURT DEEMS PERTINENT.

19 (2) TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE
20 REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND
21 WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF
22 THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT
23 REGARDING THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN
24 A TIMELY MANNER.

25 (3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH
26 (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE
27 TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE PERSON AND
28 MAILED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT:

29 (I) STATES THAT THE PERSON NAMED IN THE CITATION WAS
30 NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND

31 (II) INCLUDES ANY OTHER CORROBORATING EVIDENCE.

32 (4) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED
33 IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE
34 VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (3) OF THIS SUBSECTION

1 IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF THE VIOLATION,
2 THE CLERK OF THE COURT MAY PROVIDE TO THE DEPARTMENT OF STATE POLICE
3 A COPY OF ANY EVIDENCE SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT
4 THE TIME OF THE VIOLATION.

5 (II) ON RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE
6 DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE
7 DEPARTMENT OF STATE POLICE MAY ISSUE A CITATION AS PROVIDED IN
8 SUBSECTION (D) OF THIS SECTION TO THE PERSON WHO THE EVIDENCE INDICATES
9 WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

10 (III) ANY CITATION ISSUED UNDER SUBPARAGRAPH (II) OF THIS
11 PARAGRAPH SHALL BE MAILED NOT LATER THAN 2 WEEKS AFTER RECEIPT OF THE
12 EVIDENCE FROM THE DISTRICT COURT.

13 (G) IF A PERSON LIABLE UNDER THIS SECTION DOES NOT PAY THE CIVIL
14 PENALTY OR CONTEST THE VIOLATION, THE ADMINISTRATION MAY:

15 (1) REFUSE TO REGISTER OR REREGISTER THE REGISTRATION OF
16 THE MOTOR VEHICLE CITED FOR THE VIOLATION; OR

17 (2) SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE CITED FOR
18 THE VIOLATION.

19 (H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS
20 SECTION:

21 (1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING
22 POINTS UNDER § 16-402 OF THIS ARTICLE;

23 (2) MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE
24 DRIVING RECORD OF THE OWNER OR DRIVER OF THE VEHICLE;

25 (3) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF §
26 26-305 OF THIS ARTICLE; AND

27 (4) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE
28 INSURANCE COVERAGE.

29 (I) IN CONSULTATION WITH THE DEPARTMENT OF STATE POLICE, THE
30 CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE
31 ISSUANCE OF CITATIONS, THE TRIAL OF CIVIL VIOLATIONS, AND THE COLLECTION
32 OF CIVIL PENALTIES UNDER THIS SECTION.

1 **(J) (1) THE DEPARTMENT OF STATE POLICE OR A CONTRACTOR**
2 **DESIGNATED BY THE DEPARTMENT OF STATE POLICE SHALL ADMINISTER AND**
3 **PROCESS CIVIL CITATIONS ISSUED UNDER THIS SECTION IN COORDINATION WITH**
4 **THE DISTRICT COURT.**

5 **(2) IF A CONTRACTOR PROVIDES, DEPLOYS, OR OPERATES A SPEED**
6 **MONITORING SYSTEM FOR THE DEPARTMENT OF STATE POLICE OR THE STATE**
7 **HIGHWAY ADMINISTRATION, THE CONTRACTOR'S FEE MAY NOT BE CONTINGENT ON**
8 **THE NUMBER OF CITATIONS ISSUED OR PAID.**

9 **(K) THE DEPARTMENT OF STATE POLICE AND THE STATE HIGHWAY**
10 **ADMINISTRATION JOINTLY SHALL ADOPT REGULATIONS ESTABLISHING**
11 **STANDARDS AND PROCEDURES FOR SPEED MONITORING SYSTEMS AUTHORIZED**
12 **UNDER THIS SECTION.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
14 1, 2024. It shall remain effective for a period of 5 years and 1 month and, at the end of June
15 30, 2029, this Act, with no further action required by the General Assembly, shall be
16 abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.