

ENROLLED BILL

-- Environmental Matters/Judicial Proceedings --

Introduced by **Montgomery County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County - Vehicle Laws - Speed Monitoring Systems**
3 **MC 513-05**

4 FOR the purpose of authorizing the placement of certain speed monitoring systems on
5 certain highways in Montgomery County; requiring a certain speed monitoring
6 system operator to complete certain training; requiring a speed monitoring
7 system to undergo certain calibration; providing that certain persons recorded
8 by a speed monitoring system while operating a motor vehicle in violation of
9 certain speed limit laws are subject to certain penalties; requiring certain local
10 police departments in Montgomery County to mail a citation to the owner of a
11 motor vehicle that is recorded by a speed monitoring system in the county to be
12 in violation of certain laws regarding the operation of a motor vehicle in excess
13 of certain speed limits; establishing a certain maximum fine for a violation of
14 law enforced by means of a speed monitoring system under this Act; requiring a
15 citation to include certain information; authorizing the local police department
16 to send a warning instead of a citation; authorizing the local police department

1 to reissue a citation to the driver of a vehicle under certain circumstances;
2 requiring certain citations to be mailed within certain time periods; requiring
3 the District Court to prescribe a certain citation form and a civil penalty to be
4 indicated on the citation; establishing the standard of proof in a trial for a
5 violation of law enforced by means of a speed monitoring system under this Act;
6 requiring the Chief Judge of the District Court, in consultation with certain
7 county agencies, to adopt certain procedures; authorizing persons receiving
8 citations to have the speed monitoring system operator be present and testify at
9 trial; providing that certain persons are responsible for paying the civil penalty
10 indicated on the citation under certain circumstances; providing that persons
11 receiving citations may elect to stand trial in the District Court; establishing
12 defenses that the District Court may consider; authorizing vehicle owners to
13 submit a certain letter to the District Court to establish a certain defense;
14 authorizing the Motor Vehicle Administration to impose certain penalties if the
15 person cited under this Act fails to pay the civil penalty or contest liability;
16 prohibiting imposition of liability under this Act from being considered for
17 certain purposes; providing for the admissibility and use of certain evidence;
18 modifying the jurisdiction of the District Court to include certain proceedings;
19 providing for the handling of certain court costs and penalties; defining certain
20 terms; clarifying certain language; prohibiting the custodian of recorded images
21 produced by a speed monitoring system from allowing inspection of the recorded
22 images, subject to certain exceptions; providing that the fees of certain
23 contractors may not be contingent on the number of citations issued under this
24 Act; restricting the use of certain revenues generated by this Act; providing for
25 the application of this Act; providing that existing obligations or contracts may
26 not be impaired by this Act; requiring Montgomery County to report to the
27 General Assembly on or before a certain date; and generally relating to
28 imposition of liability on certain persons recorded by speed monitoring systems
29 violating certain laws regarding the operation of motor vehicles in excess of
30 certain speed limits.

31 BY repealing and reenacting, with amendments,
32 Article - Courts and Judicial Proceedings
33 Section 4-401(13), 7-301(a), 7-302(e), and 10-311
34 Annotated Code of Maryland
35 (2002 Replacement Volume and 2004 Supplement)

36 BY repealing and reenacting, with amendments,
37 Article - Insurance
38 Section 11-215(e) and 11-318(e)
39 Annotated Code of Maryland
40 (2003 Replacement Volume and 2004 Supplement)

41 BY repealing and reenacting, with amendments,
42 Article - State Government
43 Section 10-616(o)

1 Annotated Code of Maryland
2 (1999 Replacement Volume and 2004 Supplement)

3 BY adding to
4 Article - Transportation
5 Section 21-809
6 Annotated Code of Maryland
7 (2002 Replacement Volume and 2004 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article - Transportation
10 Section 26-305(a) and 26-401
11 Annotated Code of Maryland
12 (2002 Replacement Volume and 2004 Supplement)

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

15 **Article - Courts and Judicial Proceedings**

16 4-401.

17 Except as provided in § 4-402 of this subtitle, and subject to the venue
18 provisions of Title 6 of this article, the District Court has exclusive original civil
19 jurisdiction in:

20 (13) A proceeding for a civil infraction under § 21-202.1 OR § 21-809 of the
21 Transportation Article;

22 7-301.

23 (a) The court costs in a traffic case, including parking and impounding cases
24 and cases under § 21-202.1 OR § 21-809 of the Transportation Article in which costs
25 are imposed, are \$20. Such costs shall also be applicable to those cases in which the
26 defendant elects to waive his right to trial and pay the fine or penalty deposit
27 established by the Chief Judge of the District Court by administrative regulation. In
28 an uncontested case under § 21-202.1 OR § 21-809 of the Transportation Article or
29 uncontested parking or impounding case in which the fines are paid directly to a
30 political subdivision or municipality, costs are \$2.00, which costs shall be paid to and
31 retained by the political subdivision or municipality. In an uncontested case in which
32 the fine is paid directly to an agency of State government authorized by law to
33 regulate parking of motor vehicles, the costs are \$2.00. The fine and the costs shall be
34 paid to the agency, which shall receive and account for these funds as in all other
35 cases involving sums due the State through a State agency.

1 7-302.

2 (e) (1) A citation issued pursuant to § 21-202.1 OR § 21-809 of the
3 Transportation Article shall provide that the person receiving the citation may elect to
4 stand trial by notifying the issuing agency of the person's intention to stand trial at
5 least 5 days prior to the date of payment as set forth in the citation. On receipt of the
6 notice to stand trial, the agency shall forward to the District Court having venue a
7 copy of the citation and a copy of the notice from the person who received the citation
8 indicating the person's intention to stand trial. On receipt thereof, the District Court
9 shall schedule the case for trial and notify the defendant of the trial date under
10 procedures adopted by the Chief Judge of the District Court.

11 (2) A citation issued as the result of a traffic control signal monitoring
12 system OR SPEED MONITORING SYSTEM controlled by a political subdivision shall
13 provide that, in an uncontested case, the penalty shall be paid directly to that political
14 subdivision. A citation issued as the result of a traffic control signal monitoring
15 system controlled by a State agency OR A SPEED MONITORING SYSTEM, IN A CASE
16 CONTESTED IN DISTRICT COURT, shall provide that the penalty shall be paid directly
17 to the District Court.

18 (3) Civil penalties resulting from citations issued using traffic control
19 signal monitoring systems OR SPEED MONITORING SYSTEMS that are collected by the
20 District Court shall be collected in accordance with subsection (a) of this section and
21 distributed in accordance with § 12-118 of the Transportation Article.

22 10-311.

23 (A) A recorded image of a motor vehicle produced by a traffic control signal
24 monitoring system in accordance with § 21-202.1 of the Transportation Article is
25 admissible in a proceeding concerning a civil citation issued under that section for a
26 violation of § 21-202(h) of the Transportation Article without authentication.

27 (B) A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A SPEED
28 MONITORING SYSTEM IN ACCORDANCE WITH § 21-809 OF THE TRANSPORTATION
29 ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A CIVIL CITATION ISSUED
30 UNDER THAT SECTION FOR A VIOLATION OF TITLE 21, SUBTITLE 8 OF THE
31 TRANSPORTATION ARTICLE WITHOUT AUTHENTICATION.

32 (C) In any other judicial proceeding, a recorded image produced by a traffic
33 control signal monitoring system OR SPEED MONITORING SYSTEM is admissible as
34 otherwise provided by law.

35

Article - Insurance

36 11-215.

37 (e) For purposes of reclassifying an insured in a classification that entails a
38 higher premium, an insurer under an automobile insurance policy may not consider a
39 probation before judgment disposition of a motor vehicle law offense, a civil penalty
40 imposed pursuant to § 21-202.1 OR § 21-809 of the Transportation Article, or a first

1 offense of driving with an alcohol concentration of 0.08 or more under § 16-205.1 of
2 the Transportation Article on record with the Motor Vehicle Administration, as
3 provided in § 16-117(b) of the Transportation Article.

4 11-318.

5 (e) For purposes of reclassifying an insured in a classification that entails a
6 higher premium, an insurer under an automobile insurance policy may not consider a
7 probation before judgment disposition of a motor vehicle law offense, a civil penalty
8 imposed pursuant to § 21-202.1 OR § 21-809 of the Transportation Article, or a first
9 offense of driving with an alcohol concentration of 0.08 or more under § 16-205.1 of
10 the Transportation Article on record with the Motor Vehicle Administration, as
11 provided in § 16-117(b) of the Transportation Article.

12 **Article - State Government**

13 10-616.

14 (o) (1) In this subsection, "recorded images" has the meaning stated in §
15 21-202.1 OR § 21-809 of the Transportation Article.

16 (2) Except as provided in paragraph (3) of this subsection, a custodian of
17 recorded images produced by a traffic control signal monitoring system operated
18 under § 21-202.1 of the Transportation Article OR A SPEED MONITORING SYSTEM
19 OPERATED UNDER § 21-809 OF THE TRANSPORTATION ARTICLE shall deny inspection
20 of the recorded images.

21 (3) A custodian shall allow inspection of recorded images:

22 (i) as required in § 21-202.1 or § 21-809 of the Transportation
23 Article;

24 (ii) by any person issued a citation under § 21-202.1 or § 21-809 of
25 the Transportation Article, or an attorney of record for the person; or

26 (iii) by an employee or agent of a law enforcement agency in an
27 investigation or proceeding relating to the imposition of or indemnification from civil
28 liability pursuant to § 21-202.1 or § 21-809 of the Transportation Article.

29 **Article - Transportation**

30 21-809.

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

33 (2) "LOCAL POLICE DEPARTMENT" MEANS:

34 (I) THE MONTGOMERY COUNTY DEPARTMENT OF POLICE; AND

1 (II) THE POLICE DEPARTMENT OF ANY MUNICIPAL CORPORATION
2 IN MONTGOMERY COUNTY.

3 (3) (I) "OWNER" MEANS THE REGISTERED OWNER OF A MOTOR
4 VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR
5 MORE.

6 (II) "OWNER" DOES NOT INCLUDE:

7 1. A MOTOR VEHICLE RENTAL OR LEASING COMPANY; OR

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

10 (4) "RECORDED IMAGE" MEANS AN IMAGE RECORDED BY A SPEED
11 MONITORING SYSTEM:

12 (I) ON:

13 1. A PHOTOGRAPH;

14 2. A MICROPHOTOGRAPH;

15 3. AN ELECTRONIC IMAGE;

16 4. VIDEOTAPE; OR

17 5. ANY OTHER MEDIUM; AND

18 (II) SHOWING:

19 1. THE REAR OF A MOTOR VEHICLE;

20 2. AT LEAST TWO TIME-STAMPED IMAGES OF THE MOTOR
21 VEHICLE THAT INCLUDE THE SAME STATIONARY OBJECT NEAR THE MOTOR
22 VEHICLE; AND;

23 3. ON AT LEAST ONE IMAGE OR PORTION OF TAPE, CLEARLY
24 IDENTIFYING THE REGISTRATION PLATE NUMBER OF THE MOTOR VEHICLE.

25 (5) "SPEED MONITORING SYSTEM" MEANS A DEVICE WITH ONE OR MORE
26 MOTOR VEHICLE SENSORS PRODUCING RECORDED IMAGES OF MOTOR VEHICLES
27 TRAVELING AT SPEEDS AT LEAST 10 MILES PER HOUR ABOVE THE POSTED SPEED
28 LIMIT.

29 (6) "SPEED MONITORING SYSTEM OPERATOR" MEANS AN INDIVIDUAL
30 WHO OPERATES A SPEED MONITORING SYSTEM.

31 (B) (1) THIS SECTION APPLIES TO A VIOLATION OF THIS SUBTITLE THAT
32 OCCURS IN MONTGOMERY COUNTY RECORDED BY A SPEED MONITORING SYSTEM
33 THAT MEETS THE REQUIREMENTS OF THIS SUBSECTION AND HAS BEEN PLACED:

1 (I) ON A HIGHWAY IN A RESIDENTIAL DISTRICT AS DEFINED IN §
2 21-101 OF THIS TITLE:

3 1. WITH A MAXIMUM POSTED SPEED LIMIT OF 35 MILES PER
4 HOUR; AND

5 2. THAT HAS A SPEED LIMIT THAT WAS ESTABLISHED USING
6 GENERALLY ACCEPTED TRAFFIC ENGINEERING PRACTICES; OR

7 (II) IN A SCHOOL ZONE ESTABLISHED UNDER § 21-803.1 OF THIS
8 SUBTITLE.

9 (2) (I) A SPEED MONITORING SYSTEM OPERATOR SHALL COMPLETE
10 TRAINING BY A MANUFACTURER OF SPEED MONITORING SYSTEMS IN THE
11 PROCEDURES FOR SETTING UP AND OPERATING THE SPEED MONITORING SYSTEM.

12 (II) THE MANUFACTURER SHALL ISSUE A SIGNED CERTIFICATE TO
13 THE SPEED MONITORING SYSTEM OPERATOR UPON COMPLETION OF THE TRAINING.

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

16 (3) A SPEED MONITORING SYSTEM OPERATOR SHALL FILL OUT AND
17 SIGN A DAILY SET-UP LOG FOR A SPEED MONITORING SYSTEM THAT:

18 (I) STATES THAT THE SPEED MONITORING SYSTEM OPERATOR
19 SUCCESSFULLY PERFORMED THE MANUFACTURER-SPECIFIED SELF-TEST OF THE
20 SPEED MONITORING SYSTEM PRIOR TO PRODUCING A RECORDED IMAGE;

21 (II) SHALL BE KEPT ON FILE; AND

22 (III) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT
23 PROCEEDING FOR A VIOLATION OF THIS SECTION.

24 (4) (I) A SPEED MONITORING SYSTEM SHALL UNDERGO AN ANNUAL
25 CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION
26 LABORATORY.

27 (II) THE INDEPENDENT CALIBRATION LABORATORY SHALL ISSUE A
28 SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL CALIBRATION CHECK,
29 WHICH:

30 1. SHALL BE KEPT ON FILE; AND

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

33 (C) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A
34 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER
35 OR, IN ACCORDANCE WITH SUBSECTION (F)(4) OF THIS SECTION, THE DRIVER OF A
36 MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS

1 RECORDED BY A SPEED MONITORING SYSTEM WHILE BEING OPERATED IN
2 VIOLATION OF THIS SUBTITLE.

3 (2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED ~~\$100~~
4 \$40.

5 (3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT SHALL
6 PRESCRIBE:

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

9 (II) A CIVIL PENALTY, WHICH SHALL BE INDICATED ON THE
10 CITATION, TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL PENALTY
11 WITHOUT APPEARING IN DISTRICT COURT.

12 (D) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (4) OF
13 THIS SUBSECTION, THE LOCAL POLICE DEPARTMENT SHALL MAIL TO THE OWNER,
14 LIABLE UNDER SUBSECTION (C) OF THIS SECTION, A CITATION THAT SHALL
15 INCLUDE:

16 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE
17 VEHICLE;

18 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE
19 INVOLVED IN THE 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
25 BY WHICH THE CIVIL PENALTY SHOULD BE PAID;

26 (VIII) A SIGNED STATEMENT BY A DULY AUTHORIZED AGENT OF THE
27 LOCAL POLICE DEPARTMENT 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
30 VIOLATION OF THIS SUBTITLE;

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

1 (XI) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE
2 UNDER THIS SECTION THAT FAILURE TO PAY THE CIVIL PENALTY OR TO CONTEST
3 LIABILITY IN A TIMELY MANNER:

4 1. IS AN ADMISSION OF LIABILITY;

5 2. MAY RESULT IN THE REFUSAL BY THE ADMINISTRATION
6 TO REGISTER THE MOTOR VEHICLE; AND

7 3. MAY RESULT IN THE SUSPENSION OF THE MOTOR
8 VEHICLE REGISTRATION.

9 (2) THE LOCAL POLICE DEPARTMENT MAY MAIL A WARNING NOTICE
10 INSTEAD OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION (C) OF THIS
11 SECTION.

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

15 (4) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS SECTION, A
16 CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NO LATER THAN 2 WEEKS
17 AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS REGISTERED IN THIS STATE,
18 AND 30 DAYS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS REGISTERED IN
19 ANOTHER STATE.

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

22 (I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH
23 INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE MONTGOMERY COUNTY
24 DEPARTMENT OF FINANCE; OR

25 (II) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR THE
26 ALLEGED VIOLATION.

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

36 (2) IF A PERSON WHO RECEIVED A CITATION UNDER SUBSECTION (D) OF
37 THIS SECTION DESIRES THE SPEED MONITORING SYSTEM OPERATOR TO BE PRESENT
38 AND TESTIFY AT TRIAL, THE PERSON SHALL NOTIFY THE COURT AND THE STATE IN
39 WRITING NO LATER THAN 20 DAYS BEFORE TRIAL.

1 (3) ADJUDICATION OF LIABILITY SHALL BE BASED ON A
2 PREPONDERANCE OF EVIDENCE.

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

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

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

11 (III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT COURT
12 DEEMS PERTINENT.

13 (2) IN ORDER TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE
14 REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND
15 WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF
16 THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT
17 REGARDING THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN
18 A TIMELY MANNER.

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

23 (I) STATES THAT THE PERSON NAMED IN THE CITATION WAS NOT
24 OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION;

25 (II) PROVIDES THE NAME, ADDRESS, AND, IF POSSIBLE, THE
26 DRIVER'S LICENSE IDENTIFICATION NUMBER OF THE PERSON WHO WAS OPERATING
27 THE VEHICLE AT THE TIME OF THE VIOLATION; AND

28 (III) INCLUDES ANY OTHER CORROBORATING EVIDENCE.

29 (4) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED IN
30 THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION
31 OR RECEIVES EVIDENCE UNDER PARAGRAPH (3) OF THIS SUBSECTION IDENTIFYING
32 THE PERSON DRIVING THE VEHICLE AT THE TIME OF THE VIOLATION, THE CLERK OF
33 THE COURT SHALL PROVIDE TO THE LOCAL POLICE DEPARTMENT A COPY OF ANY
34 EVIDENCE SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF
35 THE VIOLATION.

36 (II) ON RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE
37 DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE LOCAL
38 POLICE DEPARTMENT MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (D) OF

1 THIS SECTION TO THE PERSON WHO THE EVIDENCE INDICATES WAS OPERATING THE
2 VEHICLE AT THE TIME OF THE VIOLATION.

3 (III) A CITATION ISSUED UNDER SUBPARAGRAPH (II) OF THIS
4 PARAGRAPH SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER RECEIPT OF THE
5 EVIDENCE FROM THE DISTRICT COURT.

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

8 (1) MAY REFUSE TO REGISTER OR REREGISTER THE MOTOR VEHICLE
9 CITED FOR THE VIOLATION; OR

10 (2) MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE CITED
11 FOR THE VIOLATION.

12 (H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS
13 SECTION:

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

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

18 (3) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF §
19 26-305 OF THIS ARTICLE; AND

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

22 (I) IN CONSULTATION WITH THE MONTGOMERY COUNTY DEPARTMENT OF
23 FINANCE AND THE LOCAL POLICE DEPARTMENTS, THE CHIEF JUDGE OF THE
24 DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE ISSUANCE OF CITATIONS,
25 THE TRIAL OF CIVIL VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES UNDER
26 THIS SECTION.

27 (J) IF A CONTRACTOR OPERATES A SPEED MONITORING SYSTEM ON BEHALF
28 OF MONTGOMERY COUNTY, THE CONTRACTOR'S FEE MAY NOT BE CONTINGENT ON
29 THE NUMBER OF CITATIONS ISSUED OR PAID.

30 26-305.

31 (a) The Administration may not register or transfer the registration of any
32 vehicle involved in a parking violation under this subtitle, a violation under any
33 federal parking regulation that applies to property in this State under the jurisdiction
34 of the U.S. government, or a violation of § 21-202(h) of this article as determined
35 under § 21-202.1 of this article OR TITLE 21, SUBTITLE 8 OF THIS ARTICLE AS
36 DETERMINED UNDER § 21-809 OF THIS ARTICLE, if:

1 (1) It is notified by a political subdivision or authorized State agency
2 that [a] THE person cited for [a] THE violation under this subtitle or § 21-202.1 OR
3 § 21-809 of this article has failed to either:

4 (i) Pay the fine for the violation by the date specified in the
5 citation; or

6 (ii) File a notice of his intention to stand trial for the violation;

7 (2) It is notified by the District Court that a person who has elected to
8 stand trial for the violation under this subtitle or under § 21-202.1 OR § 21-809 of this
9 article has failed to appear for trial; or

10 (3) It is notified by a U.S. District Court that a person cited for a
11 violation under a federal parking regulation:

12 (i) Has failed to pay the fine for the violation by the date specified
13 in the federal citation; or

14 (ii) Either has failed to file a notice of his intention to stand trial for
15 the violation, or, if electing to stand trial, has failed to appear for trial.

16 26-401.

17 If a person is taken before a District Court commissioner or is given a traffic
18 citation or a civil citation under § 21-202.1 OR § 21-809 of this article containing a
19 notice to appear in court, the commissioner or court shall be one that sits within the
20 county in which the offense allegedly was committed.

21 SECTION 2. AND BE IT FURTHER ENACTED, That:

22 (1) Beginning in fiscal year 2006 and each fiscal year thereafter,
23 Montgomery County shall use the revenues generated from the enforcement of speed
24 limit laws as authorized under this Act solely to increase local expenditures for
25 related public safety purposes, including pedestrian safety programs; and

26 (2) Related public safety expenditures required under this section shall
27 be used to supplement and may not supplant existing local expenditures for the same
28 purpose.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be
30 construed to apply only prospectively and may not be applied or interpreted to have
31 any effect on or application to any contract awarded before the effective date of this
32 Act.

33 SECTION 4. AND BE IT FURTHER ENACTED, That an obligation or contract
34 right existing on the effective date of this Act may not be impaired in any way by this
35 Act.

1 SECTION 5. AND BE IT FURTHER ENACTED, That the Montgomery County
2 Council shall report to the General Assembly on or before December 31, 2009, in
3 accordance with § 2-1246 of the State Government Article, on the effectiveness of
4 speed monitoring systems in Montgomery County.

5 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2005.