

SENATE BILL 269

R5

8lr0070

By: **The President (By Request – Administration)**

Introduced and read first time: January 24, 2008

Rules suspended

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 11, 2008

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use**
3 **in Highway Work Zones**

4 FOR the purpose of expanding to all counties in the State the authority to use certain
5 speed monitoring systems to enforce certain highway speed laws under certain
6 standards and procedures; ~~altering the maximum fine for a violation of law~~
7 ~~enforced by means of a speed monitoring system;~~ altering the speed of a motor
8 vehicle at which a speed monitoring system will produce a recorded image of the
9 vehicle; prohibiting the use of a speed monitoring system in a local jurisdiction
10 unless authorized by the governing body by ordinance or resolution adopted
11 after reasonable notice and a public hearing; requiring certain local ordinances
12 or resolutions to provide for the issuance of warnings during a certain period for
13 certain violations; increasing the maximum speed limit for the purpose of
14 establishing residential highways on which speed laws may be enforced using
15 speed monitoring systems; requiring a local jurisdiction to publish a certain
16 notice before activating a certain speed monitoring system; adding to the list of
17 defenses that the District Court may consider in defense of a certain violation;
18 requiring the Chief Judge of the District Court to consult with certain agencies
19 in adopting certain procedures; clarifying that certain fines for certain motor
20 vehicle violations shall be paid to the District Court; requiring a political
21 subdivision and the Comptroller to distribute certain funds in a certain manner;
22 expanding the pool of entities authorized to administer a speed monitoring
23 program; authorizing the placement of certain work zone speed control systems
24 on certain highways under certain circumstances; providing that the revenues
25 from civil fines collected under this Act shall ~~first cover the costs of~~

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 ~~implementing and administering the work zone speed control system~~ be paid in
2 a certain manner; limiting the issuance of citations to owners or drivers of
3 vehicles that exceed certain speeds; requiring a work zone speed control system
4 operator to complete certain training and follow certain procedures; requiring a
5 work zone speed control system to undergo certain calibration; requiring the
6 State Highway Administration to place a certain road sign within a certain
7 distance of a highway work zone containing a speed monitoring system;
8 providing that certain owners or drivers of motor vehicles, recorded by a work
9 zone speed control system while being operated in violation of certain speed
10 limit laws, are subject to certain penalties; authorizing certain police
11 departments to mail a certain citation to the owner of a motor vehicle;
12 establishing certain civil penalties for a violation of certain provisions of this
13 Act; requiring certain citations to include certain information; authorizing a
14 police department to send a warning instead of a citation under certain
15 circumstances; authorizing the police department to reissue a citation to the
16 driver of a vehicle under certain circumstances; requiring certain citations to be
17 mailed within certain time periods; requiring the District Court to prescribe a
18 certain citation form and to indicate the amount of a certain civil penalty on the
19 citation; establishing the standard of proof in a trial for certain violations of this
20 Act; authorizing persons receiving certain citations to have the work zone speed
21 control system operator be present and testify at trial; providing that certain
22 persons are responsible for paying the civil penalty indicated on the citation
23 under certain circumstances; providing that persons receiving certain citations
24 may elect to stand trial in the District Court; establishing defenses that the
25 District Court may consider; authorizing vehicle owners to submit a certain
26 letter to the District Court to establish a certain defense; authorizing the Motor
27 Vehicle Administration to impose certain penalties if the person cited for
28 violating certain provisions of this Act fails to pay the civil penalty or contest
29 liability; prohibiting certain violations under this Act from being considered for
30 certain purposes; providing for the admissibility and use of certain evidence;
31 modifying the jurisdiction of the District Court to include certain proceedings;
32 providing for the handling of certain court costs and penalties; clarifying certain
33 language; prohibiting an insurer from considering a certain civil penalty for
34 purposes of reclassifying an insured; prohibiting the custodian of recorded
35 images produced by a work zone speed control system from allowing inspection
36 of the recorded images, subject to certain exceptions; requiring the Department
37 of State Police and the State Highway Administration jointly to adopt
38 regulations establishing the standards and procedures for work zone speed
39 control systems; providing that the fees of certain contractors may not be
40 contingent on the number of citations issued or paid under this Act; requiring
41 the issuance of warnings for a certain time period for certain violations; defining
42 certain terms; repealing a certain definition; altering a certain definition;
43 making certain stylistic changes; making a technical correction; ~~restricting the~~
44 ~~use of certain revenues generated by this Act~~; providing for the application of
45 this Act; providing that existing obligations or contract rights may not be
46 impaired by this Act; requiring certain local jurisdictions to issue a certain
47 report by a certain date; and generally relating to the use of speed monitoring

1 systems to enforce certain laws regarding the operation of motor vehicles in
 2 excess of certain speed limits.

3 BY repealing and reenacting, with amendments,
 4 Article – Courts and Judicial Proceedings
 5 Section 4–401(13), 7–302(e), and 10–311
 6 Annotated Code of Maryland
 7 (2006 Replacement Volume and 2007 Supplement)

8 BY repealing and reenacting, without amendments,
 9 Article – Courts and Judicial Proceedings
 10 Section 7–301(a)
 11 Annotated Code of Maryland
 12 (2006 Replacement Volume and 2007 Supplement)

13 BY repealing and reenacting, with amendments,
 14 Article – Insurance
 15 Section 11–215(e) and 11–318(e)
 16 Annotated Code of Maryland
 17 (2003 Replacement Volume and 2007 Supplement)

18 BY repealing and reenacting, with amendments,
 19 Article – State Government
 20 Section 10–616(o)
 21 Annotated Code of Maryland
 22 (2004 Replacement Volume and 2007 Supplement)

23 BY repealing and reenacting, with amendments,
 24 Article – Transportation
 25 Section 12–118(c), 21–809, 26–305(a), and 26–401
 26 Annotated Code of Maryland
 27 (2006 Replacement Volume and 2007 Supplement)

28 BY adding to
 29 Article – Transportation
 30 Section 21–810
 31 Annotated Code of Maryland
 32 (2006 Replacement Volume and 2007 Supplement)

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

Article – Courts and Judicial Proceedings

36 7–301.

37 (a) The court costs in a traffic case, including parking and impounding cases,
 38 cases under § 21–202.1 or § 21–809 of the Transportation Article in which costs are

1 imposed, and cases under § 10–112 of the Criminal Law Article in which costs are
2 imposed are \$22.50. Such costs shall also be applicable to those cases in which the
3 defendant elects to waive his right to trial and pay the fine or penalty deposit
4 established by the Chief Judge of the District Court by administrative regulation. In
5 an uncontested case under § 21–202.1 or § 21–809 of the Transportation Article, an
6 uncontested case under § 10–112 of the Criminal Law Article, or an uncontested
7 parking or impounding case in which the fines are paid directly to a political
8 subdivision or municipality, costs are \$2.00, which costs shall be paid to and retained
9 by the political subdivision or municipality. In an uncontested case in which the fine is
10 paid directly to an agency of State government authorized by law to regulate parking
11 of motor vehicles, the costs are \$2.00. The fine and the costs shall be paid to the
12 agency, which shall receive and account for these funds as in all other cases involving
13 sums due the State through a State agency.

14 7–302.

15 (e) (1) A citation issued pursuant to § 21–202.1 or § 21–809 of the
16 Transportation Article shall provide that the person receiving the citation may elect to
17 stand trial by notifying the issuing agency of the person’s intention to stand trial at
18 least 5 days prior to the date of payment as set forth in the citation. On receipt of the
19 notice to stand trial, the agency shall forward to the District Court having venue a
20 copy of the citation and a copy of the notice from the person who received the citation
21 indicating the person’s intention to stand trial. On receipt thereof, the District Court
22 shall schedule the case for trial and notify the defendant of the trial date under
23 procedures adopted by the Chief Judge of the District Court.

24 (2) A citation issued as the result of a traffic control signal monitoring
25 system or speed monitoring system controlled by a political subdivision shall provide
26 that, in an uncontested case, the penalty shall be paid directly to that political
27 subdivision. A citation issued as the result of a traffic control signal monitoring system
28 **OR A SPEED MONITORING SYSTEM** controlled by a State [agency or a speed
29 monitoring system,] **AGENCY, OR AS A RESULT OF A TRAFFIC CONTROL SIGNAL**
30 **MONITORING SYSTEM OR A SPEED MONITORING SYSTEM** in a case contested in
31 District Court, shall provide that the penalty shall be paid directly to the District
32 Court.

33 (3) Civil penalties resulting from citations issued using traffic control
34 signal monitoring systems or speed monitoring systems that are collected by the
35 District Court shall be collected in accordance with subsection (a) of this section and
36 distributed in accordance with § 12–118 of the Transportation Article.

37 **(4) (I) FROM THE FINES COLLECTED BY A POLITICAL**
38 **SUBDIVISION AS A RESULT OF VIOLATIONS ENFORCED BY SPEED MONITORING**
39 **SYSTEMS, THE POLITICAL SUBDIVISION:**

40 **1. MAY RECOVER THE COSTS OF IMPLEMENTING**
41 **AND ADMINISTERING THE SPEED MONITORING SYSTEMS; AND**

1 (I) **A LAW ENFORCEMENT AGENCY OF THE STATE OR A**
2 **POLITICAL SUBDIVISION THAT IS AUTHORIZED TO ISSUE A CITATION FOR A**
3 **VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR**
4 **REGULATIONS; OR**

5 (II) **FOR A MUNICIPAL CORPORATION THAT DOES NOT**
6 **MAINTAIN A POLICE FORCE, AN AGENCY ESTABLISHED OR DESIGNATED BY THE**
7 **MUNICIPAL CORPORATION TO ENFORCE THIS SUBTITLE USING SPEED**
8 **MONITORING SYSTEMS IN ACCORDANCE WITH THIS SECTION.**

9 (3) (i) “Owner” means the registered owner of a motor vehicle or a
10 lessee of a motor vehicle under a lease of 6 months or more.

11 (ii) “Owner” does not include:

12 1. A motor vehicle rental or leasing company; or

13 2. A holder of a special registration plate issued under
14 Title 13, Subtitle 9, Part III of this article.

15 (4) “Recorded image” means an image recorded by a speed monitoring
16 system:

17 (i) On:

18 1. A photograph;

19 2. A microphotograph;

20 3. An electronic image;

21 4. Videotape; or

22 5. Any other medium; and

23 (ii) Showing:

24 1. The rear of a motor vehicle;

25 2. At least two time-stamped images of the motor
26 vehicle that include the same stationary object near the motor vehicle; and

27 3. On at least one image or portion of tape, [clearly
28 identifying] **A CLEAR IDENTIFICATION OF** the registration plate number of the motor
29 vehicle.

1 (5) “Speed monitoring system” means a device with one or more motor
2 vehicle sensors producing recorded images of motor vehicles traveling at speeds at
3 least ~~10~~ **12** miles per hour above the posted speed limit.

4 (6) “Speed monitoring system operator” means [an individual who] **A**
5 **REPRESENTATIVE OF AN AGENCY OR CONTRACTOR THAT** operates a speed
6 monitoring system.

7 (b) (1) (I) **A SPEED MONITORING SYSTEM MAY NOT BE USED IN A**
8 **LOCAL JURISDICTION UNDER THIS SECTION UNLESS ITS USE IS AUTHORIZED BY**
9 **THE GOVERNING BODY OF THE LOCAL JURISDICTION BY LOCAL LAW ENACTED**
10 **AFTER REASONABLE NOTICE AND A PUBLIC HEARING.**

11 (II) **AN ORDINANCE OR RESOLUTION ADOPTED BY THE**
12 **GOVERNING BODY OF A LOCAL JURISDICTION UNDER THIS PARAGRAPH SHALL**
13 **PROVIDE THAT FOR A PERIOD OF AT LEAST ~~12~~ 5 MONTHS AFTER THE FIRST**
14 **SPEED MONITORING SYSTEM IS PLACED IN THE LOCAL JURISDICTION, A**
15 **VIOLATION RECORDED BY ANY SPEED MONITORING SYSTEM IN THE LOCAL**
16 **JURISDICTION MAY BE ENFORCED ONLY BY THE ISSUANCE OF A WARNING.**

17 [(1)] (III) This section applies to a violation of this subtitle [that
18 occurs in Montgomery County] recorded by a speed monitoring system that meets the
19 requirements of this subsection and has been placed:

20 [(i)] 1. On a highway in a residential [district] **DISTRICT**, as
21 defined in § 21–101 of this [title:

22 1. With] **TITLE, WITH** a maximum posted speed limit of
23 [35] **45** miles per [hour; and

24 2. That has a speed limit that] **HOUR, WHICH SPEED**
25 **LIMIT** was established using generally accepted traffic engineering practices; or

26 [(ii)] 2. In a school zone established under § 21–803.1 of this
27 subtitle.

28 (IV) **BEFORE ACTIVATING AN UNMANNED STATIONARY**
29 **SPEED MONITORING SYSTEM, THE LOCAL JURISDICTION SHALL:**

30 1. **PUBLISH NOTICE OF THE LOCATION OF THE**
31 **SPEED MONITORING SYSTEM ON ITS WEBSITE AND IN A NEWSPAPER OF**
32 **GENERAL CIRCULATION IN THE JURISDICTION; AND**

1 **2. ENSURE THAT EACH SIGN THAT DESIGNATES A**
2 **SCHOOL ZONE INDICATES THAT SPEED MONITORING SYSTEMS ARE IN USE IN**
3 **SCHOOL ZONES.**

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

7 (ii) The manufacturer shall issue a signed certificate to the
8 speed monitoring system operator [upon] **ON** completion of the training.

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

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

13 (i) States that the speed monitoring system operator
14 successfully performed the manufacturer-specified self-test of the speed monitoring
15 system prior to producing a recorded image;

16 (ii) Shall be kept on file; and

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

19 (4) (i) A speed monitoring system shall undergo an annual
20 calibration check performed by an independent calibration laboratory.

21 (ii) The independent calibration laboratory shall issue a signed
22 certificate of calibration after the annual calibration check, which:

23 1. Shall be kept on file; and

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

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

31 (2) A civil penalty under this subsection may not exceed ~~[\$40]~~ **\$75**.

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

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

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

6 (d) (1) Subject to the provisions of paragraphs (2) through (4) of this
7 subsection, [the local police department] **AN AGENCY** shall mail to [the owner,] **AN**
8 **OWNER** liable under subsection (c) of this section[,], a citation that shall include:

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

10 (ii) The registration number of the motor vehicle involved in the
11 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) A copy of the recorded image;

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

18 (viii) A signed statement by a duly authorized **EMPLOYEE OR**
19 agent of [the local police department] **AN AGENCY** that, based on inspection of
20 recorded images, the motor vehicle was being operated in violation of this subtitle;

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

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

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

29 1. Is an admission of liability;

30 2. May result in the refusal by the Administration to
31 register the motor vehicle; and

1 3. May result in the suspension of the motor vehicle
2 registration.

3 (2) [The local police department] **AN AGENCY** may mail a warning
4 notice instead of a citation to the owner liable under subsection (c) of this section.

5 (3) Except as provided in subsection (f)(4) of this section, [the local
6 police department] **AN AGENCY** may not mail a citation to a person who is not an
7 owner.

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

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

14 (i) Pay the civil penalty, in accordance with instructions on the
15 citation, directly to the [Montgomery County Department of Finance] **POLITICAL**
16 **SUBDIVISION**; or

17 (ii) Elect to stand trial in the District Court for the alleged
18 violation.

19 (e) (1) A certificate alleging that the violation of this subtitle occurred and
20 the requirements under subsection (b) of this section have been satisfied, sworn to, or
21 affirmed by [a duly authorized agent of the local police department] **AN AGENT OR**
22 **EMPLOYEE OF AN AGENCY**, based on inspection of recorded images produced by a
23 speed monitoring system, shall be evidence of the facts contained in the certificate and
24 shall be admissible in a proceeding alleging a violation under this section without the
25 presence or testimony of the speed monitoring system operator who performed the
26 requirements under subsection (b) of this section.

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

31 (3) Adjudication of liability shall be based on a preponderance of
32 evidence.

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

34 (i) Subject to paragraph (2) of this subsection, that the motor
35 vehicle or the registration plates of the motor vehicle were stolen before the violation

1 occurred and were not under the control or possession of the owner at the time of the
2 violation;

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

5 ~~and~~

6 (iii) **SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION,**
7 **THAT THE PERSON NAMED IN THE CITATION WAS A VOLUNTEER FOR AN**
8 **AMBULANCE, FIRE, OR RESCUE COMPANY OR A LAW ENFORCEMENT AGENCY**
9 **WHO WAS RESPONDING TO AN EMERGENCY SITUATION AT THE TIME OF THE**
10 **VIOLATION; AND**

11 (IV) Any other issues and evidence that the District Court deems
12 pertinent.

13 (2) [In order to] **TO** demonstrate that the motor vehicle or the
14 registration plates were stolen before the violation occurred and were not under the
15 control or possession of the owner at the time of the violation, the owner shall submit
16 proof that a police report regarding the stolen motor vehicle or registration plates was
17 filed in a timely manner.

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

22 (i) States that the person named in the citation was not
23 operating the vehicle at the time of the violation;

24 (ii) Provides the name, address, and, if possible, the driver's
25 license identification number of the person who was operating the vehicle at the time
26 of the violation; and

27 (iii) Includes any other corroborating evidence.

28 (4) (i) If the District Court finds that the person named in the
29 citation was not operating the vehicle at the time of the violation or receives evidence
30 under paragraph (3) of this subsection identifying the person driving the vehicle at the
31 time of the violation, the clerk of the court shall provide to the [local police
32 department] **AGENCY ISSUING THE CITATION** a copy of any evidence substantiating
33 who was operating the vehicle at the time of the violation.

34 (ii) On receipt of substantiating evidence from the District
35 Court under subparagraph (i) of this paragraph, [the local police department] **AN**
36 **AGENCY** may issue a citation as provided in subsection (d) of this section to the person
37 who the evidence indicates was operating the vehicle at the time of the violation.

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

4 **(5) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH**
 5 **(1)(III) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL**
 6 **PROVIDE TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE**
 7 **HEAD OF THE AMBULANCE, FIRE, OR RESCUE COMPANY OR LAW ENFORCEMENT**
 8 **AGENCY FOR WHICH THE PERSON WAS A VOLUNTEER, AND MAILED BY**
 9 **CERTIFIED MAIL RETURN RECEIPT REQUESTED, THAT STATES THAT THE**
 10 **PERSON NAMED IN THE CITATION WAS A VOLUNTEER AND WAS RESPONDING TO**
 11 **AN EMERGENCY AT THE TIME OF THE VIOLATION.**

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

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

16 (2) May suspend the registration of the motor vehicle cited for the
 17 violation.

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

19 (1) Is not a moving violation for the purpose of assessing points under
 20 § 16–402 of this article;

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

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

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

27 (i) In consultation with the [Montgomery County Department of Finance
 28 and the local police departments] **APPROPRIATE STATE AND LOCAL GOVERNMENT**
 29 **AGENCIES OR UNITS**, the Chief Judge of the District Court shall adopt procedures for
 30 the issuance of citations, the trial of civil violations, and the collection of civil penalties
 31 under this section.

32 (j) If a contractor operates a speed monitoring system on behalf of
 33 [Montgomery County] **A LOCAL JURISDICTION OR AN AGENCY**, the contractor's fee
 34 may not be contingent on the number of citations issued or paid.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article – Courts and Judicial Proceedings**

4 4–401.

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

8 (13) A proceeding for a civil infraction under § 21–202.1, §
9 21–704.1 [or], § 21–809, **OR § 21–810** of the Transportation Article or § 10–112 of the
10 Criminal Law Article;

11 7–302.

12 (e) (1) A citation issued pursuant to § 21–202.1 [or], § 21–809, **OR §**
13 **21–810** of the Transportation Article shall provide that the person receiving the
14 citation may elect to stand trial by notifying the issuing agency of the person’s
15 intention to stand trial at least 5 days prior to the date of payment as set forth in the
16 citation. On receipt of the notice to stand trial, the agency shall forward to the District
17 Court having venue a copy of the citation and a copy of the notice from the person who
18 received the citation indicating the person’s intention to stand trial. On receipt
19 thereof, the District Court shall schedule the case for trial and notify the defendant of
20 the trial date under procedures adopted by the Chief Judge of the District Court.

21 (2) A citation issued as the result of a traffic control signal monitoring
22 system or speed monitoring system controlled by a political subdivision shall provide
23 that, in an uncontested case, the penalty shall be paid directly to that political
24 subdivision. A citation issued as the result of a traffic control signal monitoring system
25 controlled by a State agency or a speed monitoring system, in a case contested in
26 District Court, shall provide that the penalty shall be paid directly to the District
27 Court.

28 (3) Civil penalties resulting from citations issued using traffic control
29 signal monitoring systems or speed monitoring systems, **INCLUDING WORK ZONE**
30 **SPEED CONTROL SYSTEMS**, that are collected by the District Court shall be collected
31 in accordance with subsection (a) of this section and distributed in accordance with §
32 12–118 of the Transportation Article.

33 10–311.

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

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

5 (c) In any other judicial proceeding, a recorded image produced by a traffic
6 control signal monitoring system [or], speed monitoring system, **OR WORK ZONE**
7 **SPEED CONTROL SYSTEM** is admissible as otherwise provided by law.

8 **Article - Insurance**

9 11-215.

10 (e) For purposes of reclassifying an insured in a classification that entails a
11 higher premium, an insurer under an automobile insurance policy may not consider a
12 probation before judgment disposition of a motor vehicle law offense, a civil penalty
13 imposed pursuant to § 21-202.1 [or], § 21-809, **OR § 21-810** of the Transportation
14 Article, or a first offense of driving with an alcohol concentration of 0.08 or more under
15 § 16-205.1 of the Transportation Article on record with the Motor Vehicle
16 Administration, as provided in § 16-117(b) of the Transportation Article.

17 11-318.

18 (e) For purposes of reclassifying an insured in a classification that entails a
19 higher premium, an insurer under an automobile insurance policy may not consider a
20 probation before judgment disposition of a motor vehicle law offense, a civil penalty
21 imposed pursuant to § 21-202.1 [or], § 21-809, **OR § 21-810** of the Transportation
22 Article, or a first offense of driving with an alcohol concentration of 0.08 or more under
23 § 16-205.1 of the Transportation Article on record with the Motor Vehicle
24 Administration, as provided in § 16-117(b) of the Transportation Article.

25 **Article - State Government**

26 10-616.

27 (o) (1) In this subsection, “recorded images” has the meaning stated in §
28 21-202.1 [or], § 21-809, **OR § 21-810** of the Transportation Article.

29 (2) Except as provided in paragraph (3) of this subsection, a custodian
30 of recorded images produced by a traffic control signal monitoring system operated
31 under § 21-202.1 of the Transportation Article [or], a speed monitoring system
32 operated under § 21-809 of the Transportation Article, **OR A WORK ZONE SPEED**
33 **CONTROL SYSTEM OPERATED UNDER § 21-810 OF THE TRANSPORTATION**
34 **ARTICLE** shall deny inspection of the recorded images.

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

1 (i) as required in § 21-202.1 [or], § 21-809, **OR § 21-810** of the
 2 Transportation Article;

3 (ii) by any person issued a citation under § 21-202.1 [or], §
 4 21-809, **OR § 21-810** of the Transportation Article, or an attorney of record for the
 5 person; or

6 (iii) by an employee or agent of a law enforcement agency in an
 7 investigation or proceeding relating to the imposition of or indemnification from civil
 8 liability pursuant to § 21-202.1 [or], § 21-809, **OR § 21-810** of the Transportation
 9 Article.

10 **Article - Transportation**

11 12-118.

12 (c) (1) [Notwithstanding] **EXCEPT AS PROVIDED IN PARAGRAPH (2)**
 13 **OF THIS SUBSECTION, NOTWITHSTANDING** any other law and in addition to any
 14 other exceptions provided by law, all costs, fines, penalties, and forfeitures received by
 15 or paid to the District Court under the Maryland Vehicle Law shall be collected and
 16 remitted as provided in the Courts Article.

17 (2) **OF THE CIVIL FINES COLLECTED THROUGH USE OF A WORK**
 18 **ZONE SPEED CONTROL SYSTEM UNDER § 21-810 OF THIS ARTICLE, THE**
 19 **REVENUES SHALL ~~FIRST~~ BE PAID TO ~~THE~~:**

20 (I) **THE STATE HIGHWAY ADMINISTRATION TO COVER THE**
 21 **COSTS OF IMPLEMENTING AND ADMINISTERING THE WORK ZONE SPEED**
 22 **CONTROL SYSTEM; AND**

23 (II) **IN THE CASE OF REVENUES BEYOND THOSE NEEDED TO**
 24 **COVER COSTS, TO THE GENERAL FUND OF THE STATE.**

25 **21-810.**

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

28 (2) **“LOCAL POLICE DEPARTMENT” MEANS:**

29 (I) **THE POLICE DEPARTMENT OF ANY MUNICIPAL**
 30 **CORPORATION;**

31 (II) **THE POLICE DEPARTMENT OF ANY COUNTY; AND**

1 (II) THE MARYLAND TRANSPORTATION AUTHORITY
2 POLICE.

3 (6) "WORK ZONE" MEANS A SEGMENT OF A HIGHWAY:

4 (I) THAT IS IDENTIFIED AS A TEMPORARY TRAFFIC
5 CONTROL ZONE BY TRAFFIC CONTROL DEVICES THAT ARE INSTALLED IN
6 CONFORMANCE WITH THE STATE MANUAL AND SPECIFICATIONS ADOPTED FOR
7 A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES; AND

8 (II) WHERE HIGHWAY CONSTRUCTION, REPAIR, OR
9 MAINTENANCE, UTILITY WORK, OR A RELATED ACTIVITY, INCLUDING THE
10 INSTALLATION, MAINTENANCE, OR REMOVAL OF A WORK ZONE TRAFFIC
11 CONTROL DEVICE, IS BEING PERFORMED.

12 (7) "WORK ZONE SPEED CONTROL SYSTEM" MEANS A DEVICE
13 HAVING ONE OR MORE MOTOR VEHICLE SENSORS CONNECTED TO A CAMERA
14 SYSTEM CAPABLE OF PRODUCING RECORDED IMAGES OF MOTOR VEHICLES
15 TRAVELING AT OR ABOVE A PREDETERMINED SPEED.

16 (8) "WORK ZONE SPEED CONTROL SYSTEM OPERATOR" MEANS A
17 POLICE OFFICER WHO HAS BEEN TRAINED AND CERTIFIED TO OPERATE A WORK
18 ZONE SPEED CONTROL SYSTEM.

19 (B) (1) A WORK ZONE SPEED CONTROL SYSTEM THAT MEETS THE
20 REQUIREMENTS OF THIS SUBSECTION MAY BE USED TO RECORD THE IMAGES OF
21 MOTOR VEHICLES TRAVELING ON A HIGHWAY:

22 (I) WITHIN A WORK ZONE;

23 (II) THAT IS AN EXPRESSWAY OR A CONTROLLED ACCESS
24 HIGHWAY AS DEFINED IN § 21-101 OF THIS TITLE; AND

25 (III) ON WHICH THE SPEED LIMIT IS 45 MILES PER HOUR OR
26 GREATER.

27 (2) A WORK ZONE SPEED CONTROL SYSTEM MAY BE USED ONLY:

28 (I) ON A HIGHWAY AS SPECIFIED IN PARAGRAPH (1) OF
29 THIS SUBSECTION;

30 (II) WHEN BEING OPERATED BY A WORK ZONE SPEED
31 CONTROL SYSTEM OPERATOR; AND

1 (III) IF, IN ACCORDANCE WITH THE MARYLAND MANUAL ON
2 UNIFORM TRAFFIC CONTROL DEVICES, A CONSPICUOUS ROAD SIGN IS PLACED
3 WITHIN ONE-QUARTER OF A MILE BEFORE THE WORK ZONE ALERTING DRIVERS
4 THAT A SPEED MONITORING SYSTEM MAY BE IN OPERATION IN THE WORK ZONE.

5 (3) A WORK ZONE SPEED CONTROL SYSTEM MAY BE USED ONLY
6 TO RECORD THE IMAGES OF VEHICLES THAT ARE TRAVELING AT SPEEDS THAT
7 ARE AT LEAST ~~10~~ 12 MILES PER HOUR ABOVE THE POSTED WORK ZONE SPEED
8 LIMIT.

9 (4) (I) A WORK ZONE SPEED CONTROL SYSTEM OPERATOR
10 SHALL COMPLETE TRAINING BY THE MANUFACTURER OF THE WORK ZONE
11 SPEED CONTROL SYSTEM IN THE PROCEDURES FOR SETTING UP, TESTING, AND
12 OPERATING THE WORK ZONE SPEED CONTROL SYSTEM.

13 (II) THE MANUFACTURER SHALL ISSUE A SIGNED
14 CERTIFICATE TO THE WORK ZONE SPEED CONTROL SYSTEM OPERATOR ON
15 COMPLETION OF THE TRAINING.

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

18 (5) A WORK ZONE SPEED CONTROL SYSTEM OPERATOR SHALL
19 FILL OUT AND SIGN A DAILY SET-UP LOG FOR A WORK ZONE SPEED CONTROL
20 SYSTEM THAT:

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

23 (II) STATES THAT THE WORK ZONE SPEED CONTROL
24 SYSTEM OPERATOR SUCCESSFULLY PERFORMED THE
25 MANUFACTURER-SPECIFIED SELF-TESTS OF THE WORK ZONE SPEED CONTROL
26 SYSTEM BEFORE PRODUCING A RECORDED IMAGE;

27 (III) SHALL BE KEPT ON FILE; AND

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

30 (6) (I) A WORK ZONE SPEED CONTROL SYSTEM SHALL
31 UNDERGO AN ANNUAL CALIBRATION CHECK PERFORMED BY AN INDEPENDENT
32 CALIBRATION LABORATORY.

1 (II) THE INDEPENDENT CALIBRATION LABORATORY SHALL
2 ISSUE A SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL
3 CALIBRATION CHECK THAT:

4 1. SHALL BE KEPT ON FILE; AND

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

7 (c) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A
8 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE
9 OWNER OR, IN ACCORDANCE WITH SUBSECTION (F)(4) OF THIS SECTION, THE
10 DRIVER OF A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF AN IMAGE OF
11 THE MOTOR VEHICLE IS RECORDED BY A WORK ZONE SPEED CONTROL SYSTEM
12 IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION WHILE BEING
13 OPERATED IN VIOLATION OF THIS SUBTITLE.

14 (2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED
15 ~~\$75~~ \$40.

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

18 (i) PRESCRIBE A UNIFORM CITATION FORM CONSISTENT
19 WITH SUBSECTION (D)(1) OF THIS SECTION AND § 7-302 OF THE COURTS
20 ARTICLE; AND

21 (ii) INDICATE ON THE CITATION THE AMOUNT OF THE CIVIL
22 PENALTY TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL PENALTY
23 WITHOUT APPEARING IN DISTRICT COURT.

24 (d) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH
25 (4) OF THIS SUBSECTION, THE LOCAL POLICE DEPARTMENT OR STATE POLICE
26 DEPARTMENT SHALL MAIL TO THE OWNER LIABLE UNDER SUBSECTION (C) OF
27 THIS SECTION A CITATION THAT SHALL INCLUDE:

28 (i) THE NAME AND ADDRESS OF THE REGISTERED OWNER
29 OF THE VEHICLE;

30 (ii) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE
31 INVOLVED IN THE VIOLATION;

32 (iii) THE VIOLATION CHARGED;

33 (iv) THE LOCATION WHERE THE VIOLATION OCCURRED;

1 (V) **THE DATE AND TIME OF THE VIOLATION;**

2 (VI) **AT LEAST ONE RECORDED IMAGE OF THE VEHICLE WITH**
3 **A DATA BAR IMPRINTED ON EACH IMAGE THAT INCLUDES THE SPEED OF THE**
4 **VEHICLE AND THE DATE AND TIME THE IMAGE WAS RECORDED;**

5 (VII) **THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE**
6 **DATE BY WHICH THE CIVIL PENALTY SHOULD BE PAID;**

7 (VIII) **A SIGNED STATEMENT BY A POLICE OFFICER**
8 **EMPLOYED BY THE LOCAL POLICE DEPARTMENT OR STATE POLICE**
9 **DEPARTMENT THAT, BASED ON INSPECTION OF RECORDED IMAGES, THE MOTOR**
10 **VEHICLE WAS BEING OPERATED IN VIOLATION OF THIS SUBTITLE;**

11 (IX) **A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE**
12 **OF A VIOLATION OF THIS SUBTITLE;**

13 (X) **INFORMATION ADVISING THE PERSON ALLEGED TO BE**
14 **LIABLE UNDER THIS SECTION OF THE MANNER AND TIME IN WHICH LIABILITY**
15 **AS ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT;**
16 **AND**

17 (XI) **INFORMATION ADVISING THE PERSON ALLEGED TO BE**
18 **LIABLE UNDER THIS SECTION THAT FAILURE TO PAY THE CIVIL PENALTY OR TO**
19 **CONTEST LIABILITY IN A TIMELY MANNER:**

20 1. **IS AN ADMISSION OF LIABILITY;**

21 2. **MAY RESULT IN THE REFUSAL TO REGISTER THE**
22 **MOTOR VEHICLE; AND**

23 3. **MAY RESULT IN THE SUSPENSION OF THE MOTOR**
24 **VEHICLE REGISTRATION.**

25 (2) **THE LOCAL POLICE DEPARTMENT OR STATE POLICE**
26 **DEPARTMENT MAY MAIL A WARNING NOTICE INSTEAD OF A CITATION TO THE**
27 **OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION.**

28 (3) **EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS**
29 **SECTION, THE LOCAL POLICE DEPARTMENT OR STATE POLICE DEPARTMENT**
30 **MAY NOT MAIL A CITATION TO A PERSON WHO IS NOT AN OWNER.**

31 (4) **EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS**
32 **SECTION, A CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NO**

1 LATER THAN 2 WEEKS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS
2 REGISTERED IN THIS STATE, AND 30 DAYS AFTER THE ALLEGED VIOLATION IF
3 THE VEHICLE IS REGISTERED IN ANOTHER STATE.

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

6 (I) PAY THE CIVIL PENALTY IN ACCORDANCE WITH
7 INSTRUCTIONS ON THE CITATION; OR

8 (II) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR
9 THE ALLEGED VIOLATION.

10 (E) (1) A CERTIFICATE ALLEGING THAT THE VIOLATION OF THIS
11 SUBTITLE OCCURRED AND THE REQUIREMENTS UNDER SUBSECTION (B) OF
12 THIS SECTION HAVE BEEN SATISFIED, SWORN TO, OR AFFIRMED BY A POLICE
13 OFFICER EMPLOYED BY THE LOCAL POLICE DEPARTMENT OR STATE POLICE
14 DEPARTMENT, BASED ON INSPECTION OF RECORDED IMAGES PRODUCED BY A
15 WORK ZONE SPEED CONTROL SYSTEM, SHALL BE EVIDENCE OF THE FACTS
16 CONTAINED IN THE CERTIFICATE AND SHALL BE ADMISSIBLE IN A PROCEEDING
17 ALLEGING A VIOLATION UNDER THIS SECTION WITHOUT THE PRESENCE OR
18 TESTIMONY OF THE WORK ZONE SPEED CONTROL SYSTEM OPERATOR WHO
19 PERFORMED THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION.

20 (2) IF A PERSON WHO RECEIVED A CITATION UNDER SUBSECTION
21 (D) OF THIS SECTION DESIRES A WORK ZONE SPEED CONTROL SYSTEM
22 OPERATOR TO BE PRESENT AND TESTIFY AT TRIAL, THE PERSON SHALL NOTIFY
23 THE COURT AND THE POLICE DEPARTMENT THAT ISSUED THE CITATION IN
24 WRITING NO LATER THAN 20 DAYS BEFORE TRIAL.

25 (3) ADJUDICATION OF LIABILITY SHALL BE BASED ON A
26 PREPONDERANCE OF EVIDENCE.

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

29 (I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,
30 THAT THE MOTOR VEHICLE OR THE REGISTRATION PLATES OF THE MOTOR
31 VEHICLE WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT
32 UNDER THE CONTROL OR POSSESSION OF THE VEHICLE OWNER AT THE TIME OF
33 THE VIOLATION;

34 (II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,
35 EVIDENCE THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING
36 THE VEHICLE AT THE TIME OF THE VIOLATION; ~~AND~~

1 **(III) SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION,**
2 **THAT THE PERSON NAMED IN THE CITATION WAS A VOLUNTEER FOR AN**
3 **AMBULANCE, FIRE, OR RESCUE COMPANY OR A LAW ENFORCEMENT AGENCY**
4 **WHO WAS RESPONDING TO AN EMERGENCY SITUATION AT THE TIME OF THE**
5 **VIOLATION; AND**

6 **(IV) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT**
7 **COURT DEEMS PERTINENT.**

8 **(2) IN ORDER TO DEMONSTRATE THAT THE MOTOR VEHICLE OR**
9 **THE REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED**
10 **AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE**
11 **TIME OF THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE**
12 **REPORT REGARDING THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES**
13 **WAS FILED IN A TIMELY MANNER.**

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

18 **(I) STATES THAT THE PERSON NAMED IN THE CITATION**
19 **WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION;**

20 **(II) PROVIDES THE NAME, ADDRESS, AND, IF POSSIBLE, THE**
21 **DRIVER'S LICENSE IDENTIFICATION NUMBER OF THE PERSON WHO WAS**
22 **OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND**

23 **(III) INCLUDES ANY OTHER CORROBORATING EVIDENCE.**

24 **(4) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON**
25 **NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF**
26 **THE VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (3) OF THIS**
27 **SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF**
28 **THE VIOLATION, THE CLERK OF THE COURT MAY PROVIDE TO THE POLICE**
29 **DEPARTMENT THAT ISSUED THE CITATION A COPY OF ANY EVIDENCE**
30 **SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE**
31 **VIOLATION.**

32 **(II) ON RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE**
33 **DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE POLICE**
34 **DEPARTMENT THAT ISSUED THE CITATION MAY ISSUE A CITATION AS PROVIDED**

1 IN SUBSECTION (D) OF THIS SECTION TO THE PERSON WHO THE EVIDENCE
2 INDICATES WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

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

6 (5) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH
7 (1)(III) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL
8 PROVIDE TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE
9 HEAD OF THE AMBULANCE, FIRE, OR RESCUE COMPANY OR LAW ENFORCEMENT
10 AGENCY FOR WHICH THE PERSON WAS A VOLUNTEER, AND MAILED BY
11 CERTIFIED MAIL RETURN RECEIPT REQUESTED, THAT STATES THAT THE
12 PERSON NAMED IN THE CITATION WAS A VOLUNTEER AND WAS RESPONDING TO
13 AN EMERGENCY AT THE TIME OF THE VIOLATION.

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

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

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

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

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

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

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

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

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

1 **(J) THE DEPARTMENT OF STATE POLICE AND THE STATE HIGHWAY**
2 **ADMINISTRATION SHALL ADOPT JOINTLY REGULATIONS ESTABLISHING**
3 **STANDARDS AND PROCEDURES FOR SPEED CONTROL SYSTEMS AUTHORIZED**
4 **UNDER THIS SECTION.**

5 26–305.

6 (a) The Administration may not register or transfer the registration of any
7 vehicle involved in a parking violation under this subtitle, a violation under any
8 federal parking regulation that applies to property in this State under the jurisdiction
9 of the U.S. government, a violation of § 21–202(h) of this article as determined under §
10 21–202.1 of this article or Title 21, Subtitle 8 of this article as determined under
11 § 21–809 **OR § 21–810** of this article, or a violation of the State litter control law or a
12 local law or ordinance adopted by Baltimore City relating to the unlawful disposal of
13 litter as determined under § 10–112 of the Criminal Law Article, if:

14 (1) It is notified by a political subdivision or authorized State agency
15 that the person cited for the violation under this subtitle, § 21–202.1 [or], § 21–809,
16 **OR § 21–810** of this article, or § 10–112 of the Criminal Law Article has failed to
17 either:

18 (i) Pay the fine for the violation by the date specified in the
19 citation; or

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

21 (2) It is notified by the District Court that a person who has elected to
22 stand trial for the violation under this subtitle, under § 21–202.1 [or], § 21–809, **OR §**
23 **21–810** of this article, or under § 10–112 of the Criminal Law Article has failed to
24 appear for trial; or

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

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

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

31 26–401.

32 If a person is taken before a District Court commissioner or is given a traffic
33 citation or a civil citation under § 21–202.1 [or], § 21–809, **OR § 21–810** of this article
34 containing a notice to appear in court, the commissioner or court shall be one that sits
35 within the county in which the offense allegedly was committed.

1 ~~SECTION 3. AND BE IT FURTHER ENACTED, That:~~

2 ~~(1) Beginning in fiscal year 2009 and each fiscal year thereafter, each~~
3 ~~local jurisdiction shall use the revenues generated from the enforcement of speed limit~~
4 ~~laws as authorized under this Act solely to increase local expenditures for related~~
5 ~~public safety purposes, including pedestrian safety programs; and~~

6 ~~(2) Related public safety expenditures required under this Section~~
7 ~~shall be used to supplement and may not supplant existing local expenditures for the~~
8 ~~same purpose.~~

9 SECTION ~~4.~~ 3. AND BE IT FURTHER ENACTED, That, during the 12-month
10 period after the first work zone speed control system is in place, a law enforcement
11 agency may issue warnings, but may not issue citations, for violations enforced in
12 accordance with § 21–810 of the Transportation Article as enacted by this Act.

13 SECTION ~~5.~~ 4. AND BE IT FURTHER ENACTED, That, if a contractor
14 provides or deploys a work zone speed control system for a police department under
15 Section 2 of this Act, the contractor's fee may not be contingent on the numbers of
16 citations issued or paid.

17 SECTION ~~6.~~ 5. AND BE IT FURTHER ENACTED, That this Act shall be
18 construed to apply only prospectively and may not be applied or interpreted to have
19 any effect on or application to any contract awarded before the effective date of this
20 Act.

21 SECTION ~~7.~~ 6. AND BE IT FURTHER ENACTED, That an obligation or
22 contract right existing on the effective date of this Act may not be impaired in any way
23 by this Act.

24 SECTION ~~8.~~ 7. AND BE IT FURTHER ENACTED, That each local jurisdiction
25 that enforces speed limit laws as authorized under this Act shall report to the
26 Governor and the General Assembly on or before December 31, 2012, in accordance
27 with § 2–1246 of the State Government Article, on the effectiveness of speed
28 monitoring systems in the jurisdiction.

29 SECTION ~~9.~~ 8. AND BE IT FURTHER ENACTED, That this Act shall take
30 effect October 1, 2008.