

SENATE BILL 973

R5
HB 963/17 – ENV

8lr2535

By: **Senator Manno**

Introduced and read first time: February 5, 2018

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: March 13, 2018

CHAPTER _____

1 AN ACT concerning

2 **Maryland Transportation Authority – Video Tolls – Collection**

3 FOR the purpose of clarifying that the Maryland Transportation Authority may refer
4 certain unpaid video tolls and associated civil penalties to the Central Collection
5 Unit for collection; authorizing the Authority to recall certain unpaid video tolls and
6 associated civil penalties from the Central Collection Unit under certain
7 circumstances; establishing that the Central Collection Unit may not collect certain
8 unpaid video tolls and associated civil penalties under certain circumstances;
9 authorizing the Authority to waive certain unpaid video tolls and associated civil
10 penalties under certain circumstances; requiring the Authority to submit a certain
11 report to the Governor and the General Assembly on or before a certain date;
12 providing for the termination of this Act; and generally relating to the collection of
13 certain video tolls.

14 BY repealing and reenacting, with amendments,
15 Article – State Finance and Procurement
16 Section 3–302
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2017 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Transportation
21 Section 21–1414
22 Annotated Code of Maryland
23 (2012 Replacement Volume and 2017 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.



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

3 **Article – State Finance and Procurement**

4 3–302.

5 (a) (1) Except as otherwise provided in subsection (b) of this section,
6 paragraph (2)(ii) of this subsection, or in other law, the Central Collection Unit is
7 responsible for the collection of each delinquent account or other debt that is owed to the
8 State or any of its officials or units.

9 (2) (i) Except as provided in subparagraph (ii) of this paragraph, an
10 official or unit of the State government shall refer to the Central Collection Unit each debt
11 for which the Central Collection Unit has collection responsibility under this subsection
12 and may not settle the debt.

13 (ii) A public institution of higher education may not refer a
14 delinquent student account or debt to the Central Collection Unit unless, in accordance
15 with § 15–119 of the Education Article:

16 1. the delinquent account or debt has not been settled by the
17 end of the late registration period of the semester after the student account became
18 delinquent; or

19 2. the student has not entered into or made timely payments
20 to satisfy an installment payment plan.

21 (3) For the purposes of this subtitle, a community college or board of
22 trustees for a community college established or operating under Title 16 of the Education
23 Article is a unit of the State.

24 (b) Unless, with the approval of the Secretary, a unit of the State government
25 assigns the claim to the Central Collection Unit, the Central Collection Unit is not
26 responsible for and may not collect:

27 (1) any taxes;

28 (2) any child support payment that is owed under § 5–308 of the Human
29 Services Article;

30 (3) any unemployment insurance contribution or overpayment;

31 (4) any fine;

32 (5) any court costs;

1 (6) any forfeiture on bond;

2 (7) any money that is owed as a result of a default on a loan that the
 3 Department of Commerce or the Department of Housing and Community Development has
 4 made or insured; [or]

5 (8) any money that is owed under Title 9, Subtitles 2, 3, and 4 and Title 20
 6 of the Insurance Article; OR

7 (9) ANY MONEY THAT IS OWED UNDER A DELINQUENT ACCOUNT FOR
 8 UNPAID VIDEO TOLLS AND ASSOCIATED CIVIL PENALTIES AND IS RECALLED BY THE
 9 MARYLAND TRANSPORTATION AUTHORITY UNDER § 21-1414(H) OF THE
 10 TRANSPORTATION ARTICLE.

11 (c) The Central Collection Unit shall be responsible for the collection of each
 12 delinquent account or other debt that is owed to a community college established or
 13 operating under Title 16 of the Education Article if the board of trustees for the community
 14 college:

15 (1) adopts a resolution appointing the Central Collection Unit as the
 16 collector of delinquent accounts or other debt; and

17 (2) submits the resolution to the Central Collection Unit.

18 **Article – Transportation**

19 21-1414.

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

21 (2) “Authority” means the Maryland Transportation Authority.

22 (3) “Electronic toll collection” means a system in a toll collection facility
 23 that is capable of collecting information from a motor vehicle for use in charging tolls.

24 (4) “Notice of toll due” or “notice” means an administrative notice of a video
 25 toll transaction.

26 (5) “Person alleged to be liable” means:

27 (i) The registered owner of a motor vehicle involved in a video toll
 28 transaction; or

29 (ii) A person to whom a registered owner of a motor vehicle has
 30 transferred liability for a video toll transaction in accordance with this section and the

1 regulations of the Authority.

2 (6) "Recorded image" means an image of a motor vehicle passing through a
3 toll collection facility recorded by a video monitoring system:

4 (i) On:

5 1. One or more photographs, micrographs, or electronic
6 images;

7 2. Videotape; or

8 3. Any other medium; and

9 (ii) Showing either the front or rear of the motor vehicle on at least
10 one image or portion of tape and clearly identifying the license plate number and state of
11 the motor vehicle.

12 (7) "Registered owner" means, with respect to a motor vehicle, the person
13 or persons designated as the registered owner in the records of the government agency that
14 is responsible for motor vehicle registration.

15 (8) "Toll collection facility" means any point on an Authority highway
16 where a toll is incurred and is required to be paid.

17 (9) "Toll violation" means the failure to pay a video toll within the time
18 prescribed by the Authority in a notice of toll due.

19 (10) "Video monitoring system" means a device installed to work in
20 conjunction with a toll collection facility that produces a recorded image when a video toll
21 transaction occurs.

22 (11) "Video toll" means the amount assessed by the Authority when a video
23 toll transaction occurs.

24 (12) "Video toll transaction" means any transaction in which a motor vehicle
25 does not or did not pay a toll at the time of passage through a toll collection facility with a
26 video monitoring system.

27 (b) (1) Except as provided in subsection (g) of this section, the registered owner
28 of a motor vehicle shall be liable to the Authority for payment of a video toll as provided for
29 in the regulations of the Authority.

30 (2) The Authority shall send the registered owner of a motor vehicle that
31 has incurred a video toll a notice of toll due.

32 (3) Except as provided in subsection (g) of this section, the person alleged

1 to be liable who receives a notice of toll due shall have at least 30 days to pay the video toll.

2 (c) (1) Failure of the person alleged to be liable to pay the video toll under a
3 notice of toll due by the date stated on the notice shall constitute a toll violation subject to
4 a civil citation and a civil penalty, which shall be assessed 15 days after the toll violation
5 occurs, as provided for in the regulations of the Authority.

6 (2) A registered owner of a motor vehicle shall not be liable for a civil
7 penalty imposed under this section if the operator of the motor vehicle has been convicted
8 of failure or refusal to pay a toll under § 21-1413 of this subtitle for the same violation.

9 (d) (1) The Authority or its duly authorized agent shall send a citation via
10 first-class mail, no later than 60 days after the toll violation, to the person alleged to be
11 liable under this section.

12 (2) Personal service of the citation on the person alleged to be liable shall
13 not be required, and a record of mailing kept in the ordinary course of business shall be
14 admissible evidence of the mailing of the notice of toll due and citation.

15 (3) A citation shall contain:

16 (i) The name and address of the person alleged to be liable under
17 this section;

18 (ii) The license plate number and state of registration of the motor
19 vehicle involved in the video toll transaction;

20 (iii) The location where the video toll transaction took place;

21 (iv) The date and time of the video toll transaction;

22 (v) The amount of the video toll and the date it was due as stated on
23 the notice of toll due;

24 (vi) A copy of the recorded image;

25 (vii) A statement that the video toll was not paid before the civil
26 penalty was assessed;

27 (viii) The amount of the civil penalty; and

28 (ix) The date by which the video toll and civil penalty must be paid.

29 (4) A citation shall also include:

30 (i) Information advising the person alleged to be liable under this
31 section of the manner and the time in which liability alleged in the citation may be

1 contested;

2 (ii) The statutory defenses described in subsection (g) of this section
3 that were originally included in the notice of toll due; and

4 (iii) A warning that failure to pay the video toll and civil penalty, to
5 contest liability in the manner and time prescribed, or to appear at a trial requested is an
6 admission of liability and a waiver of available defenses, and may result in the refusal or
7 suspension of the motor vehicle registration and referral for collection.

8 (5) A person alleged to be liable receiving the citation for a toll violation
9 under this section may:

10 (i) Pay the video toll and the civil penalty directly to the Authority;
11 or

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

13 (6) (i) If the person alleged to be liable under this section fails to elect
14 to stand trial or to pay the prescribed video toll and civil penalty within 30 days after
15 mailing of the citation, or is adjudicated to be liable after trial, or fails to appear at trial
16 after having elected to stand trial, the Authority or its duly authorized agent may:

17 1. Collect the video toll and the civil penalty by any means of
18 collection as provided by law; and

19 2. Notify the Administration of the failure to pay the video
20 toll and civil penalty in accordance with subsection (i) of this section.

21 (ii) No additional hearing or proceeding is required before the
22 Administration takes action with respect to the motor vehicle of the registered owner under
23 subsection (i) of this section.

24 (e) (1) A certificate alleging that a toll violation occurred and that the video
25 toll payment was not received before the civil penalty was assessed, sworn to or affirmed
26 by a duly authorized agent of the Authority, based upon inspection of a recorded image and
27 electronic toll collection records produced by an electronic toll collection video monitoring
28 system shall be evidence of the facts contained therein and shall be admissible in any
29 proceeding alleging a violation under this section without the presence or testimony of the
30 duly authorized agent who performed the requirements under this section.

31 (2) The citation, including the certificate, shall constitute prima facie
32 evidence of liability for the toll violation and civil penalty.

33 (f) Adjudication of liability under this section:

34 (1) Shall be based upon a preponderance of evidence;

1 (2) May not be deemed a conviction of a registered owner of a motor vehicle
2 under the Motor Vehicle Code;

3 (3) May not be made part of the registered owner's motor vehicle operating
4 record; and

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

7 (g) (1) If, at the time of a video toll transaction, a motor vehicle is operated by
8 a person other than the registered owner without the express or implied consent of the
9 registered owner, and if the registered owner by the date stated on the notice of toll due
10 provides the Authority or its duly authorized agent with a notarized admission by the
11 person accepting liability which shall include that person's name, address, and driver's
12 license identification number, then the person accepting liability shall be liable under this
13 section and shall be sent a notice of toll due.

14 (2) If the registered owner is a lessor of motor vehicles, and at the time of
15 the video toll transaction the motor vehicle involved was in the possession of a lessee, and
16 the lessor by the date stated on the notice of toll due provides the Authority or its duly
17 authorized agent with a copy of the lease agreement or other documentation acceptable to
18 the Authority identifying the lessee, including the person's name, address, and driver's
19 license identification number or federal employer identification number, then the lessee
20 shall be liable under this section and shall be sent a notice of toll due.

21 (3) If the motor vehicle involved in a video toll transaction is operated using
22 a dealer or transporter registration plate, and at the time of the video toll transaction the
23 motor vehicle was under the custody and control of a person other than the owner of the
24 dealer or transporter registration plate, and if the owner of the dealer or transporter
25 registration plate by the date stated on the notice of toll due provides to the Authority or
26 its duly authorized agent a copy of the contractual agreement or other documentation
27 acceptable to the Authority identifying the person, including the person's name, address,
28 and driver's license identification number, who had custody and control over the motor
29 vehicle at the time of the video toll transaction, then that person and not the owner of the
30 dealer or transporter registration plate shall be liable under this section and shall be sent
31 a notice of toll due.

32 (4) If a motor vehicle or registration plate number is reported to a law
33 enforcement agency as stolen at the time of the video toll transaction, and the registered
34 owner by the date stated on the notice of toll due provides to the Authority or its duly
35 authorized agent a copy of the police report substantiating that the motor vehicle was stolen
36 at the time of the video toll transaction, then the registered owner of the motor vehicle is
37 not liable under this section.

38 (h) **(1) THE AUTHORITY MAY REFER A DELINQUENT ACCOUNT FOR**
39 **UNPAID VIDEO TOLLS AND ASSOCIATED CIVIL PENALTIES TO THE CENTRAL**

1 **COLLECTION UNIT FOR COLLECTION.**

2 **(2) THE AUTHORITY MAY RECALL A DELINQUENT ACCOUNT FROM**
3 **THE CENTRAL COLLECTION UNIT IF:**

4 **(I) THE DELINQUENT ACCOUNT EXCEEDS \$300 IN UNPAID**
5 **VIDEO TOLLS AND ASSOCIATED CIVIL PENALTIES;**

6 **(II) THE VIDEO TOLLS IN QUESTION WERE ASSESSED WITHIN A**
7 **30-DAY PERIOD; AND**

8 **(III) MITIGATING FACTORS EXIST WITH RESPECT TO THE**
9 **ASSESSMENT OF THE UNPAID VIDEO TOLLS AND ASSOCIATED CIVIL PENALTIES, AS**
10 **DETERMINED BY THE AUTHORITY.**

11 **(3) Notwithstanding any other provision of law, until the Authority refers**
12 **the debt to the Central Collection Unit OR AFTER THE AUTHORITY HAS RECALLED A**
13 **DELINQUENT ACCOUNT FROM THE CENTRAL COLLECTION UNIT, the Authority may**
14 **waive any portion of the video toll due or civil penalty assessed under this section.**

15 (i) (1) The Administration shall refuse or suspend the registration of a motor
16 vehicle that incurs a toll violation under this section if:

17 (i) The Maryland Transportation Authority notifies the
18 Administration that a registered owner of the motor vehicle has been served with a citation
19 in accordance with this section and has failed to:

20 1. Pay the video toll and the civil penalty for the toll violation
21 by the date specified in the citation; and

22 2. Contest liability for the toll violation by the date identified
23 and in the manner specified in the citation; or

24 (ii) The Maryland Transportation Authority or the District Court
25 notifies the Administration that a person who elected to contest liability for a toll violation
26 under this section has failed to:

27 1. Appear for trial or has been determined to be guilty of the
28 toll violation; and

29 2. Pay the video toll and civil penalty.

30 (2) In conjunction with the Maryland Transportation Authority, the
31 Administration may adopt regulations and develop procedures to carry out the refusal or
32 suspension of a registration under this subsection.

1 (3) The procedures in this subsection are in addition to any other penalty
2 provided by law for a toll violation under this section.

3 (4) This subsection may be applied to enforce a reciprocal agreement
4 entered into by the State and another jurisdiction in accordance with § 21-1415 of this
5 subtitle.

6 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
7 2020, the Maryland Transportation Authority shall report to the Governor and, in
8 accordance with § 2-1246 of the State Government Article, the General Assembly on its
9 progress in improving access to its customer service operations, including enhanced use of
10 e-mails, text messaging, and other methods of wireless communications.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
12 1, 2018. It shall remain effective for a period of 3 years and, at the end of May 31, 2021,
13 this Act, with no further action required by the General Assembly, shall be abrogated and
14 of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.