

HOUSE BILL 1321

R1, R5

0lr0665

By: **Delegates Carr, Bronrott, Frick, Frush, Gutierrez, Healey, Holmes, Lee, Manno, Niemann, Oaks, Reznik, Riley, and Stukes**
Introduced and read first time: February 18, 2010
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Littering and Securing Loads on Vehicles – Online**
3 **Reporting of Violations and Issuance of Citations**

4 FOR the purpose of requiring the State Highway Administration to compile and
5 publish annually and keep copies of certain information concerning highway
6 litter removal programs and reports of certain violations; requiring the
7 Administration to establish an online reporting system that allows an adult
8 individual to file a report electronically if the individual witnesses a violation of
9 certain provisions of law relating to littering and to securing loads on vehicles;
10 requiring a certain report to contain certain information under certain
11 circumstances; requiring the Administration to forward certain reports to
12 certain local police departments; requiring a police officer with a local police
13 department to conduct an investigation of a certain report under certain
14 circumstances; requiring a local police department to mail a citation to a certain
15 person under certain circumstances; requiring a certain citation to contain
16 certain information; requiring a person who receives a citation under this Act to
17 pay the penalty in accordance with the instructions in the citation or elect to
18 stand trial in the District Court for the alleged violation; requiring the
19 Department of State Police and the Administration jointly to adopt regulations
20 to implement certain provisions of this Act; altering certain presumptions of
21 liability for certain violations related to littering and to securing loads on
22 vehicles; requiring a police department that issues a certain citation to
23 maintain a record of the citation and to submit annually to the Administration
24 certain information related to the citation; and generally relating to littering
25 and to securing loads on vehicles.

26 BY repealing and reenacting, with amendments,
27 Article – Transportation
28 Section 8–205
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (2008 Replacement Volume and 2009 Supplement)

2 BY adding to

3 Article – Transportation

4 Section 8–208

5 Annotated Code of Maryland

6 (2008 Replacement Volume and 2009 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article – Transportation

9 Section 21–1111 and 24–106.3

10 Annotated Code of Maryland

11 (2009 Replacement Volume and 2009 Supplement)

12 BY adding to

13 Article – Transportation

14 Section 21–1111.1

15 Annotated Code of Maryland

16 (2009 Replacement Volume and 2009 Supplement)

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

19 **Article – Transportation**

20 8–205.

21 (a) (1) The Administration shall keep books that show in detail all
22 expenditures made to establish or improve highways in this State or to perform any
23 other of its duties.

24 (2) The Administration shall compile and publish annually and shall
25 keep copies of maps, plans, and statistics that show the progress and status of work on
26 all State highways and, by county, the county roads of each county in this State.

27 (3) The Administration shall keep a record of each contract,
28 agreement, grant, or license that it makes or issues.

29 **(4) THE ADMINISTRATION SHALL COMPILE AND PUBLISH**
30 **ANNUALLY AND SHALL KEEP COPIES OF REPORTS THAT SHOW, BY COUNTY:**

31 **(I) THE PROGRAMS THROUGH WHICH LITTER IS REMOVED**
32 **FROM HIGHWAYS IN THE STATE;**

33 **(II) THE AMOUNT OF LITTER REMOVED THROUGH EACH**
34 **PROGRAM; AND**

1 (III) THE COST TO THE ADMINISTRATION FOR LITTER
2 REMOVAL FROM HIGHWAYS IN THE STATE.

3 (5) THE ADMINISTRATION SHALL COMPILE AND PUBLISH
4 ANNUALLY AND SHALL KEEP COPIES OF:

5 (I) A LIST OF ALL VIOLATIONS REPORTED UNDER § 8-208
6 OF THIS SUBTITLE; AND

7 (II) ALL INFORMATION RECEIVED UNDER § 21-1111.1 OF
8 THIS ARTICLE.

9 (b) Except as provided by law, all books and records of the Administration
10 are public records and open to public inspection.

11 **8-208.**

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

14 (2) “LOCAL POLICE DEPARTMENT” MEANS:

15 (I) THE POLICE DEPARTMENT OF ANY MUNICIPAL
16 CORPORATION;

17 (II) THE POLICE DEPARTMENT OF ANY COUNTY; AND

18 (III) THE SHERIFF’S DEPARTMENT OF ANY COUNTY THAT
19 HAS HIGHWAY TRAFFIC PATROL RESPONSIBILITIES.

20 (3) (I) “OWNER” MEANS THE REGISTERED OWNER OF A MOTOR
21 VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR
22 LONGER.

23 (II) “OWNER” DOES NOT INCLUDE A MOTOR VEHICLE
24 RENTAL OR LEASING COMPANY.

25 (4) “POLICE OFFICER” MEANS AN OFFICER AUTHORIZED TO
26 MAKE ARRESTS FOR VIOLATIONS OF ANY OF THE PROVISIONS OF THE
27 MARYLAND VEHICLE LAW.

28 (B) THE ADMINISTRATION SHALL ESTABLISH AN ONLINE REPORTING
29 SYSTEM THAT ALLOWS AN ADULT INDIVIDUAL TO FILE A REPORT

1 ELECTRONICALLY IF THE INDIVIDUAL WITNESSES A VIOLATION OF § 21-1111,
2 § 24-106, § 24-106.1, OR § 24-106.2 OF THIS ARTICLE.

3 (C) A REPORT MADE UNDER THIS SECTION SHALL INCLUDE THE
4 FOLLOWING INFORMATION:

5 (1) THE NAME, ADDRESS, DRIVER'S LICENSE STATE AND NUMBER,
6 IF APPLICABLE, TELEPHONE NUMBER, AND ELECTRONIC MAIL ADDRESS OF THE
7 WITNESS;

8 (2) THE STATE AND LICENSE PLATE NUMBER OF THE VEHICLE
9 OCCUPIED BY THE VIOLATOR;

10 (3) ANY OTHER IDENTIFYING INFORMATION ABOUT THE VEHICLE
11 OCCUPIED BY THE VIOLATOR, INCLUDING THE COLOR, MAKE, AND MODEL OF
12 THE VEHICLE;

13 (4) THE DATE AND TIME WHEN THE VIOLATION OCCURRED;

14 (5) THE LOCATION WHERE THE VIOLATION OCCURRED;

15 (6) A DESCRIPTION OF THE VIOLATION; AND

16 (7) A STATEMENT AS TO WHETHER THE WITNESS IS WILLING TO
17 TESTIFY IN COURT AS TO THE FACTS ALLEGED IN THE REPORT.

18 (D) (1) A REPORT THAT INCLUDES A STATEMENT THAT THE WITNESS
19 IS WILLING TO TESTIFY IN COURT MUST ALSO INCLUDE AN ELECTRONIC
20 SIGNATURE THAT IS MADE EXPRESSLY UNDER THE PENALTIES OF PERJURY.

21 (2) AN ELECTRONIC SIGNATURE MADE UNDER THIS SUBSECTION
22 SUBJECTS THE INDIVIDUAL MAKING IT TO THE PENALTIES OF PERJURY TO THE
23 SAME EXTENT AS AN OATH OR AFFIRMATION MADE BEFORE AN INDIVIDUAL
24 AUTHORIZED TO ADMINISTER OATHS.

25 (3) IF A REPORT INCLUDES A STATEMENT THAT THE WITNESS IS
26 WILLING TO TESTIFY IN COURT AND AN ELECTRONIC SIGNATURE IN
27 ACCORDANCE WITH THIS SUBSECTION, THE ADMINISTRATION SHALL FORWARD
28 THE REPORT TO THE LOCAL POLICE DEPARTMENT.

29 (E) IF A REPORT DOES NOT INCLUDE A STATEMENT THAT THE WITNESS
30 IS WILLING TO TESTIFY IN COURT, OR IF THERE IS NO ELECTRONIC SIGNATURE
31 MADE IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION, THE
32 ADMINISTRATION SHALL MAIL A NOTICE TO THE OWNER OF THE VEHICLE

1 INVOLVED IN THE VIOLATION INFORMING THE OWNER OF THE ALLEGED
2 VIOLATION AND OF THE POTENTIAL PENALTIES FOR THE VIOLATION.

3 (F) (1) A POLICE OFFICER WITH A LOCAL POLICE DEPARTMENT
4 SHALL CONDUCT AN INVESTIGATION OF ANY REPORT FORWARDED BY THE
5 ADMINISTRATION UNDER THIS SECTION.

6 (2) AN INVESTIGATION CONDUCTED UNDER THIS SUBSECTION
7 MAY INCLUDE A TELEPHONE OR IN-PERSON INTERVIEW WITH THE WITNESS,
8 THE OWNER OF THE VEHICLE INVOLVED IN THE VIOLATION, AND ANY
9 INDIVIDUAL IDENTIFIED AS THE VIOLATOR.

10 (G) (1) IF, AFTER AN INVESTIGATION, A POLICE OFFICER BELIEVES
11 THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE VIOLATION
12 OCCURRED, THE LOCAL POLICE DEPARTMENT SHALL SEND BY CERTIFIED MAIL
13 A CITATION TO THE OWNER OF THE VEHICLE INVOLVED IN THE VIOLATION OR
14 TO THE INDIVIDUAL THAT THE POLICE OFFICER HAS PROBABLE CAUSE TO
15 BELIEVE COMMITTED THE VIOLATION.

16 (2) A CITATION ISSUED UNDER THIS SECTION SHALL INCLUDE:

17 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER
18 OF THE VEHICLE INVOLVED IN THE VIOLATION;

19 (II) THE NAME AND ADDRESS OF THE PERSON RECEIVING
20 THE CITATION, IF DIFFERENT FROM THE REGISTERED OWNER;

21 (III) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE
22 INVOLVED IN THE VIOLATION;

23 (IV) THE VIOLATION CHARGED;

24 (V) THE LOCATION WHERE THE VIOLATION OCCURRED;

25 (VI) THE DATE AND TIME OF THE VIOLATION;

26 (VII) THE AMOUNT OF THE PENALTY IMPOSED AND THE DATE
27 BY WHICH THE PENALTY SHOULD BE PAID;

28 (VIII) A SIGNED STATEMENT BY AN AUTHORIZED POLICE
29 OFFICER THAT THE CITATION IS BASED ON AN INVESTIGATION OF A REPORT
30 MADE TO THE ADMINISTRATION'S ONLINE REPORTING SYSTEM; AND

1 **(IX) INFORMATION ABOUT THE MANNER AND TIME IN WHICH**
2 **LIABILITY AS ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT**
3 **COURT.**

4 **(3) A PERSON WHO RECEIVES A CITATION UNDER THIS SECTION**
5 **MAY:**

6 **(I) PAY THE 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 **(H) THE DEPARTMENT OF STATE POLICE AND THE ADMINISTRATION**
11 **JOINTLY SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.**

12 21-1111.

13 (a) A person may not drop, throw, or place on a highway any glass bottle,
14 glass, nails, tacks, wire, cans, or any other substance likely to injure any person,
15 animal, or vehicle on the highway.

16 (b) Any person who drops, throws, or places or permits to be dropped,
17 thrown, or placed on a highway any destructive, hazardous, or injurious material
18 immediately shall remove it or cause it to be removed.

19 (c) Any person removing a wrecked or damaged vehicle from a highway also
20 shall remove from the highway any glass or other injurious substance dropped from
21 the vehicle.

22 (d) A person may not throw, dump, discharge, or deposit any trash, junk, or
23 other refuse on any highway or public bridge or in any public waters.

24 (e) **(1) IN THIS SUBSECTION, "OWNER" HAS THE MEANING STATED IN**
25 **§ 8-208(A)(3) OF THIS ARTICLE.**

26 **(2)** The owner of the vehicle[, if present in the vehicle, or, in his
27 absence, the driver of the vehicle] is presumed to be responsible for any violation of
28 this section, if:

29 **[(1) (I)]** The violation is caused by an occupant of the vehicle; **AND**

30 **[(2)]** The vehicle has two or more occupants; and

31 **[(3) (II)]** It cannot be determined which occupant is the violator.

1 (f) A violation of this section is considered a moving violation for purposes of
2 § 16-402 of this article.

3 **21-1111.1.**

4 **EVERY POLICE DEPARTMENT THAT ISSUES A CITATION UNDER § 21-1111**
5 **OF THIS SUBTITLE, INCLUDING A CITATION ISSUED IN ACCORDANCE WITH**
6 **§ 8-208 OF THIS ARTICLE FOR A VIOLATION OF § 21-1111 OF THIS SUBTITLE, OR**
7 **THAT ISSUES A CITATION UNDER § 10-110 OF THE CRIMINAL LAW ARTICLE,**
8 **SHALL:**

9 (1) **MAINTAIN A RECORD OF THE CITATION; AND**

10 (2) **SUBMIT ANNUALLY TO THE STATE HIGHWAY**
11 **ADMINISTRATION A REPORT THAT INCLUDES, FOR EACH CITATION:**

12 (I) **A DESCRIPTION OF THE VIOLATION;**

13 (II) **A NOTATION AS TO WHETHER THE CITATION WAS**
14 **ISSUED IN ACCORDANCE WITH § 8-208 OF THIS ARTICLE; AND**

15 (III) **THE DISPOSITION OF THE CITATION.**

16 **24-106.3.**

17 (A) **IN THIS SUBSECTION, “OWNER” HAS THE MEANING STATED IN §**
18 **8-208(A)(3) OF THIS ARTICLE.**

19 (B) **The owner of the vehicle**[, if present in the vehicle, or, in his absence, the
20 **driver of the vehicle]** is presumed to be responsible for any violation of §§ 24-106
21 **through 24-106.2 of this subtitle, if:**

22 (1) **The violation is caused by an occupant of the vehicle; AND**

23 (2) **[The vehicle has two or more occupants; and**

24 (3)] **It cannot be determined which occupant is the violator.**

25 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
26 **October 1, 2010.**