

HOUSE BILL 230

R5

2lr0569

By: **Delegates Carr, Crutchfield, Cullison, Lehman, and Qi**

Introduced and read first time: January 13, 2022

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2022

CHAPTER _____

1 AN ACT concerning

2 ~~Speed Monitoring Systems~~ **Automated Enforcement – Exclusion of Vehicle**
3 **Rental Companies – Repeal and Notification Requirement**

4 FOR the purpose of repealing the exclusion of motor vehicle rental companies from
5 enforcement provisions for motor vehicle violations that are recorded by ~~speed~~
6 ~~monitoring~~ automated enforcement systems; requiring an agency to provide certain
7 notice to a motor vehicle rental company before issuing a citation for an alleged
8 violation recorded by ~~a speed monitoring~~ an automated enforcement system;
9 requiring an agency to send a citation and other relevant notices related to
10 automated enforcement to a motor vehicle rental company electronically in a certain
11 manner under certain circumstances; and generally relating to motor vehicle rental
12 companies and ~~speed monitoring~~ automated enforcement systems.

13 ~~BY repealing and reenacting, without amendments,~~
14 ~~Article – Transportation~~
15 ~~Section 21–809(a)(1), (2), and (8) and (e)(1)~~
16 ~~Annotated Code of Maryland~~
17 ~~(2020 Replacement Volume and 2021 Supplement)~~

18 BY repealing and reenacting, with amendments,
19 Article – Transportation
20 Section 21–202.1(a) and (e), 21–706.1(f), and 21–809(a)(4) and (d)
21 Annotated Code of Maryland
22 (2020 Replacement Volume and 2021 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 BY repealing and reenacting, without amendments,

2 Article – Transportation

3 Section 21–202.1(d)(1), 21–706.1(a) and (e)(1), and 21–809(a)(1), (2), and (8) and
4 (c)(1)

5 Annotated Code of Maryland

6 (2020 Replacement Volume and 2021 Supplement)

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

9 **Article – Transportation**

10 21–202.1.

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

12 (2) “Agency” means:

13 (i) For a traffic control signal operated and maintained at an
14 intersection under the control of the State, the law enforcement agency primarily
15 responsible for traffic control at that intersection; or

16 (ii) For a traffic control signal operated and maintained at an
17 intersection under the control of a political subdivision, a law enforcement agency of the
18 political subdivision that is authorized to issue citations for a violation of the Maryland
19 Vehicle Law or of local traffic laws or regulations.

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

22 (ii) “Owner” does not include a motor vehicle [rental or] leasing
23 company or a holder of a special registration plate issued under Title 13, Subtitle 9, Part
24 III of this article.

25 (4) “Recorded images” means images recorded by a traffic control signal
26 monitoring system:

27 (i) On:

28 1. Two or more photographs;

29 2. Two or more microphotographs;

30 3. Two or more electronic images;

31 4. Videotape; or

1 5. Any other medium; and

2 (ii) Showing the rear of a motor vehicle and, on at least one image or
3 portion of tape, clearly identifying the registration plate number of the motor vehicle.

4 (5) “Traffic control signal monitoring system” means a device with one or
5 more motor vehicle sensors working in conjunction with a traffic control signal to produce
6 recorded images of motor vehicles entering an intersection against a red signal indication.

7 (d) (1) Unless the driver of the motor vehicle received a citation from a police
8 officer at the time of the violation, the owner or, in accordance with subsection (g)(5) of this
9 section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is
10 recorded by a traffic control signal monitoring system while being operated in violation of
11 § 21–202(h) of this subtitle.

12 (e) (1) Subject to the provisions of paragraphs (2) through [(4)] (5) of this
13 subsection, an agency shall [mail] SEND to the owner liable under subsection (d) of this
14 section a citation which shall include:

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

16 (ii) The registration number of the motor vehicle involved in the
17 violation;

18 (iii) The violation charged;

19 (iv) The location of the intersection;

20 (v) The date and time of the violation;

21 (vi) A copy of the recorded image;

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

24 (viii) A signed statement by a technician employed by the agency that,
25 based on inspection of recorded images, the motor vehicle was being operated in violation
26 of § 21–202(h) of this subtitle;

27 (ix) A statement that recorded images are evidence of a violation of §
28 21–202(h) of this subtitle; and

29 (x) Information advising the person alleged to be liable under this
30 section:

31 1. Of the manner and time in which liability as alleged in the
32 citation may be contested in the District Court; and

1 2. Warning that failure to pay the civil penalty or to contest
2 liability in a timely manner is an admission of liability and may result in refusal or
3 suspension of the motor vehicle registration.

4 (2) The agency may [mail] SEND a warning notice in lieu of a citation to
5 the owner liable under subsection (d) of this section.

6 (3) Except as provided in subsection (g)(5) of this section, a citation issued
7 under this section shall be [mailed] SENT no later than 2 weeks after the alleged violation.

8 (4) An agency may not [mail] SEND a citation to a person who is not an
9 owner under subsection (a)(3)(ii) of this section.

10 (5) **(I) BEFORE SENDING A CITATION TO A MOTOR VEHICLE**
11 **RENTAL COMPANY LIABLE UNDER SUBSECTION (D) OF THIS SECTION, AN AGENCY**
12 **SHALL SEND A NOTICE TO THE MOTOR VEHICLE RENTAL COMPANY STATING THAT A**
13 **CITATION WILL BE SENT TO THE MOTOR VEHICLE RENTAL COMPANY UNLESS,**
14 **WITHIN 45 DAYS OF RECEIVING THE NOTICE, THE MOTOR VEHICLE RENTAL**
15 **COMPANY PROVIDES THE AGENCY WITH:**

16 1. **A STATEMENT MADE UNDER OATH THAT STATES THE**
17 **NAME AND LAST KNOWN MAILING ADDRESS OF THE INDIVIDUAL DRIVING OR**
18 **RENTING THE MOTOR VEHICLE WHEN THE VIOLATION OCCURRED;**

19 2. **A STATEMENT MADE UNDER OATH THAT STATES THAT**
20 **THE MOTOR VEHICLE RENTAL COMPANY IS UNABLE TO DETERMINE WHO WAS**
21 **DRIVING OR RENTING THE VEHICLE AT THE TIME THE VIOLATION OCCURRED**
22 **BECAUSE THE MOTOR VEHICLE WAS STOLEN AT THE TIME OF THE VIOLATION; OR**

23 3. **PAYMENT FOR THE PENALTY ASSOCIATED WITH THE**
24 **VIOLATION.**

25 **(II) AN AGENCY MAY NOT SEND A CITATION TO A MOTOR**
26 **VEHICLE RENTAL COMPANY LIABLE UNDER SUBSECTION (D) OF THIS SECTION IF**
27 **THE MOTOR VEHICLE RENTAL COMPANY COMPLIES WITH SUBPARAGRAPH (I) OF**
28 **THIS PARAGRAPH.**

29 **(III) AT THE REQUEST OF A MOTOR VEHICLE RENTAL COMPANY,**
30 **AN AGENCY SHALL SEND A CITATION AND ANY OTHER RELEVANT NOTICES TO THE**
31 **MOTOR VEHICLE RENTAL COMPANY ELECTRONICALLY IN A MANNER PRESCRIBED**
32 **BY THE MOTOR VEHICLE RENTAL COMPANY.**

33 **(6) A person who receives a citation under paragraph (1) of this subsection**
34 **may:**

1 (i) Pay the civil penalty, in accordance with instructions on the
2 citation, directly to the political subdivision or to the District Court; or

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

4 21-706.1.

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

6 (2) “Law enforcement agency” means a law enforcement agency of a local
7 political subdivision that is authorized to issue a citation for a violation of the Maryland
8 Vehicle Law or of local traffic laws or regulations.

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 leasing company; or

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

15 (4) “Recorded image” means images recorded by a school bus monitoring
16 camera:

17 (i) On:

18 1. Two or more photographs;

19 2. Two or more microphotographs;

20 3. Two or more electronic images;

21 4. Videotape; or

22 5. Any other medium; and

23 (ii) Showing a motor vehicle and, on at least one image or portion of
24 tape, clearly identifying the registration plate number of the motor vehicle.

25 (5) “School bus monitoring camera” means a camera placed on a school bus
26 that is designed to capture a recorded image of a driver of a motor vehicle committing a
27 violation.

28 (6) “Violation” means a violation of § 21-706 of this subtitle.

1 (e) (1) Unless the driver of the motor vehicle received a citation from a police
2 officer at the time of the violation, the owner or, in accordance with subsection (h)(5) of this
3 section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is
4 recorded by a school bus monitoring camera during the commission of a violation.

5 (f) (1) Subject to the provisions of paragraphs (2) through (5) of this
6 subsection, a law enforcement agency shall [mail] SEND to the owner liable under
7 subsection (e) of this section a citation that shall include:

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

9 (ii) The registration number of the motor vehicle involved in the
10 violation;

11 (iii) The violation charged;

12 (iv) To the extent possible, the location of the violation;

13 (v) The date and time of the violation;

14 (vi) A copy of the recorded image;

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

17 (viii) A signed statement by a technician employed by the law
18 enforcement agency that, based on inspection of recorded images, the motor vehicle was
19 being operated during the commission of a violation;

20 (ix) A statement that recorded images are evidence of a violation; and

21 (x) Information advising the person alleged to be liable under this
22 section:

23 1. Of the manner and time in which liability as alleged in the
24 citation may be contested in the District Court; and

25 2. That failure to pay the civil penalty or to contest liability
26 in a timely manner is an admission of liability and may result in refusal or suspension of
27 the motor vehicle registration.

28 (2) The law enforcement agency may mail a warning notice in place of a
29 citation to the owner liable under subsection (e) of this section.

30 (3) (i) Before [mailing] SENDING a citation to a motor vehicle rental
31 company liable under subsection (e) of this section, a law enforcement agency shall [mail]

1 SEND a notice to the motor vehicle rental company stating that a citation will be [mailed]
2 SENT to the motor vehicle rental company unless, within 45 days of receiving the notice,
3 the motor vehicle rental company provides the law enforcement agency with:

4 1. A statement made under oath that states the name and
5 last known mailing address of the individual driving or renting the motor vehicle when the
6 violation occurred;

7 2. [A.] A statement made under oath that states that the
8 motor vehicle rental company is unable to determine who was driving or renting the vehicle
9 at the time the violation occurred because the motor vehicle was stolen at the time of the
10 violation; [and

11 B. A copy of the police report associated with the motor
12 vehicle theft claimed under item A of this item;] or

13 3. Payment for the penalty associated with the violation.

14 (ii) A law enforcement agency may not [mail] SEND a citation to a
15 motor vehicle rental company liable under subsection (e) of this section if the motor vehicle
16 rental company complies with subparagraph (i) of this paragraph.

17 **(III) AT THE REQUEST OF A MOTOR VEHICLE RENTAL COMPANY,**
18 **A LAW ENFORCEMENT AGENCY SHALL SEND A CITATION AND ANY OTHER RELEVANT**
19 **NOTICES TO THE MOTOR VEHICLE RENTAL COMPANY ELECTRONICALLY IN A**
20 **MANNER PRESCRIBED BY THE MOTOR VEHICLE RENTAL COMPANY.**

21 (4) Except as provided in paragraph (3) of this subsection and subsection
22 (h)(5) of this section, a citation issued under this section shall be [mailed] SENT no later
23 than 2 weeks after the alleged violation.

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

26 (i) Pay the civil penalty, in accordance with instructions on the
27 citation, directly to the county; or

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

29 21-809.

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

31 (2) "Agency" means:

1 (i) A law enforcement agency of a local political subdivision that is
2 authorized to issue a citation for a violation of the Maryland Vehicle Law or of local traffic
3 laws or regulations; or

4 (ii) For a municipal corporation that does not maintain a police force,
5 an agency established or designated by the municipal corporation to implement this
6 subtitle using speed monitoring systems in accordance with this section.

7 (4) (i) "Owner" means the registered owner of a motor vehicle or a
8 lessee of a motor vehicle under a lease of 6 months or more.

9 (ii) "Owner" does not include:

10 1. A motor vehicle [rental or] leasing company; or

11 2. A holder of a special registration plate issued under Title
12 13, Subtitle 9, Part III of this article.

13 (8) "Speed monitoring system" means a device with one or more motor
14 vehicle sensors producing recorded images of motor vehicles traveling at speeds at least 12
15 miles per hour above the posted speed limit.

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

20 (d) (1) Subject to the provisions of paragraphs (2) through [(4)] (5) of this
21 subsection, an agency shall ~~mail~~ **SEND** to an owner liable under subsection (c) of this section
22 a citation that shall include:

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

24 (ii) The registration number of the motor vehicle involved in the
25 violation;

26 (iii) The violation charged;

27 (iv) The location where the violation occurred;

28 (v) The date and time of the violation;

29 (vi) A copy of the recorded image;

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

1 (viii) A signed statement by a duly authorized law enforcement officer
 2 employed by or under contract with an agency that, based on inspection of recorded images,
 3 the motor vehicle was being operated in violation of this subtitle;

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

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

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

11 1. Is an admission of liability;

12 2. May result in the refusal by the Administration to register
 13 the motor vehicle; and

14 3. May result in the suspension of the motor vehicle
 15 registration.

16 (2) (i) Except as provided in subparagraph (ii) of this paragraph **AND**
 17 **PARAGRAPH (3) OF THIS SUBSECTION**, an agency may ~~mail~~ **SEND** a warning notice
 18 instead of a citation to the owner liable under subsection (c) of this subsection.

19 (ii) With regard to a speed monitoring system established on
 20 Interstate 83 in Baltimore City, an agency shall ~~mail~~ **SEND** a warning notice instead of a
 21 citation for a violation recorded by the speed monitoring system during the first 90 days
 22 that the speed monitoring system is in operation.

23 (3) (I) **BEFORE ~~MAILING~~ SENDING A CITATION TO A MOTOR**
 24 **VEHICLE RENTAL COMPANY LIABLE UNDER SUBSECTION (C) OF THIS SECTION, THE**
 25 **AGENCY SHALL ~~MAIL~~ SEND A NOTICE TO THE MOTOR VEHICLE RENTAL COMPANY**
 26 **STATING THAT A CITATION WILL BE ~~MAILED~~ SENT TO THE MOTOR VEHICLE RENTAL**
 27 **COMPANY UNLESS, WITHIN 45 DAYS AFTER RECEIVING THE NOTICE, THE MOTOR**
 28 **VEHICLE RENTAL COMPANY PROVIDES THE LAW ENFORCEMENT AGENCY WITH:**

29 1. **A STATEMENT MADE UNDER OATH THAT STATES THE**
 30 **NAME AND LAST KNOWN MAILING ADDRESS OF THE INDIVIDUAL DRIVING OR**
 31 **RENTING THE MOTOR VEHICLE WHEN THE VIOLATION OCCURRED;**

32 2. ~~A~~ **A STATEMENT MADE UNDER OATH THAT**
 33 **STATES THAT THE MOTOR VEHICLE RENTAL COMPANY IS UNABLE TO DETERMINE**
 34 **WHO WAS DRIVING THE VEHICLE AT THE TIME THE VIOLATION OCCURRED BECAUSE**
 35 **THE MOTOR VEHICLE WAS STOLEN AT THE TIME OF THE VIOLATION; ~~AND~~ OR**

1 ~~**B. A COPY OF THE POLICE REPORT ASSOCIATED WITH**~~
2 ~~**THE MOTOR VEHICLE THEFT CLAIMED UNDER ITEM A OF THIS ITEM; OR**~~

3 **3. PAYMENT FOR THE PENALTY ASSOCIATED WITH THE**
4 **VIOLATION.**

5 **(II) THE AGENCY MAY NOT ~~MAIL~~ SEND A CITATION TO A MOTOR**
6 **VEHICLE RENTAL COMPANY LIABLE UNDER SUBSECTION (C) OF THIS SECTION IF**
7 **THE MOTOR VEHICLE RENTAL COMPANY COMPLIES WITH SUBPARAGRAPH (I) OF**
8 **THIS PARAGRAPH.**

9 **(III) AT THE REQUEST OF A MOTOR VEHICLE RENTAL COMPANY,**
10 **AN AGENCY SHALL SEND A CITATION AND ANY OTHER RELEVANT NOTICES TO THE**
11 **MOTOR VEHICLE RENTAL COMPANY ELECTRONICALLY IN A MANNER PRESCRIBED**
12 **BY THE MOTOR VEHICLE RENTAL COMPANY.**

13 **(4) Except as provided in PARAGRAPH (3) OF THIS SUBSECTION AND**
14 **subsection (f)(4) of this section, an agency may not ~~mail~~ SEND a citation to a person who is**
15 **not an owner.**

16 **[(4)] (5) Except as provided in PARAGRAPH (3) OF THIS SUBSECTION**
17 **AND subsections [(b)(1)(ix)] (B)(1)(X) and (f)(4) of this section, a citation issued under this**
18 **section shall be ~~mailed~~ SENT no later than 2 weeks after the alleged violation if the vehicle**
19 **is registered in this State, and 30 days after the alleged violation if the vehicle is registered**
20 **in another state.**

21 **[(5)] (6) A person who receives a citation under paragraph (1) of this**
22 **subsection may:**

23 **(i) Pay the civil penalty, in accordance with instructions on the**
24 **citation, directly to the political subdivision; or**

25 **(ii) Elect to stand trial in the District Court for the alleged violation.**

26 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
27 **~~October 1, 2022~~ June 1, 2023.**