

HOUSE BILL 29

R4, R5
HB 346/21 – ENT

EMERGENCY BILL
(PRE-FILED)

2lr0703
CF SB 105

By: ~~Delegate Carr~~ Delegates Carr, Amprey, Barve, Boyce, Foley, Fraser-Hidalgo, Healey, Holmes, Jalisi, Lehman, Lierman, Love, Prettyman, Ruth, Stein, Stewart, Terrasa, Wells, and Wivell

Requested: October 8, 2021

Introduced and read first time: January 12, 2022

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2022

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Penalties for Failure to Pay Video Toll – ~~Penalties and~~**
3 **Electronic Tolling Performance Audit**

4 FOR the purpose of repealing the requirement that the Motor Vehicle Administration,
5 under certain circumstances, suspend the registration of a motor vehicle that incurs
6 a certain toll violation; altering the authority of the Maryland Transportation
7 Authority to enter certain reciprocal agreements for the enforcement of toll
8 violations; requiring the Maryland Transportation Authority to competitively bid for
9 a certified public accounting firm to conduct a certain performance audit of the
10 electronic tolling operations of the Authority on or before a certain date; and
11 generally relating to ~~penalties for toll violations~~ electronic tolling.

12 BY repealing and reenacting, without amendments,
13 Article – Transportation
14 Section 21–1414(a)(1), (4), and (9) through (12) and (c)(1)
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2021 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Transportation
19 Section 21–1414(d)(4) and (i) and 21–1415
20 Annotated Code of Maryland

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.



(2020 Replacement Volume and 2021 Supplement)

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

Article – Transportation

21–1414.

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

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

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

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

(11) “Video toll” means the amount assessed by the Authority when a video toll transaction occurs.

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

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

(d) (4) A citation shall also include:

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

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

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

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

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

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

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

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

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

15 2. Pay the video toll and civil penalty.

16 (2) In conjunction with the Maryland Transportation Authority, the
17 Administration may adopt regulations and develop procedures to carry out the refusal [or
18 suspension] of a registration under this subsection.

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

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

24 21–1415.

25 (a) The Maryland Transportation Authority in consultation with the
26 Administrator may enter into an agreement with another jurisdiction that provides for
27 reciprocal enforcement of toll violations between the State and the other jurisdiction.

28 (b) An agreement made under this section shall provide that drivers and vehicles
29 licensed in the State, while operating on the highways of another jurisdiction, shall receive
30 benefits, privileges, and exemptions of a similar kind with regard to toll enforcement as are
31 extended to drivers and vehicles licensed or registered in the other jurisdiction while
32 operated in the State.

1 (c) A reciprocal agreement under this section may provide for enforcement of toll
2 violations by refusal [or suspension] of the registration of a motor vehicle in accordance
3 with § 21-1414 of this subtitle.

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

5 (a) (1) Subject to paragraph (2) of this subsection, on or before May 15, 2022,
6 the Maryland Transportation Authority shall competitively bid for a certified public
7 accounting firm to conduct a performance audit of the electronic tolling operations of the
8 Maryland Transportation Authority to evaluate the efficiency and effectiveness of tolling
9 operations and customer service practices of the Maryland Transportation Authority,
10 including revenue collection, leakage analysis, and procurement and contracting processes.

11 (2) (i) A certified public accounting firm that provides services to the
12 Maryland Transportation Authority is not eligible to bid on the performance audit contract
13 under paragraph (1) of this subsection.

14 (ii) On the award of the performance audit contract to a certified
15 public accounting firm under paragraph (1) of this subsection and before commencement of
16 the performance audit, the certified public accounting firm shall consult with the Joint
17 Audit Committee and the Office of Legislative Audits in the development of the scope and
18 objectives of the performance audit.

19 (b) On or before December 31, 2022, and on or before each December 31 for the
20 next 2 years, the Maryland Transportation Authority shall submit to the Governor and, in
21 accordance with § 2-1257 of the State Government Article, the President of the Senate and
22 the Speaker of the House of Delegates a certified copy of the performance audit conducted
23 during that calendar year that meets the requirements under subsection (a) of this section.

24 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect~~
25 ~~June 1, 2022~~ is an emergency measure, is necessary for the immediate preservation of the
26 public health or safety, has been passed by a yea and nay vote supported by three-fifths of
27 all the members elected to each of the two Houses of the General Assembly, and shall take
28 effect from the date it is enacted.