

Bill No.: _____

Requested: _____

Committee: _____

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By: **Montgomery County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Speed Monitoring Systems – Citations for Subsequent**
3 **Violations – Restriction**

4 **MC 819–08**

5 FOR the purpose of establishing that, in Montgomery County, an owner of a motor
6 vehicle who is mailed a certain citation for a violation recorded by a speed
7 monitoring system may not be issued a citation for a subsequent violation
8 recorded by a speed monitoring system at the same location unless the
9 subsequent violation is recorded at least a certain period of time after the
10 mailing of the citation for the first violation; and generally relating to a
11 prohibition on the issuance of certain citations for certain subsequent violations
12 recorded by speed monitoring systems in Montgomery County.

13 BY repealing and reenacting, without amendments,
14 Article – Transportation
15 Section 21–809(a)(1) and (5) and (b)(1)
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2007 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



20 Section 21–809(c)
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2007 Supplement)

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

25 **Article – Transportation**

26 21–809.

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

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

31 (b) (1) This section applies to a violation of this subtitle that occurs in
32 Montgomery County recorded by a speed monitoring system that meets the
33 requirements of this subsection and has been placed:

34 (i) On a highway in a residential district as defined in § 21–101
35 of this title:

36 1. With a maximum posted speed limit of 35 miles per
37 hour; and

38 2. That has a speed limit that was established using
39 generally accepted traffic engineering practices; or

40 (ii) In a school zone established under § 21–803.1 of this
41 subtitle.

42 (c) (1) [Unless the driver of the motor vehicle received a citation from a
43 police officer at the time of the violation, the] **THE** owner or, in accordance with
44 subsection (f)(4) of this section, the driver of a motor vehicle is subject to a civil penalty
45 if the motor vehicle is recorded by a speed monitoring system while being operated in
46 violation of this subtitle **UNLESS:**

47 **(I) THE DRIVER OF THE MOTOR VEHICLE RECEIVED A**
48 **CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION; OR**

49 **(II) UNDER PARAGRAPH (4) OF THIS SUBSECTION, THE**
50 **OWNER OF THE MOTOR VEHICLE MAY NOT BE ISSUED A CITATION.**

51 (2) A civil penalty under this subsection may not exceed \$40.

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

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

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

58 **(4) AN OWNER OF A MOTOR VEHICLE WHO IS MAILED A CITATION**
59 **UNDER THIS SECTION FOR A VIOLATION RECORDED BY A SPEED MONITORING**
60 **SYSTEM MAY NOT BE ISSUED A CITATION FOR A SUBSEQUENT VIOLATION**
61 **RECORDED BY A SPEED MONITORING SYSTEM AT THE SAME LOCATION UNLESS**
62 **THE SUBSEQUENT VIOLATION IS RECORDED AT LEAST 5 DAYS AFTER THE**
63 **MAILING OF THE CITATION FOR THE FIRST VIOLATION.**

64 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
65 October 1, 2008.