

SENATE BILL 139

R5

7lr0494

By: **Senators Manno, Feldman, King, Lee, Madaleno, Norman, Rosapepe, Salling, Smith, and Zucker**

Introduced and read first time: January 16, 2017

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring the Maryland Transportation Authority to orally notify the
4 registered owner of a motor vehicle that has incurred a video toll of the toll due if the
5 video toll exceeds a certain amount or the registered owner has outstanding video
6 tolls in excess of a certain amount; establishing the amount of a certain civil penalty
7 imposed for failing to pay a video toll; prohibiting the Authority from referring a
8 video toll to the Central Collection Unit for collection; and generally relating to the
9 collection of certain video tolls.

10 BY repealing and reenacting, with amendments,
11 Article – Transportation
12 Section 21–1414
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2016 Supplement)

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

17 **Article – Transportation**

18 21–1414.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

(i) On:

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

2. Videotape; or

3. Any other medium; and

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

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

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

(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.

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

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

(II) **THE AUTHORITY SHALL ORALLY NOTIFY THE REGISTERED OWNER OF A MOTOR VEHICLE THAT HAS INCURRED A VIDEO TOLL OF THE TOLL DUE IF:**

1. THE VIDEO TOLL IS MORE THAN 100% OF THE ORIGINAL TOLL AMOUNT; OR

2. THE REGISTERED OWNER HAS OUTSTANDING VIDEO TOLLS IN EXCESS OF \$250.

(III) **THE ORAL NOTIFICATION REQUIRED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL BE IN THE FORM OF A PERSON-TO-PERSON CONTACT AND DOES NOT INCLUDE THE USE OF VOICEMAIL OR AUTOMATED TELEPHONE NOTIFICATIONS.**

(3) Except as provided in subsection (g) of this section, the person alleged to be liable who receives a notice of toll due **UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION** shall have at least 30 days to pay the video toll.

(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.

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

(3) THE CIVIL PENALTY IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL EQUAL 25% OF THE VIDEO TOLL.

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

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

(3) A citation shall contain:

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

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

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

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

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

(vi) A copy of the recorded image;

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

(viii) The amount of the civil penalty; and

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

(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.

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

1 (i) Pay the video toll and the civil penalty directly to the Authority;
2 or

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

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

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

10 2. Notify the Administration of the failure to pay the video
11 toll and civil penalty in accordance with § 27–110 of this article.

12 (ii) No additional hearing or proceeding is required before the
13 Administration takes action with respect to the registered vehicle of the owner under §
14 27–110 of this article.

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

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

24 (f) Adjudication of liability under this section:

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

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

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

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

32 (g) (1) If, at the time of a video toll transaction, a motor vehicle is operated by
33 a person other than the registered owner without the express or implied consent of the
34 registered owner, and if the registered owner by the date stated on the notice of toll due

1 provides the Authority or its duly authorized agent with a notarized admission by the
2 person accepting liability which shall include that person's name, address, and driver's
3 license identification number, then the person accepting liability shall be liable under this
4 section and shall be sent a notice of toll due.

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

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

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

29 [(h) Notwithstanding any other provision of law, until the Authority refers the
30 debt to the Central Collection Unit, the Authority may waive any portion of the video toll
31 due or civil penalty assessed under this section.]

32 **(H) THE AUTHORITY MAY NOT REFER A VIDEO TOLL TO THE CENTRAL**
33 **COLLECTION UNIT FOR COLLECTION.**

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2017.