

HOUSE BILL 38

R4, R5

0lr0832

(PRE-FILED)

By: **Delegates Carr, Moon, Wilkins, Lierman, Healey, Terrasa, Rogers, and Lisanti**

Requested: October 4, 2019

Introduced and read first time: January 8, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Failure to Pay Video Toll – Reform of Penalties**

3 FOR the purpose of providing that a certain civil penalty for a video toll violation may not
4 exceed a certain amount; reducing the penalty for certain outstanding civil citations
5 for video toll violations; repealing the requirement that the Motor Vehicle
6 Administration, under certain circumstances, suspend the registration of a motor
7 vehicle that incurs a certain toll violation; altering the authority of the Maryland
8 Transportation Authority to enter certain reciprocal agreements for the enforcement
9 of toll violations; and generally relating to civil penalties for toll violations.

10 BY repealing and reenacting, without amendments,
11 Article – Transportation
12 Section 21–1414(a)(1), (4), and (9) through (12)
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2019 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Transportation
17 Section 21–1414(c)(1), (d)(4), and (i) and 21–1415
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2019 Supplement)

20 BY adding to
21 Article – Transportation
22 Section 21–1414(c)(3)
23 Annotated Code of Maryland
24 (2012 Replacement Volume and 2019 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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 **NOT EXCEEDING \$5**, which shall be assessed 15 days after the toll violation occurs, as provided for in the regulations of the Authority.

(3) THE PENALTY FOR EACH OUTSTANDING CIVIL CITATION ASSESSED ON OR BEFORE SEPTEMBER 30, 2020, SHALL BE REDUCED TO \$5.

(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.

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

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

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

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

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

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

2. Pay the video toll and civil penalty.

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

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

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

21-1415.

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

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

(c) A reciprocal agreement under this section may provide for enforcement of toll violations by refusal [or suspension] of the registration of a motor vehicle in accordance

1 with § 21–1414 of this subtitle.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
3 1, 2020.