

SENATE BILL 390

R5

5lr1250
CF HB 343

By: **Senator Smith**

Introduced and read first time: January 17, 2025

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: February 3, 2025

CHAPTER _____

1 AN ACT concerning

2 **Motor Vehicles – Speed Monitoring Systems – Statements and Certificates of**
3 **Violations**

4 FOR the purpose of authorizing certain technicians to swear to and affirm, based on
5 inspection of recorded images, the occurrence of violations recorded by speed
6 monitoring systems; requiring law enforcement officers and technicians to complete
7 a reasonable training specific to speed monitoring systems before certifying any
8 certificates of violation; and generally relating to speed monitoring systems.

9 BY repealing and reenacting, ~~without~~ with amendments,
10 Article – Transportation
11 Section ~~21–809(a)(1), (2), and (8), (b)(1)(i), and (c)(1)~~ 21–809(a), (d)(1)(viii), and (e)(1)
12 Annotated Code of Maryland
13 (2020 Replacement Volume and 2024 Supplement)

14 BY repealing and reenacting, ~~with~~ without amendments,
15 Article – Transportation
16 Section ~~21–809(d)(1)(viii) and (e)(1)~~ 21–809(b)(1)(i) and (c)(1)
17 Annotated Code of Maryland
18 (2020 Replacement Volume and 2024 Supplement)

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

21 **Article – Transportation**

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.



21-809.

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

(2) “Agency” means:

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

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

(3) (i) “Erroneous violation” means a potential violation submitted by a speed monitoring system contractor for review by an agency that is apparently inaccurate based on a technical variable that is under the control of the contractor.

(ii) “Erroneous violation” includes a potential violation based on:

1. A recorded image of a registration plate that does not match the registration plate issued for the motor vehicle in the recorded image;

2. A recorded image that shows a stopped vehicle or no progression;

3. An incorrectly measured speed for a motor vehicle;

4. A measured speed of a motor vehicle that is below the threshold speed that would subject the owner to a civil citation under this section;

5. A recorded image that was taken outside of the hours and days that speed monitoring systems are authorized for use in school zones; and

6. A recorded image that was taken by a speed monitoring system with an expired calibration certificate.

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

(ii) “Owner” does not include:

1. A motor vehicle rental or leasing company; or

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

(5) “Program administrator” means an employee or a representative of the local jurisdiction designated by the local jurisdiction to oversee a contract with a speed monitoring system contractor.

(6) “REASONABLE TRAINING” MEANS A LEVEL OF EDUCATION, INSTRUCTION, AND PRACTICAL EXPERIENCE SUFFICIENT TO ENSURE COMPETENCY IN THE INSPECTION AND INTERPRETATION OF THE RECORDED IMAGES GENERATED BY THE SPEED MONITORING SYSTEM.

~~[(6)]~~ (7) “Recorded image” means an image recorded by a speed monitoring system:

(i) On:

1. A photograph;

2. A microphotograph;

3. An electronic image;

4. Videotape; or

5. Any other medium; and

(ii) Showing:

1. The rear of a motor vehicle;

2. At least two time-stamped images of the motor vehicle that include the same stationary object near the motor vehicle; and

3. On at least one image or portion of tape, a clear and legible identification of the entire registration plate number of the motor vehicle.

~~[(7)]~~ (8) “School zone” means a designated roadway segment within up to a half-mile radius of a school for any of grades kindergarten through grade 12 where school-related activity occurs, including:

(i) Travel by students to or from school on foot or by bicycle; or

(ii) The dropping off or picking up of students by school buses or other vehicles.

~~(8)~~ **(9)** “Speed monitoring system” means a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at speeds at least 12 miles per hour above the posted speed limit.

[(9)] (10) “Speed monitoring system operator” means a representative of an agency or contractor that operates a speed monitoring system.

(b) (1) (i) A speed monitoring system may not be used in a local jurisdiction under this section unless its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing.

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

(d) (1) Subject to the provisions of paragraphs (2) through (4) of this subsection, an agency shall mail to an owner liable under subsection (c) of this section a citation that shall include:

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

(e) (1) **(I)** A certificate alleging that the violation of this subtitle occurred and the requirements under subsection (b) of this section have been satisfied, sworn to, or affirmed by a duly authorized law enforcement officer **OR A TECHNICIAN** employed by or under contract with an agency, based on inspection of recorded images produced by a speed monitoring system, shall be evidence of the facts contained in the certificate and shall be admissible in a proceeding alleging a violation under this section without the presence or testimony of the speed monitoring system operator who performed the requirements under subsection (b) of this section.

(II) A DULY AUTHORIZED LAW ENFORCEMENT OFFICER OR A TECHNICIAN EMPLOYED BY OR UNDER CONTRACT WITH AN AGENCY SHALL COMPLETE REASONABLE TRAINING SPECIFIC TO THE SPEED MONITORING SYSTEM BEFORE CERTIFYING ANY CERTIFICATES OF VIOLATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.