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West's Annotated Code of Maryland
 Transportation
 Effective: June 1, 2018 to May 31, 2021

West's Annotated Code of Maryland
 Transportation
 Title 21. Vehicle Laws--Rules of the Road (Refs & Annos)
 Subtitle 14. Operation of Vehicles on Certain Toll Facilities (Refs & Annos)

Effective: June 1, 2018 to May 31, 2021

MD Code, Transportation, § 21-1414

§ 21-1414. Failure to pay electronic toll; penalties; liability of registered owner of vehicle[Currentness](#)

<Section effective through May 31, 2021. See, also, section 21-1414 effective June 1, 2021.>

Definitions

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

(2) "Authority" means the Maryland Transportation Authority.

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

(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.

Liability and deadline for paying toll

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

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

Civil penalties for failure to pay 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.

Service and contents of citation for failure to pay 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:

- (i) Pay the video toll and the civil penalty directly to the Authority; or
- (ii) Elect to stand trial for the alleged violation.

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

1. Collect the video toll and the civil penalty by any means of collection as provided by law; and
2. Notify the Administration of the failure to pay the video toll and civil penalty in accordance with subsection (i) of this section.

(ii) No additional hearing or proceeding is required before the Administration takes action with respect to the motor vehicle of the registered owner under subsection (i) of this section.

Certificate alleging failure to pay toll

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

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

Adjudication of liability

(f) Adjudication of liability under this section:

- (1) Shall be based upon a preponderance of evidence;
- (2) May not be deemed a conviction of a registered owner of a motor vehicle under the Motor Vehicle Code;
- (3) May not be made part of the registered owner's motor vehicle operating record; and
- (4) May not be considered in the provision of motor vehicle insurance coverage.

Liability of registered owner of vehicle

(g)(1) If, at the time of a video toll transaction, a motor vehicle is operated by a person other than the registered owner without the express or implied consent of the registered owner, and if the registered owner by the date stated on the notice of toll due provides the Authority or its duly authorized agent with a notarized admission by the person accepting liability which shall include that person's name, address, and driver's license identification number, then the person accepting liability shall be liable under this section and shall be sent a notice of toll due.

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

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

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

Waiver of tolls and penalties

(h)(1) The Authority may refer a delinquent account for unpaid video tolls and associated civil penalties to the Central Collection Unit for collection.

(2) The Authority may recall a delinquent account from the Central Collection Unit if:

- (i) The delinquent account exceeds \$300 in unpaid video tolls and associated civil penalties;
- (ii) The video tolls in question were assessed within a 30-day period; and
- (iii) Mitigating factors exist with respect to the assessment of the unpaid video tolls and associated civil penalties, as determined by the Authority.

(3) Notwithstanding any other provision of law, until the Authority refers the debt to the Central Collection Unit or after the Authority has recalled a delinquent account from the Central Collection Unit, the Authority may waive any portion of the video toll due or civil penalty assessed under this section.

Refusal or suspension of registration

(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.

Credits

Added by Acts 1996, c. 219, § 1, eff. Oct. 1, 1996. Amended by Acts 1997, c. 14, § 1, eff. April 8, 1997; Acts 2005, c. 25, § 13, eff. April 12, 2005; Acts 2010, c. 448, § 1, eff. July 1, 2010; Acts 2013, c. 113, § 1, eff. July 1, 2013; Acts 2015, c. 122, § 1, eff. July 1, 2015; Acts 2017, c. 55, § 1, eff. Oct. 1, 2017; Acts 2018, c. 547, § 1, eff. June 1, 2018.

Editors' Notes

ABROGATION

<Acts 2018, c. 547, is abrogated effective at the end of May 31, 2021, under the terms of § 3 of that Act.>

LEGISLATIVE NOTES

Revisor's Note (Acts 2017 c. 55):

Subsection (i) of this section is new language derived without substantive change from former § 27-110 of this article.

In subsection (d)(6) of this section, corrections to cross-references and related conforming changes are made due to the recodification of former § 27-110 as subsection (i) of this section.

In subsection (i)(1)(i)1 of this section, the conjunction "and" is substituted for the former conjunction "or" for accuracy. No substantive change is intended.

In subsection (i)(1)(ii)2 of this section, the former reference to the "related" civil penalty is deleted as surplusage.

HISTORICAL AND STATUTORY NOTES

2005 Legislation

Acts 2005, c. 25, § 13, in subsec. (b)(2), corrected a cross-reference; and, in subsec. (c)(1), corrected spelling.

2010 Legislation

Acts 2010, c. 448, § 1, in subsec. (b)(1), replaced "highway or vehicular crossing" with "Authority highway".

2013 Legislation

Acts 2013, c. 113, § 1, rewrote the section, which previously had read:

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

"(2) 'Electronic toll collection' means a system of collecting tolls or charges that is capable of charging an account holder for the appropriate toll by electronic transmission of information between a device on a motor vehicle and a device in a toll lane at a toll collection facility.

"(3) 'Pay' means paying a toll by cash, by permitting a charge against a valid account with the Maryland Transportation Authority, or by another means of payment approved by the Authority at the time.

"(4) 'Video-monitoring system' means a motor vehicle sensor installed to work in conjunction with a toll collection facility that automatically produces a photograph, microphotograph, videotape, or other recorded image of the license plate of a motor vehicle when the operator of the motor vehicle fails to pay a toll.

"(b)(1) If the operator of a motor vehicle fails to pay the prescribed toll at any Authority highway where tolls are collected by means of electronic toll collection, the registered owner of the motor vehicle shall be liable to the Maryland Transportation Authority for

payment of the toll and a civil penalty as provided for in the regulations of the Maryland Transportation Authority.

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

“(c)(1) The Maryland Transportation Authority or its duly authorized agent shall send a citation via first-class mail, no later than 60 days after the alleged violation, to each person alleged to be liable under this section as a registered owner.

“(2) Personal service upon the registered owner 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 citation.

“(3) A citation shall contain:

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

“(ii) The registration number of the motor vehicle involved in such violation;

“(iii) The location where such violation took place;

“(iv) The date and time of such violation;

“(v) The amount of the toll not paid;

“(vi) The amount of the civil penalty; and

“(vii) The date by which the toll and penalty must be paid.

“(4) A citation shall also include:

“(i) Information advising the person 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 (f) of this section; and

“(iii) A warning that failure to pay the toll and civil penalty or to contest liability in the manner and time prescribed is an admission of liability and a waiver of available defenses, and may result in the entry of a default judgment or in the refusal or suspension of the motor vehicle registration.

“(5) A person receiving the citation for a violation under this section may:

“(i) Pay the toll and the civil penalty directly to the Maryland Transportation Authority; or

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

“(6) If the registered owner of a motor vehicle who is liable under this section fails to pay the prescribed toll and civil penalty within 60 days after mailing of the citation, the Maryland Transportation Authority or its duly authorized agent may:

“(i) Collect the toll, the civil penalty, and administrative expenses by civil action commenced in the District Court for the jurisdiction in which the alleged failure to pay a toll occurred; or

“(ii) Notify the Administration of the failure to pay the toll and civil penalty in accordance with § 27-110 of this article.

“(d) A certificate alleging that a failure to pay a toll occurred, sworn to or affirmed by a duly authorized agent of the Maryland Transportation Authority, based upon inspection of photographs, videotape, or other electronically recorded images of the license plate of a motor vehicle produced by an electronic toll collection video-monitoring system shall be evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under this section.

“(e) Adjudication of liability under this section:

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

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

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

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

“(f)(1) If a person other than the registered owner of the motor vehicle is adjudicated responsible for the failure to pay the toll, then the registered owner is not liable under this section.

“(2) If the registered owner is a lessor of motor vehicles, and at the time of the failure to pay a toll the motor vehicle involved was in the possession of a lessee, and the lessor within 30 days of the citation provides the Maryland Transportation Authority or its duly authorized agent with a copy of the lease agreement identifying the lessee, then the lessee shall be liable under this section.

“(3) If the motor vehicle involved in a failure to pay a toll is operated using a dealer or transporter registration plate, and at the time of the violation the motor vehicle was under the custody and control of a person other than the dealer or transporter, and if the dealer or transporter within 30 days of the citation identifies to the Maryland Transportation Authority or its duly authorized agent the person who had custody and control over the motor vehicle at the time of the violation, then that person and not the dealer or transporter shall be liable under this section.

“(4) If a motor vehicle is reported to a law enforcement agency as stolen at the time of the failure to pay a toll, or within a reasonable period of time after the registered owner becomes aware of the theft, then the registered owner of the motor vehicle is not liable under this section.

“(5)(i) If within 30 days of notice of a violation, a registered owner provides to the Maryland Transportation Authority or its duly authorized agent substantial evidence of the identity of the person who was operating the motor vehicle at the time of the violation, then that person shall be subject to liability under this section and shall be sent a citation under subsection (c) of this section.

“(ii) If that person subsequently admits to or is adjudicated responsible for failure to pay the toll, then the registered owner is not liable under this section.”

Acts 2013, c. 113, § 2, provides:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to any previously incurred toll that remains unpaid on the effective date of this Act.”

2015 Legislation

Acts 2015, c. 122, § 1, in para. (a)(7), substituted “records of the government agency” for “records of the state agency”; in para. (b) (3), inserted “at least” preceding “30 days”; in para. (c)(1), inserted “, which shall be assessed 15 days after the toll violation occurs,” and made nonsubstantive changes; in subpara. (d)(3)(vii), substituted “was not paid before the civil penalty was assessed” for “was not paid by the date stated on the notice of toll due”; in para. (e)(1), inserted “and that the video toll payment was not received before the civil penalty was assessed”; in para. (g)(1), substituted “by the date stated on the notice” for “within 30 days of receiving the notice”; in paras. (g)(2), (g)(3), and (g)(4), substituted “by the date stated on the notice” for “within 30 days of the notice”; in para. (g) (2), inserted “including the person’s name, address, and driver’s license identification number or federal employer identification number,”; in para. (g)(3), inserted “, including the person’s name, address, and driver’s license identification number,”; in para. (g)(4), inserted “or registration plate number”; and added subsec. (h).

2017 Legislation

Acts 2017, c. 55, § 1, in (d)(6)(i)2, substituted “subsection (i) of this section” for “§ 27-110 of this article”; in (d)(6)(ii), substituted “motor vehicle of the registered owner under subsection (i) of this section” for “registered vehicle of the owner under § 27-110 of this article”; and added (i).

2018 Legislation

Acts 2018, c. 547, § 1, rewrote (h), which prior thereto read:

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

Acts 2018, c. 547, § 3, provides:

“SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018. It shall remain effective for a period of 3 years and, at the end of May 31, 2021, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”

MD Code, Transportation, § 21-1414, MD TRANS § 21-1414

Current through legislation effective July 1, 2019, from the 2019 Regular Session of the General Assembly.

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