

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.

May 20, 2005

The Honorable Michael E. Busch
Speaker of the House of Delegates
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 443 – *Montgomery County – Vehicle Laws – Speed Monitoring Systems*.

Bill Summary

House Bill 443 allows in Montgomery County the use of speed cameras in residential areas where the maximum speed limit is 35 miles per hour and in school zones. The owners of motor vehicles detected traveling in excess of 10 miles per hour in these areas are subject to a civil penalty. The civil penalty may not exceed \$40 and for purposes of the citation the amount will be prescribed by the District Court. An owner can contest a citation by proving: (1) the motor vehicle was stolen, provided a police report of the theft was filed; (2) that another was operating the motor vehicle, if the owner provides the name, address, and if possible the driver's license number of the operator as well as other corroborating evidence; and (3) any other issues and introducing any other evidence that the District Court deems pertinent. A violation may not be considered a moving violation for purposes of establishing points, may not be recorded on the driving record of the owner, may be considered a parking violation for purposes of refusing to register a vehicle or suspending a vehicle's registration for an unpaid citation, and may not be considered for purposes of motor vehicle insurance coverage.

Veto of House Bill 455 of 2003

In 2003, I vetoed Senate Bill 455 – *Vehicle Laws – Speed Monitoring Systems – Radar Cameras*. Senate Bill 455 would have allowed statewide the use of radar cameras that House Bill 443 seeks to allow for Montgomery County only. For many of the reasons I vetoed Senate Bill 455 of 2003, I find House Bill 443 to be equally objectionable for Montgomery County.

Trial by Camera

House Bill 443 will allow the State to charge, try, and convict an individual solely through the use of a photograph of a vehicle. This bill takes what has traditionally been a violation of the criminal law, redefines the violation to be a civil offense, lowers the burden of proof to the civil standard, and abridges the right to confront the witnesses against the accused. Further, the procedure that puts the onus on the owner to request the presence of the technician who set up the speed-monitoring device is entirely inadequate.