

SENATE BILL 41

R5, L2

(PRE-FILED)

0lr0559
CF HB 50

By: **Senator Lam**

Requested: August 23, 2019

Introduced and read first time: January 8, 2020

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 21, 2020

CHAPTER _____

1 AN ACT concerning

2 **Baltimore County – Vehicle Height Monitoring Systems**

3 FOR the purpose of authorizing the use of certain vehicle height monitoring systems in
4 Baltimore County to enforce certain State and local laws restricting the presence of
5 certain vehicles during certain times; applying to Baltimore County certain
6 provisions of law relating to vehicle height monitoring systems; requiring the
7 establishment of a certain workgroup for a certain purpose before the installation of
8 any vehicle height monitoring systems in Baltimore County; requiring the adoption
9 of a certain local law before the installation of any vehicle height monitoring systems
10 in Baltimore County; authorizing the adoption of a local law exempting certain
11 vehicles from the enforcement of vehicle height restrictions by vehicle height
12 monitoring systems in Baltimore County; defining a certain term; making a stylistic
13 and a technical change; making conforming changes; providing for the application of
14 this Act a delayed effective date; and generally relating to imposing liability on
15 owners of motor vehicles recorded while being operated in violation of a State or local
16 law restricting the presence of vehicles during certain times.

17 BY repealing and reenacting, without amendments,
18 Article – Courts and Judicial Proceedings
19 Section 7–302(e)
20 Annotated Code of Maryland
21 (2013 Replacement Volume and 2019 Supplement)

22 BY repealing and reenacting, with amendments,

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.



1 Article – Transportation
2 Section 24–111.3
3 Annotated Code of Maryland
4 (2012 Replacement Volume and 2019 Supplement)

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

7 **Article – Courts and Judicial Proceedings**

8 7–302.

9 (e) (1) A citation issued pursuant to § 21–202.1, § 21–706.1, § 21–809, §
10 21–810, or § 24–111.3 of the Transportation Article shall provide that the person receiving
11 the citation may elect to stand trial by notifying the issuing agency of the person’s intention
12 to stand trial at least 5 days prior to the date of payment as set forth in the citation. On
13 receipt of the notice to stand trial, the agency shall forward to the District Court having
14 venue a copy of the citation and a copy of the notice from the person who received the
15 citation indicating the person’s intention to stand trial. On receipt thereof, the District
16 Court shall schedule the case for trial and notify the defendant of the trial date under
17 procedures adopted by the Chief Judge of the District Court.

18 (2) A citation issued as the result of a vehicle height monitoring system, a
19 traffic control signal monitoring system, or a speed monitoring system, including a work
20 zone speed control system, controlled by a political subdivision or a school bus monitoring
21 camera shall provide that, in an uncontested case, the penalty shall be paid directly to that
22 political subdivision. A citation issued as the result of a traffic control signal monitoring
23 system or a work zone speed control system controlled by a State agency, or as a result of
24 a vehicle height monitoring system, a traffic control signal monitoring system, a speed
25 monitoring system, or a school bus monitoring camera in a case contested in District Court,
26 shall provide that the penalty shall be paid directly to the District Court.

27 (3) Civil penalties resulting from citations issued using a vehicle height
28 monitoring system, traffic control signal monitoring system, speed monitoring system,
29 work zone speed control system, or school bus monitoring camera that are collected by the
30 District Court shall be collected in accordance with subsection (a) of this section and
31 distributed in accordance with § 12–118 of the Transportation Article.

32 (4) (i) From the fines collected by a political subdivision as a result of
33 violations enforced by speed monitoring systems or school bus monitoring cameras, a
34 political subdivision:

35 1. May recover the costs of implementing and administering
36 the speed monitoring systems or school bus monitoring cameras; and

2. THE HOLDER OF AN INTERCHANGEABLE REGISTRATION UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.

[(3)] (4) “Recorded image” means an image recorded by a vehicle height 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 front or side of a motor vehicle or combination of vehicles;
2. At least two time-stamped images of the motor vehicle or combination of vehicles that include the same stationary object near the motor vehicle or combination of vehicles; 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.

[(4)] (5) “Vehicle height monitoring system” means a device with one or more motor vehicle sensors that is capable of producing recorded images of vehicles whose height exceeds a predetermined limit.

(b) THIS SECTION APPLIES ONLY IN BALTIMORE CITY AND BALTIMORE COUNTY.

(c) (1) A vehicle height monitoring system may be used to record images of vehicles traveling on a highway in **[Baltimore City] A LOCAL JURISDICTION** under this section only if the use of vehicle height monitoring systems is authorized by **[an ordinance] LOCAL LAW** adopted by the **[Baltimore City Council] GOVERNING BODY OF THE LOCAL JURISDICTION** after reasonable notice and a public hearing.

(2) Before **[Baltimore City] A LOCAL JURISDICTION** places or installs a vehicle height monitoring system at a particular location, it shall:

1 (i) Conduct an analysis to determine the appropriateness of the
2 location; and

3 (ii) Obtain the approval of the [Baltimore City Police Commissioner]
4 **CHIEF LAW ENFORCEMENT OFFICER OF THE LOCAL LAW ENFORCEMENT AGENCY** or
5 the [Commissioner's] **CHIEF LAW ENFORCEMENT OFFICER'S** designee.

6 (3) Before activating a vehicle height monitoring system, [Baltimore City]
7 **A LOCAL JURISDICTION** shall:

8 (i) Publish notice of the location of the vehicle height monitoring
9 system on its [Web site] **WEBSITE** and in a newspaper of general circulation in the
10 jurisdiction; and

11 (ii) Ensure that all signs stating restrictions on the presence of
12 certain vehicles during certain times approaching and within the segment of highway on
13 which the vehicle height monitoring system is located include signs that:

14 1. Are in accordance with the manual and specifications for
15 a uniform system of traffic control devices adopted by the State Highway Administration
16 under § 25–104 of this article; and

17 2. Indicate that a vehicle height monitoring system is in use.

18 [(c)] **(D)** A vehicle height monitoring system operator shall fill out and sign a
19 daily set-up log for a vehicle height monitoring system that:

20 (1) States that the operator successfully performed the
21 manufacturer-specified self-test of the vehicle height monitoring system before producing
22 a recorded image;

23 (2) Shall be kept on file; and

24 (3) Shall be admitted as evidence in any court proceeding for a violation of
25 this section.

26 [(d)] **(E)** (1) Unless the driver of the motor vehicle or combination of vehicles
27 received a citation from a police officer at the time of the violation, the owner of a motor
28 vehicle or combination of vehicles is subject to a civil penalty if the motor vehicle or
29 combination of vehicles is recorded by a vehicle height monitoring system while being
30 operated in violation of a State or local law restricting the presence of certain vehicles
31 during certain times.

32 (2) A civil penalty under this subsection may not exceed:

1 (i) For a second violation by the owner of the motor vehicle, \$250;
2 and

3 (ii) For a third or subsequent violation by the owner of the motor
4 vehicle, \$500.

5 (3) For purposes of this section, the District Court shall prescribe:

6 (i) A uniform citation form consistent with [subsection (d)(1)]
7 **PARAGRAPHS (1) AND (2)** of this [section] **SUBSECTION** and § 7–302 of the Courts Article;
8 and

9 (ii) A civil penalty, which shall be indicated on the citation, to be paid
10 by persons who choose to prepay the civil penalty without appearing in District Court.

11 [(e)] **(F)** (1) Subject to the provisions of paragraphs (2) and (3) of this
12 subsection, [the Baltimore City Police Department] **A LOCAL LAW ENFORCEMENT**
13 **AGENCY** or, **IN BALTIMORE CITY**, the Baltimore City Department of Transportation shall
14 mail to an owner liable under this section a citation that shall include:

15 (i) The name and address of the registered owner of the motor
16 vehicle;

17 (ii) The registration number of the motor vehicle involved in the
18 violation;

19 (iii) The violation charged;

20 (iv) The location at which the violation occurred;

21 (v) The date and time of the violation;

22 (vi) A copy of the recorded image;

23 (vii) The amount of the civil penalty imposed and the date by which
24 the civil penalty should be paid;

25 (viii) A signed statement by a duly authorized law enforcement officer
26 commissioned by the [Baltimore City Police Department] **LOCAL LAW ENFORCEMENT**
27 **AGENCY** that, based on inspection of the recorded image, the motor vehicle or combination
28 of vehicles was being operated in violation of a State or local law restricting the presence of
29 certain vehicles during certain times;

30 (ix) A statement that the recorded image is evidence of the violation;

1 (x) Information advising the owner alleged to be liable under this
2 section of the manner and time in which liability as alleged in the citation may be contested
3 in the District Court; and

4 (xi) Information advising the owner alleged to be liable under this
5 section that failure to pay the civil penalty or to contest liability in a timely manner is an
6 admission of liability.

7 (2) [The Baltimore City Police Department] **A LOCAL LAW**
8 **ENFORCEMENT AGENCY** or, **IN BALTIMORE CITY**, the Baltimore City Department of
9 Transportation shall, for a first violation, mail a warning notice instead of a citation to an
10 owner liable under this section.

11 (3) A citation issued under this section shall be mailed no later than 30
12 days after the alleged violation.

13 (4) A person who receives a citation under this section may:

14 (i) Pay the civil penalty, in accordance with instructions on the
15 citation, directly to [Baltimore City] **THE LOCAL JURISDICTION**; or

16 (ii) Elect to stand trial in the District Court for the alleged violation.

17 [(f)] **(G)** (1) A certificate alleging that a violation of a State or local law
18 restricting the presence of certain vehicles during certain times occurred and that the
19 requirements under subsections [(b)] **(C)** and [(c)] **(D)** of this section have been affirmed
20 by a duly authorized law enforcement officer commissioned by [the Baltimore City Police
21 Department] **A LOCAL LAW ENFORCEMENT AGENCY**, based on inspection of the recorded
22 image produced by the vehicle height monitoring system, shall be:

23 (i) Evidence of the facts contained in the certificate; and

24 (ii) Admissible in a proceeding alleging a violation under this section
25 without the presence or testimony of the vehicle height monitoring system operator.

26 (2) If a person who received a citation under this section desires the vehicle
27 height monitoring system operator to be present and testify at trial, the person shall notify
28 the court and the State in writing no later than 20 days before trial.

29 (3) Adjudication of liability shall be based on a preponderance of evidence.

30 [(g)] **(H)** (1) The District Court may consider in defense of a violation:

31 (i) Subject to paragraph (2) of this subsection, that the motor vehicle
32 or the registration plates of the motor vehicle were stolen before the violation occurred and
33 were not under the control or possession of the owner at the time of the violation; and

1 (ii) Any other issues and evidence that the District Court deems
2 pertinent.

3 (2) To demonstrate that the motor vehicle or the registration plates were
4 stolen before the violation occurred and were not under the control or possession of the
5 owner at the time of the violation, the owner shall submit proof that a police report
6 regarding the stolen motor vehicle or registration plates was filed in a timely manner.

7 **[(h)] (I)** A violation for which a civil penalty is imposed under this section:

8 (1) Is not a moving violation for the purpose of assessing points under §
9 16–402 of this article;

10 (2) May not be recorded by the Administration on the driving record of the
11 owner of the vehicle;

12 (3) May not be treated as a parking violation for purposes of § 26–305 of
13 this article; and

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

16 **[(i)] (J)** In consultation with the **[(Baltimore City Police Department)]**
17 **APPROPRIATE LOCAL LAW ENFORCEMENT AGENCY**, the Chief Judge of the District
18 Court shall adopt procedures for the issuance of citations, the trial of civil violations, and
19 the collection of civil penalties under this section.

20 **[(j)] (K)** (1) **[(The Baltimore City Police Department)]** **A LOCAL LAW**
21 **ENFORCEMENT AGENCY** or, **IN BALTIMORE CITY**, the Baltimore City Department of
22 Transportation, or a contractor designated by the **[(Baltimore City Police Department)]**
23 **LOCAL LAW ENFORCEMENT AGENCY** or, **IN BALTIMORE CITY**, the Baltimore City
24 Department of Transportation, shall administer and process civil citations issued under
25 this section in coordination with the District Court.

26 (2) If a contractor operates a vehicle height monitoring system on behalf of
27 **[(Baltimore City)]** **A LOCAL JURISDICTION**, the contractor's fee may not be contingent on
28 the number of citations issued or paid.

29 **[(L)] (1) THIS SUBSECTION APPLIES ONLY IN BALTIMORE COUNTY.**

30 **[(2) BEFORE THE INSTALLATION OF ANY VEHICLE HEIGHT**
31 **MONITORING SYSTEMS, THE GOVERNING BODY OF THE LOCAL JURISDICTION SHALL:**

1 **(I) ESTABLISH A WORKGROUP INCLUDING COMMERCIAL**
2 **TRANSPORTATION INDUSTRY REPRESENTATIVES TO ASSIST THE LOCAL**
3 **GOVERNMENT IN:**

4 **1. EVALUATING EXISTING TRUCK ROUTES;**

5 **2. IDENTIFYING AREAS FOR VEHICLE HEIGHT**
6 **MONITORING ENFORCEMENT; AND**

7 **3. EVALUATING EXISTING SIGNAGE AND IDENTIFYING**
8 **LOCATIONS WHERE SIGNAGE COULD BE IMPROVED; AND**

9 **(II) ADOPT A LOCAL LAW LIMITING THE OVERALL NUMBER OF**
10 **VEHICLE HEIGHT MONITORING SYSTEMS THAT MAY BE PLACED IN THE LOCAL**
11 **JURISDICTION.**

12 **(3) THE GOVERNING BODY OF THE LOCAL JURISDICTION MAY ADOPT**
13 **A LOCAL LAW EXEMPTING CERTAIN VEHICLES FROM THE ENFORCEMENT OF HEIGHT**
14 **RESTRICTIONS BY A VEHICLE HEIGHT MONITORING SYSTEM IN THE LOCAL**
15 **JURISDICTION.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That, before the installation of any
17 vehicle height monitoring systems in Baltimore County, a workgroup established under §
18 24-111.3(l) of the Transportation Article, as enacted by Section 1 of this Act, shall examine
19 and make recommendations to the Baltimore County Council on:

20 (1) developing a map of height-restricted roads in the local jurisdiction and
21 providing the map to operators using the best available technology;

22 (2) developing and implementing a process for a vehicle owner to easily
23 contest an erroneously issued citation without the necessity of a court hearing;

24 (3) developing a process for the owner of a vehicle to identify and transfer
25 liability to the operator of a vehicle responsible for incurring a citation; and

26 (4) exempting certain types of vehicles from enforcement by a vehicle
27 height monitoring system.

28 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, ~~2020~~ 2021.