

HOUSE BILL 626

R5, L2

11r0800

By: **Prince George's County Delegation**

Introduced and read first time: January 22, 2021

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2021

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County – Vehicle Height Monitoring Systems**

3 **PG 305–21**

4 FOR the purpose of authorizing the use of certain vehicle height monitoring systems in
5 Prince George's County to enforce certain State and local laws restricting the
6 presence of certain vehicles during certain times; applying to Prince George's County
7 certain provisions of law relating to vehicle height monitoring systems; requiring the
8 establishment of a certain workgroup including certain county and municipal
9 officials in Prince George's County for a certain purpose before the installation of any
10 vehicle height monitoring systems in Prince George's County; requiring the
11 establishment of a certain workgroup including certain representatives of the
12 trucking industry for a certain purpose before the installation of any vehicle height
13 monitoring systems in Prince George's County; requiring the adoption of a certain
14 local law before the installation of any vehicle height monitoring systems in Prince
15 George's County; authorizing the adoption of a local law exempting certain vehicles
16 from the enforcement of vehicle height restrictions by vehicle height monitoring
17 systems in Prince George's County; defining a certain term; making a stylistic and a
18 technical change; making conforming changes; providing for the effective date of
19 certain provisions of this Act; providing for the termination of certain provisions of
20 this Act; and generally relating to imposing liability on owners of motor vehicles
21 recorded while being operated in violation of a State or local law restricting the
22 presence of vehicles during certain times.

23 BY repealing and reenacting, without 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 – Courts and Judicial Proceedings
2 Section 7–302(e)
3 Annotated Code of Maryland
4 (2020 Replacement Volume)

5 BY repealing and reenacting, with amendments,
6 Article – Transportation
7 Section 24–111.3
8 Annotated Code of Maryland
9 (2020 Replacement Volume)

10 BY repealing and reenacting, with amendments,
11 Article – Transportation
12 Section 24–111.3
13 Annotated Code of Maryland
14 (2020 Replacement Volume)
15 (As enacted by Chapter 504 of the Acts of the General Assembly of 2020)

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

18 **Article – Courts and Judicial Proceedings**

19 7–302.

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

29 (2) A citation issued as the result of a vehicle height monitoring system, a
30 traffic control signal monitoring system, or a speed monitoring system, including a work
31 zone speed control system, controlled by a political subdivision or a school bus monitoring
32 camera shall provide that, in an uncontested case, the penalty shall be paid directly to that
33 political subdivision. A citation issued as the result of a traffic control signal monitoring
34 system or a work zone speed control system controlled by a State agency, or as a result of
35 a vehicle height monitoring system, a traffic control signal monitoring system, a speed
36 monitoring system, or a school bus monitoring camera in a case contested in District Court,
37 shall provide that the penalty shall be paid directly to the District Court.

38 (3) Civil penalties resulting from citations issued using a vehicle height
39 monitoring system, traffic control signal monitoring system, speed monitoring system,

1 work zone speed control system, or school bus monitoring camera that are collected by the
2 District Court shall be collected in accordance with subsection (a) of this section and
3 distributed in accordance with § 12–118 of the Transportation Article.

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

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

9 2. Subject to subparagraphs (ii) and (iii) of this paragraph,
10 may spend any remaining balance solely for public safety purposes, including pedestrian
11 safety programs.

12 (ii) 1. For any fiscal year, if the balance remaining from the fines
13 collected by a political subdivision as a result of violations enforced by speed monitoring
14 systems, after the costs of implementing and administering the systems are recovered in
15 accordance with subparagraph (i)1 of this paragraph, is greater than 10% of the total
16 revenues of the political subdivision for the fiscal year, the political subdivision shall remit
17 any funds that exceed 10% of the total revenues to the Comptroller.

18 2. The Comptroller shall deposit any money remitted under
19 this subparagraph to the General Fund of the State.

20 (iii) The fines collected by Prince George's County as a result of
21 violations enforced by speed monitoring systems on Maryland Route 210 shall be remitted
22 to the Comptroller for distribution to the State Highway Administration to be used solely
23 to assist in covering the costs of:

24 1. Examining the engineering, infrastructure, and other
25 relevant factors that may contribute to safety issues on Maryland Route 210 in Prince
26 George's County;

27 2. Reporting its findings and recommendations on any
28 solutions to these safety issues; and

29 3. Implementing any solutions to these safety issues.

30 (5) From the fines collected by Baltimore City as a result of violations
31 enforced by vehicle height monitoring systems, Baltimore City may:

32 (i) Recover the costs of implementing and administering the vehicle
33 height monitoring systems; and

34 (ii) Spend the remaining balance solely on roadway improvements.

Article – Transportation

24–111.3.

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

(2) ~~“LOCAL LAW ENFORCEMENT GOVERNMENT AGENCY” MEANS A LAW ENFORCEMENT AGENCY OF A LOCAL JURISDICTION THAT IS AUTHORIZED TO ISSUE A CITATION FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR REGULATIONS.~~

(3) “LOCAL JURISDICTION” MEANS A COUNTY OR MUNICIPAL CORPORATION.

~~(3)~~ (4) “Owner” means the registered owner of a motor vehicle.

~~[(3)]~~ ~~(4)~~ (5) “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)~~ (6) “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.

1 (b) THIS SECTION APPLIES ONLY IN BALTIMORE CITY AND PRINCE
2 GEORGE'S COUNTY.

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

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

10 (i) Conduct an analysis to determine the appropriateness of the
11 location; and

12 (ii) Obtain the approval of the [Baltimore City Police Commissioner]
13 ~~CHIEF LAW ENFORCEMENT OFFICER OF THE LOCAL LAW ENFORCEMENT OFFICIAL~~
14 ~~OF THE LOCAL GOVERNMENT AGENCY~~ or the [Commissioner's] CHIEF ~~LAW~~
15 ~~ENFORCEMENT OFFICER'S OFFICIAL'S~~ designee.

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

18 (i) Publish notice of the location of the vehicle height monitoring
19 system on its [Web site] WEBSITE and in a newspaper of general circulation in the
20 jurisdiction; and

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

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

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

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

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

33 (2) Shall be kept on file; and

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

3 [(d)] (E) (1) Unless the driver of the motor vehicle or combination of vehicles
4 received a citation from a police officer at the time of the violation, the owner of a motor
5 vehicle or combination of vehicles is subject to a civil penalty if the motor vehicle or
6 combination of vehicles is recorded by a vehicle height monitoring system while being
7 operated in violation of a State or local law restricting the presence of certain vehicles
8 during certain times.

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

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

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

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

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

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

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

24 (i) The name and address of the registered owner of the motor
25 vehicle;

26 (ii) The registration number of the motor vehicle involved in the
27 violation;

28 (iii) The violation charged;

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

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

31 (vi) A copy of the recorded image;

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

3 (viii) A signed statement by a duly authorized law enforcement officer
4 commissioned by the [Baltimore City Police Department] ~~LOCAL LAW ENFORCEMENT~~
5 ~~GOVERNMENT AGENCY~~ that, based on inspection of the recorded image, the motor vehicle
6 or combination of vehicles was being operated in violation of a State or local law restricting
7 the presence of certain vehicles during certain times;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (ii) Any other issues and evidence that the District Court deems
10 pertinent.

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

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

16 (1) Is not a moving violation for the purpose of assessing points under §
17 16–402 of this article;

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

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

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

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

28 **[(j)] (K)** (1) **[The Baltimore City Police Department]** **A LOCAL ~~LAW~~**
29 **~~ENFORCEMENT~~ GOVERNMENT AGENCY** or, **IN BALTIMORE CITY**, the Baltimore City
30 Department of Transportation, or a contractor designated by the **[Baltimore City Police**
31 **Department]** **LOCAL ~~LAW ENFORCEMENT~~ GOVERNMENT AGENCY** or, **IN BALTIMORE**
32 **CITY**, the Baltimore City Department of Transportation, shall administer and process civil
33 citations issued under this section in coordination with the District Court.

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

4 (L) (1) THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

5 (2) BEFORE THE INSTALLATION OF ANY VEHICLE HEIGHT
6 MONITORING SYSTEMS, THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY AND
7 THE PRESIDENT OF THE PRINCE GEORGE'S COUNTY MUNICIPAL ASSOCIATION
8 SHALL JOINTLY ESTABLISH A WORKGROUP TO ASSIST IN:

9 (I) IDENTIFYING THE ENTITY RESPONSIBLE FOR THE
10 INSTALLATION COSTS, COLLECTION OF REVENUE, AND DISTRIBUTION OF REVENUE
11 RELATING TO VEHICLE HEIGHT MONITORING ENFORCEMENT;

12 (II) EVALUATING EXISTING SIGNAGE AND IDENTIFYING ANY
13 LOCATIONS WHERE SIGNAGE COULD BE IMPROVED;

14 (III) DETERMINING THE OVERALL NUMBER OF VEHICLE HEIGHT
15 MONITORING SYSTEMS THAT MAY BE PLACED WITHIN A MUNICIPAL CORPORATION;
16 AND

17 (IV) CLARIFYING WHICH VEHICLES MAY BE EXEMPT FROM
18 ENFORCEMENT OF HEIGHT RESTRICTIONS BY A VEHICLE HEIGHT MONITORING
19 SYSTEM.

20 (M) (1) THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

21 (2) BEFORE THE INSTALLATION OF ANY VEHICLE HEIGHT
22 MONITORING SYSTEMS, THE GOVERNING BODY OF THE LOCAL JURISDICTION SHALL:

23 (I) ESTABLISH A WORKGROUP INCLUDING COMMERCIAL
24 TRANSPORTATION INDUSTRY REPRESENTATIVES TO ASSIST THE LOCAL
25 GOVERNMENT IN:

26 1. EVALUATING EXISTING TRUCK ROUTES;

27 2. IDENTIFYING AREAS FOR VEHICLE HEIGHT
28 MONITORING ENFORCEMENT; AND

29 3. EVALUATING EXISTING SIGNAGE AND IDENTIFYING
30 LOCATIONS WHERE SIGNAGE COULD BE IMPROVED; AND

31 (II) ADOPT A LOCAL LAW LIMITING THE OVERALL NUMBER OF

1 VEHICLE HEIGHT MONITORING SYSTEMS THAT MAY BE PLACED IN THE LOCAL
 2 JURISDICTION.

3 **(3) THE GOVERNING BODY OF THE LOCAL JURISDICTION MAY ADOPT**
 4 **A LOCAL LAW EXEMPTING CERTAIN VEHICLES FROM THE ENFORCEMENT OF HEIGHT**
 5 **RESTRICTIONS BY A VEHICLE HEIGHT MONITORING SYSTEM IN THE LOCAL**
 6 **JURISDICTION.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 8 as follows:

9 **Article – Transportation**

10 24–111.3.

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

12 (2) “Local ~~law enforcement~~ **GOVERNMENT** agency” means ~~a law~~
 13 ~~enforcement~~ **AN** agency of a local jurisdiction that is authorized to issue a citation for a
 14 violation of the Maryland Vehicle Law or of local traffic laws or regulations.

15 **(3) “LOCAL JURISDICTION” MEANS A COUNTY OR MUNICIPAL**
 16 **CORPORATION.**

17 ~~(3)~~ **(4)** (i) “Owner” means the registered owner of a motor vehicle.

18 (ii) In Baltimore County, “owner” does not include:

- 19 1. A motor vehicle rental or leasing company; or
 20 2. The holder of an interchangeable registration under Title
 21 13, Subtitle 9, Part III of this article.

22 ~~(4)~~ **(5)** “Recorded image” means an image recorded by a vehicle height
 23 monitoring system:

- 24 (i) On:
- 25 1. A photograph;
 26 2. A microphotograph;
 27 3. An electronic image;
 28 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.

~~(5)~~ **(6)** “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, **AND PRINCE GEORGE’S COUNTY.**

(c) (1) A vehicle height monitoring system may be used to record images of vehicles traveling on a highway in a local jurisdiction under this section only if the use of vehicle height monitoring systems is authorized by local law adopted by the governing body of the local jurisdiction after reasonable notice and a public hearing.

(2) Before a local jurisdiction places or installs a vehicle height monitoring system at a particular location, it shall:

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

(ii) Obtain the approval of the chief ~~law enforcement officer~~ **OFFICIAL** of the local ~~law enforcement~~ **GOVERNMENT** agency or the chief ~~law enforcement officer’s~~ **OFFICIAL’S** designee.

(3) Before activating a vehicle height monitoring system, a local jurisdiction shall:

(i) Publish notice of the location of the vehicle height monitoring system on its website and in a newspaper of general circulation in the jurisdiction; and

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

1. Are in accordance with the manual and specifications for

1 a uniform system of traffic control devices adopted by the State Highway Administration
2 under § 25–104 of this article; and

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

4 (d) A vehicle height monitoring system operator shall fill out and sign a daily
5 set-up log for a vehicle height monitoring system that:

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

9 (2) Shall be kept on file; and

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

12 (e) (1) Unless the driver of the motor vehicle or combination of vehicles
13 received a citation from a police officer at the time of the violation, the owner of a motor
14 vehicle or combination of vehicles is subject to a civil penalty if the motor vehicle or
15 combination of vehicles is recorded by a vehicle height monitoring system while being
16 operated in violation of a State or local law restricting the presence of certain vehicles
17 during certain times.

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

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

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

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

24 (i) A uniform citation form consistent with paragraphs (1) and (2) of
25 this subsection and § 7–302 of the Courts Article; and

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

28 (f) (1) Subject to the provisions of paragraphs (2) and (3) of this subsection, a
29 local ~~law-enforcement~~ **GOVERNMENT** agency or, in Baltimore City, the Baltimore City
30 Department of Transportation shall mail to an owner liable under this section a citation
31 that shall include:

32 (i) The name and address of the registered owner of the motor
33 vehicle;

1 (ii) The registration number of the motor vehicle involved in the
2 violation;

3 (iii) The violation charged;

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

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

6 (vi) A copy of the recorded image;

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

9 (viii) A signed statement by a duly authorized law enforcement officer
10 commissioned by the local ~~law enforcement~~ GOVERNMENT agency that, based on
11 inspection of the recorded image, the motor vehicle or combination of vehicles was being
12 operated in violation of a State or local law restricting the presence of certain vehicles
13 during certain times;

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

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

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

21 (2) A local ~~law enforcement~~ GOVERNMENT agency or, in Baltimore City,
22 the Baltimore City Department of Transportation shall, for a first violation, mail a warning
23 notice instead of a citation to an owner liable under this section.

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

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

27 (i) Pay the civil penalty, in accordance with instructions on the
28 citation, directly to the local jurisdiction; or

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

30 (g) (1) A certificate alleging that a violation of a State or local law restricting
31 the presence of certain vehicles during certain times occurred and that the requirements

1 under subsections (c) and (d) of this section have been affirmed by a duly authorized law
2 enforcement officer commissioned by a local ~~law enforcement~~ **GOVERNMENT** agency, based
3 on inspection of the recorded image produced by the vehicle height monitoring system, shall
4 be:

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

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

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

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

12 (h) (1) The District Court may consider in defense of a violation:

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

16 (ii) Any other issues and evidence that the District Court deems
17 pertinent.

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

22 (i) A violation for which a civil penalty is imposed under this section:

23 (1) Is not a moving violation for the purpose of assessing points under §
24 16–402 of this article;

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

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

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

31 (j) In consultation with the appropriate local ~~law enforcement~~ **GOVERNMENT**
32 agency, the Chief Judge of the District Court shall adopt procedures for the issuance of
33 citations, the trial of civil violations, and the collection of civil penalties under this section.

1 (k) (1) A local ~~law enforcement~~ **GOVERNMENT** agency or, in Baltimore City,
 2 the Baltimore City Department of Transportation, or a contractor designated by the local
 3 ~~law enforcement~~ **GOVERNMENT** agency or, in Baltimore City, the Baltimore City
 4 Department of Transportation, shall administer and process civil citations issued under
 5 this section in coordination with the District Court.

6 (2) If a contractor operates a vehicle height monitoring system on behalf of
 7 a local jurisdiction, the contractor's fee may not be contingent on the number of citations
 8 issued or paid.

9 (l) (1) This subsection applies only in Baltimore County.

10 (2) Before the installation of any vehicle height monitoring systems, the
 11 governing body of the local jurisdiction shall:

12 (i) Establish a workgroup including commercial transportation
 13 industry representatives to assist the local government in:

- 14 1. Evaluating existing truck routes;
- 15 2. Identifying areas for vehicle height monitoring
 16 enforcement; and
- 17 3. Evaluating existing signage and identifying locations
 18 where signage could be improved; and

19 (ii) Adopt a local law limiting the overall number of vehicle height
 20 monitoring systems that may be placed in the local jurisdiction.

21 (3) The governing body of the local jurisdiction may adopt a local law
 22 exempting certain vehicles from the enforcement of height restrictions by a vehicle height
 23 monitoring system in the local jurisdiction.

24 **(M) (1) THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.**

25 **(2) BEFORE THE INSTALLATION OF ANY VEHICLE HEIGHT**
 26 **MONITORING SYSTEMS, THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY AND**
 27 **THE PRESIDENT OF THE PRINCE GEORGE'S COUNTY MUNICIPAL ASSOCIATION**
 28 **SHALL JOINTLY ESTABLISH A WORKGROUP TO ASSIST IN:**

29 **(I) IDENTIFYING THE ENTITY RESPONSIBLE FOR THE**
 30 **INSTALLATION COSTS, COLLECTION OF REVENUE, AND DISTRIBUTION OF REVENUE**
 31 **RELATING TO VEHICLE HEIGHT MONITORING ENFORCEMENT;**

32 **(II) EVALUATING EXISTING SIGNAGE AND IDENTIFYING ANY**

1 LOCATIONS WHERE SIGNAGE COULD BE IMPROVED;

2 (III) DETERMINING THE OVERALL NUMBER OF VEHICLE HEIGHT
 3 MONITORING SYSTEMS THAT MAY BE PLACED WITHIN A MUNICIPAL CORPORATION;
 4 AND

5 (IV) CLARIFYING WHICH VEHICLES MAY BE EXEMPT FROM
 6 ENFORCEMENT OF HEIGHT RESTRICTIONS.

7 (N) (1) THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

8 (2) BEFORE THE INSTALLATION OF ANY VEHICLE HEIGHT
 9 MONITORING SYSTEMS, THE GOVERNING BODY OF THE LOCAL JURISDICTION SHALL:

10 (I) ESTABLISH A WORKGROUP INCLUDING COMMERCIAL
 11 TRANSPORTATION INDUSTRY REPRESENTATIVES TO ASSIST THE LOCAL
 12 GOVERNMENT IN:

13 1. EVALUATING EXISTING TRUCK ROUTES;

14 2. IDENTIFYING AREAS FOR VEHICLE HEIGHT
 15 MONITORING ENFORCEMENT; AND

16 3. EVALUATING EXISTING SIGNAGE AND IDENTIFYING
 17 LOCATIONS WHERE SIGNAGE COULD BE IMPROVED; AND

18 (II) ADOPT A LOCAL LAW LIMITING THE OVERALL NUMBER OF
 19 VEHICLE HEIGHT MONITORING SYSTEMS THAT MAY BE PLACED IN THE LOCAL
 20 JURISDICTION.

21 (3) THE GOVERNING BODY OF THE LOCAL JURISDICTION MAY ADOPT
 22 A LOCAL LAW EXEMPTING CERTAIN VEHICLES FROM THE ENFORCEMENT OF HEIGHT
 23 RESTRICTIONS BY A VEHICLE HEIGHT MONITORING SYSTEM IN THE LOCAL
 24 JURISDICTION.

25 SECTION 3. AND BE IT FURTHER ENACTED, That, before the installation of any
 26 vehicle height monitoring systems in Prince George's County, a workgroup established
 27 under § 24-111.3(m) of the Transportation Article, as enacted by Section 1 of this Act, or §
 28 24-111.3(n) of the Transportation Article, as enacted by Section 2 of this Act, shall examine
 29 and make recommendations to the local governing body on:

30 (1) developing a map of height-restricted roads in the County and
 31 municipalities in the County and providing the map to operators using the best available
 32 technology;

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

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

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

7 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
8 take effect October 1, 2021. It shall remain effective until the taking effect of Section 2 of
9 this Act. If Section 2 of this Act takes effect, Section 1 of this Act, with no further action
10 required by the General Assembly, shall be abrogated and of no further force and effect.

11 SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
12 take effect October 1, 2021, the effective date of Chapter 504 of the Acts of the General
13 Assembly of 2020. If the effective date of Chapter 504 is amended, Section 2 of this Act shall
14 take effect on the taking effect of Chapter 504.

15 SECTION ~~5~~ 6. AND BE IT FURTHER ENACTED, That, subject to the provisions
16 of Sections ~~3~~ 4 and ~~4~~ 5 of this Act, this Act shall take effect October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.