

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 170

(Chair, Finance Committee)(By Request - Departmental -
Transportation)

Finance

Environment and Transportation

Transportation-Related Property - Prohibited Acts and Enforcement

This departmental bill expressly prohibits a person from willfully altering, disconnecting, tampering with, removing, or otherwise interfering with a transportation-related “component for electrical current transmission and storage” or an “intelligent transportation system” if the component or system has been placed by the authority of a public body or official. A person who violates this prohibition is subject to specified incarceration and/or monetary penalties.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures decrease to the extent that the bill deters theft of State-owned copper wire; however, any such impact cannot be reliably estimated. The bill’s penalty provisions are not anticipated to have a material impact on State finances or operations.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: The Maryland Department of Transportation (MDOT) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary: The bill identifies numerous types of computers and other components that are considered either transportation-related “components for electrical current

transmission and storage” (e.g., a battery, manhole, and conductor wire) or “intelligent transportation systems” (e.g., a camera, fiber-optic cable, and road sensor).

A person who violates the bill’s prohibition on willfully altering, disconnecting, tampering with, removing, or otherwise interfering with these components and systems is subject to (1) imprisonment not exceeding 6 months and/or a fine not exceeding \$1,500 for a first offense and (2) imprisonment not exceeding 18 months and/or a fine not exceeding \$5,000 for a second or subsequent offense.

Current Law: Current law does not expressly prohibit interfering with a transportation-related component for electrical current transmission and storage or an intelligent transportation system. However, under the general theft statute in the Criminal Law Article, a person may not, under specified circumstances (1) willfully or knowingly obtain or exert unauthorized control over property; (2) obtain control over property by willfully or knowingly using deception; (3) possess stolen property knowing that it has been stolen or believing that it probably has been stolen; (4) obtain control over property knowing that the property was lost, mislaid, or delivered under a mistake as to the identity of the recipient or nature or amount of the property; or (5) obtain the services of another that are available only by compensation by deception or with knowledge that the services are provided without the provider’s consent. A violator is required to restore the owner’s property or pay the owner the value of the property or services and is subject to the penalties listed below:

<u>Value of Property and/or Services</u>	<u>Maximum Penalty</u>
Less than \$100*	Misdemeanor – 90 days imprisonment and/or \$500 fine
At least \$100 but less than \$1,500*	Misdemeanor – 6 months imprisonment and/or \$500 fine (first conviction) or 1 year imprisonment and/or \$500 (second or subsequent conviction)
Less than \$1,500 (four or more prior theft convictions)**	Misdemeanor – 5 years imprisonment and/or \$5,000 fine
At least \$1,500 but less than \$25,000	Felony – 5 years imprisonment and/or \$10,000 fine
At least \$25,000 but less than \$100,000	Felony – 10 years imprisonment and/or \$15,000 fine
\$100,000 or more	Felony – 20 years imprisonment and/or \$25,000 fine

*Subject to two-year statute of limitations.

**Subject to specified notice requirements.

Background: MDOT advises that the department and the Maryland Transportation Authority (MDTA) have experienced significant issues in recent years with theft of copper wire from lighting facilities on MDOT and MDTA property. For example, since December 2018, the State Highway Administration has documented 48 copper wire thefts from various locations, causing safety issues due to improper lighting as well as project delays.

State Expenditures: TTF expenditures decrease to the extent that the bill deters theft of State-owned copper wire; however, any such impact cannot be reliably estimated. *For illustrative purposes only*, MDOT advises that replacement and repair costs when copper wire is stolen from transportation lighting facilities often exceed \$100,000 and may be as high as \$600,000.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Department of Transportation; Department of Public Safety and Correctional Services; Department of State Police; Baltimore City; Caroline, Howard, Montgomery, and Prince George's counties; cities of Annapolis and Bowie; Department of Legislative Services

Fiscal Note History: First Reader - January 12, 2021
rh/lgc Third Reader - March 10, 2021
Revised - Amendment(s) - March 10, 2021
Revised - Clarification - March 10, 2021

Analysis by: Richard L. Duncan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Transportation–Related Property and Copper or Aluminum Items – Duties, Prohibited Acts, and Enforcement

BILL NUMBER: SB170

PREPARED BY: Maryland Department of Transportation

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

 X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

 WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

Prior to completing a transaction for light and heavy copper, junk dealers and scrap metal processors will be required to hold the material for not less than 30 days from the date it was electronically reported. The electronic reporting requirement is currently in place with an exemption that applies to certain categories of sellers – this hold requirement will not impact that category of sellers. Maryland State Police already have jurisdiction over the items that are electronically reported by all junk dealers and scrap metal processors – there are no new reporting requirements in this proposal.

While the junk dealer or scrap metal processor may have to hold certain copper or aluminum transactions for a period of time, they will still be able to sell the materials after the hold requirements expire. Therefore, the bill will not materially affect the business's ability to sustain profits from moving these goods.