

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 284

(Delegate R. Lewis)

Environment and Transportation

Judicial Proceedings

Vehicle Laws – Dedicated Bus Lanes – Enforcement

This bill expressly establishes the prohibition against driving a vehicle in a dedicated bus lane, unless authorized to do so by the local jurisdiction in which that bus lane is located, and specifies that certain types of vehicles are authorized to drive in a dedicated bus lane. The bill also authorizes Baltimore City to use a bus lane monitoring system to record images of motor vehicles traveling in a bus lane. The Baltimore City Police Department may issue warnings or citations to vehicle owners or drivers for driving in a dedicated bus lane in an unauthorized vehicle. The maximum fine for a violation recorded by a bus lane monitoring system is \$100. Otherwise, a violation continues to be a misdemeanor, subject to a maximum fine of \$500.

Fiscal Summary

State Effect: General fund revenues increase minimally to the extent Baltimore City establishes a bus lane monitoring system. General fund expenditures for the Judiciary increase by approximately \$17,100 for reprogramming; any increase in District Court caseloads can likely be handled with existing resources. Transportation Trust Fund (TTF) revenues may increase minimally from additional flag fees placed on the registrations of vehicle owners who fail to pay a fine or contest a violation under the bill.

Local Effect: Baltimore City revenues increase, potentially significantly, to the extent it establishes a bus lane monitoring system. Expenditures increase in order to install and maintain the system, with any remaining revenue balances after recovery of implementation and administration costs reserved for public safety expenditures.

Small Business Effect: Potential minimal.

Analysis

Bill Summary:

Exceptions to the Prohibition

The bill specifies that the following vehicles may be driven in a “dedicated bus lane”:

- a transit vehicle owned, operated, or contracted for by the Maryland Transit Administration (MTA) or by a local department of transportation;
- a school bus;
- a bicycle;
- an emergency vehicle; and
- a vehicle making a right turn at the next immediate intersection.

Definitions

A “dedicated bus lane” is a lane designated for use by mass transit vehicles owned, operated, or contracted for by MTA or by a local department of transportation.

A “bus lane monitoring system” is an enforcement system that is designed to capture a recorded image of a driver of a motor vehicle committing a violation.

A “recorded image” is an image recorded by a bus lane monitoring system on a photograph, microphotograph, electronic image, videotape, or any other visual medium, which clearly identifies the motor vehicle’s registration plate number.

Training and Recordkeeping Requirements

A bus lane monitoring system may be used only when operated by a bus lane monitoring system operator. The bill establishes training and recordkeeping requirements for system operators, including the performance of calibration checks as specified by an independent laboratory.

Citations

Unless a driver of a motor vehicle receives a citation from a police officer at the time of the violation, a person who receives a citation by mail may pay the specified civil penalty to Baltimore City or may elect to stand trial in District Court, which is granted exclusive jurisdiction in proceedings for civil infractions under the bill. In a contested case, the penalty must be paid to the District Court.

A citation issued by a bus lane monitoring system is not a moving violation for which points may be assessed and may not be placed on the driving record of the owner or driver of the vehicle. However, it may be treated as a parking violation for purposes of enforcement. In addition, the citation may not be considered in the provision of vehicle insurance. If the civil penalty is not paid and the violation is not contested, the Motor Vehicle Administration (MVA) may refuse to register or reregister the motor vehicle.

In addition to other required information, the mailed citation must include a copy of the recorded image of the vehicle and a signed statement by a police officer employed by the Baltimore City Police Department. The citation must also be mailed within two weeks of the violation.

A certificate alleging that the violation occurred, that is sworn to or affirmed by a police officer employed by the Baltimore City Police Department, is evidence of the facts contained therein and is also admissible in any proceeding. Adjudication of liability is to be based on a preponderance of evidence standard. The District Court may consider the defenses specified in the bill, including that the vehicle was stolen or that the owner was not operating the vehicle at the time of the violation. For violations involving certain trucks, tractors, trailers, and buses, the person named in the citation may satisfy the burden of proof that he or she was not operating the vehicle at the time of the violation by providing a sworn letter containing the name, address, and driver's license number of the person who was operating the vehicle at the time. Similarly, for violations involving rental vehicles, the bill establishes a process by which companies may demonstrate that the company is not liable for the violation.

Authorized Uses of Collected Fines

From the fines it collects, Baltimore City may recover the costs of implementing and administering the bus lane monitoring system; any remaining revenue balances must be spent for public safety purposes, including pedestrian safety programs.

Implementation

The Baltimore City Police Department or a designated contractor must administer and process civil citations issued under the bill in coordination with the District Court.

If a contractor provides, deploys, or operates a bus lane monitoring system for the Baltimore City Police Department, the contractor's fee may not be contingent on the number of citations issued or paid.

Current Law: Bus lane violations are addressed in State law through failure to obey a properly placed traffic control device (which includes bus lane markings), which is a violation of the Maryland Vehicle Law and subject to a maximum penalty of \$500. The prepayment penalty is \$90 and, upon conviction, one point assessed against the driver's license. If the violation contributes to an accident, the prepayment penalty increases to \$130 and three points assessed against the license.

State/Local Fiscal Effect: The Judiciary advises that reprogramming is necessary in order to implement the bill's requirements. In fiscal 2022 only, general fund expenditures increase by \$17,064 in order to make the necessary changes.

Under the bill, the number of citations issued in Baltimore City may increase due to the establishment of an automated bus lane system enforcement system. As a result, the number of individuals opting for a trial in District Court may increase. Although the potential increase in cases cannot be reliably estimated, general fund revenues may increase minimally, as fine revenues paid by individuals convicted in the District Court are paid into the general fund.

However, in an uncontested case, fine revenues are paid to a local jurisdiction. As a result, local revenues increase for Baltimore City to the extent it implements an enforcement system. Based on citation revenues from other automated enforcement systems, the Department of Legislative Services advises that revenues received under the bill may be significant.

The bill authorizes MVA to refuse to register or reregister a motor vehicle if a citation is not paid or contested pursuant to the bill's requirements. Assuming MVA receives additional flagging requests from Baltimore City under the bill, TTF revenues may increase, as individuals must pay the administrative flag fee (\$30) in order to register or reregister a vehicle. However, the overall effect on TTF revenues is expected to be negligible.

Baltimore City currently maintains bus lanes that are utilized by MTA buses. Based on data from the city's red light camera enforcement system, Baltimore City advised for a similar prior-year bill that it expects revenues to increase by approximately \$255,970 annually for each bus lane monitoring device. However, the city advised that the estimated unit cost for each monitoring device is \$55,250. Additionally, due to the increase in the number of citations, existing personnel may need to work overtime, resulting in additional personnel expenditures of \$40,743 per year. Assuming the city obtains one additional bus lane monitoring device per year and that personnel costs are constant, Baltimore City estimated that expenditures increase by \$95,993 annually as a result of the establishment of a bus lane monitoring enforcement system. As noted above, the bill authorizes Baltimore City to recover costs for implementation and administration of a bus lane

monitoring system from the fines collected from violations enforced by the system; revenue balances remaining after recovery of these costs must be spent for public safety purposes.

Additional Information

Prior Introductions: HB 1492, a similar bill, received a hearing in the House Environment and Transportation Committee, but no further action was taken. SB 837 of 2019, another similar bill, received a hearing in the Senate Judicial Proceedings Committee and was subsequently withdrawn. Additionally, similar legislation was considered in the 2018 legislative session. HB 749 was amended in the House and referred to the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, SB 551, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Designated Cross File: None.

Information Source(s): Caroline and Montgomery counties; City of Bowie; Maryland Municipal League; Maryland Association of Counties; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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