

# SENATE BILL 83

E4

6lr0078

(PRE-FILED)

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By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Office of Crime Control and Prevention)**

Requested: September 29, 2015

Introduced and read first time: January 13, 2016

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 9, 2016

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Safety – School Safety Enforcement Fund**

3 FOR the purpose of renaming the School Bus Safety Enforcement Fund to be the School  
4 Safety Enforcement Fund; expanding the purposes of the Fund to include enhancing  
5 school safety; expanding eligibility to receive grants from the Fund to county boards  
6 of education; requiring the Executive Director of the Governor’s Office of Crime  
7 Control and Prevention to consider the geographic distribution of grant recipients  
8 before making a grant from the Fund; repealing a provision of law restricting the  
9 Executive Director of the Governor’s Office of Crime Control and Prevention from  
10 making a grant from the Fund exceeding a certain amount of money in a fiscal year  
11 for use in a single county; prohibiting a law enforcement agency or board of education  
12 from using a grant from the Fund for a certain purpose; making conforming changes;  
13 and generally relating to the School Safety Enforcement Fund.

14 BY repealing and reenacting, with amendments,  
15 Article – Public Safety  
16 Section 4–201 through 4–204 to be under the amended subtitle “Subtitle 2. School  
17 Safety Enforcement Fund”  
18 Annotated Code of Maryland  
19 (2011 Replacement Volume and 2015 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article – Transportation

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**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 Section 17–106(e)  
2 Annotated Code of Maryland  
3 (2012 Replacement Volume and 2015 Supplement)

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

6 **Article – Public Safety**

7 Subtitle 2. School [Bus] Safety Enforcement Fund.

8 4–201.

9 (a) In this subtitle the following words have the meanings indicated.

10 (b) “Executive Director” means the Executive Director of the Governor’s Office of  
11 Crime Control and Prevention.

12 (c) “Fund” means the School [Bus] Safety Enforcement Fund.

13 (d) “Law enforcement agency” means the Department of State Police, the police  
14 department of a county or municipal corporation, or a sheriff’s office.

15 (e) “School vehicle” has the meaning stated in § 11–154 of the Transportation  
16 Article.

17 4–202.

18 (a) There is a School [Bus] Safety Enforcement Fund.

19 (b) The [purpose] **PURPOSES** of the Fund [is] **ARE** to assist law enforcement  
20 agencies **AND COUNTY BOARDS OF EDUCATION** in:

21 **(1)** addressing the problem of drivers illegally failing to stop for school  
22 vehicles; **AND**

23 **(2) ENHANCING SCHOOL SAFETY.**

24 (c) (1) The Executive Director shall administer the Fund.

25 (2) The Executive Director shall receive from the Fund each fiscal year the  
26 amount, not exceeding \$50,000 in a fiscal year, necessary to offset its costs in administering  
27 this subtitle.

28 (d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of  
29 the State Finance and Procurement Article.

1           (2)     The Treasurer shall hold the Fund separately and the Comptroller shall  
2 account for the Fund in conjunction with the Executive Director.

3           (e)     The Fund consists of:

4           (1)     money credited to the Fund under § 17–106(e) of the Transportation  
5 Article;

6           (2)     money from any other source accepted for the benefit of the Fund; and

7           (3)     investment earnings of the Fund.

8           (f)     The Treasurer shall invest the money of the Fund in the same manner as other  
9 State money may be invested.

10          (g)     Expenditures from the Fund may only be made:

11           (1)     in accordance with the State budget; or

12           (2)     by the budget amendment procedure as provided in § 7–209 of the State  
13 Finance and Procurement Article, if at least 45 days have passed since the budget  
14 amendment and supporting information were submitted to the budget committees for their  
15 review and comment.

16 4–203.

17          (a)     The Executive Director may make grants to law enforcement agencies **AND**  
18 **COUNTY BOARDS OF EDUCATION** from the Fund.

19          (b)     The Executive Director shall establish procedures for law enforcement  
20 agencies **AND COUNTY BOARDS OF EDUCATION** to apply for grants from the Fund and for  
21 the evaluation of progress in [addressing the problem of drivers illegally failing to stop for  
22 school vehicles] **FULFILLING THE PURPOSES OF THE FUND**.

23          (c)     When making grants from the Fund, the Executive Director shall consider, **AS**  
24 **APPLICABLE**:

25           (1)     the extent of the problem of drivers illegally failing to stop for school  
26 vehicles in the area identified by the [law enforcement agency applying] **APPLICANT** for a  
27 grant;

28           (2)     the [law enforcement agency's] **APPLICANT'S** goals and plans with  
29 respect to enhanced enforcement efforts that relate to § 21–706 of the Transportation  
30 Article **OR ENHANCING SCHOOL SAFETY**; ~~and~~

1                   (3) THE GEOGRAPHIC DISTRIBUTION OF GRANT RECIPIENTS  
 2 THROUGHOUT THE STATE; AND

3                   (4) other factors that the Executive Director considers appropriate [that  
 4 relate to drivers illegally failing to stop for school vehicles] **AND RELEVANT.**

5                   (d) [(1) Except as provided in paragraph (2) of this subsection, the Executive  
 6 Director may not make a grant from the Fund exceeding \$35,000 in a fiscal year for use in  
 7 a single county.

8                   (2) If money remains available in the Fund after grants are initially  
 9 awarded in a fiscal year, the Executive Director may make supplemental grants to law  
 10 enforcement agencies in accordance with procedures established by the Executive Director.

11                   (e)] A law enforcement agency **OR BOARD OF EDUCATION** that receives a grant  
 12 under this subtitle:

13                   (1) may use the grant only in accordance with the terms of the grant for  
 14 efforts that relate to the enforcement of § 21-706 of the Transportation Article **OR FOR**  
 15 **ENHANCEMENTS TO SCHOOL SAFETY**; and

16                   (2) shall comply with reporting requirements established by the Executive  
 17 Director to evaluate:

18                   (i) the law enforcement agency's [enforcement] efforts under the  
 19 grant; and

20                   (ii) statewide [enforcement] efforts under this subtitle.

21                   **(E) A LAW ENFORCEMENT AGENCY OR BOARD OF EDUCATION THAT**  
 22 **RECEIVES A GRANT UNDER THIS SUBTITLE MAY NOT USE THE GRANT TO FUND THE**  
 23 **INSTALLATION OR MAINTENANCE OF A SPEED MONITORING SYSTEM IN OR AROUND**  
 24 **A SCHOOL ZONE UNDER § 21-809 OF THE TRANSPORTATION ARTICLE.**

25 4-204.

26                   On or before September 1 of each year, the Executive Director shall report to the  
 27 Governor and, subject to § 2-1246 of the State Government Article, to the General  
 28 Assembly on:

29                   (1) the status of the Fund;

30                   (2) the grants made under this subtitle;

31                   (3) the costs of administering this subtitle; and

1 (4) the effect of this subtitle in:

2 (I) reducing the problem of drivers illegally failing to stop for school  
3 vehicles; AND

4 (II) ENHANCING SCHOOL SAFETY.

5 **Article – Transportation**

6 17–106.

7 (e) (1) (i) In addition to any other penalty provided for in the Maryland  
8 Vehicle Law, if the required security for a vehicle terminates or otherwise lapses during its  
9 registration year, the Administration may assess the owner of the vehicle with a penalty of  
10 \$150 for each vehicle without the required security for a period of 1 to 30 days. If a fine is  
11 assessed, beginning on the 31st day the fine shall increase by a rate of \$7 for each day.

12 (ii) Each period during which the required security for a vehicle  
13 terminates or otherwise lapses shall constitute a separate violation.

14 (iii) The penalty imposed under this subsection may not exceed  
15 \$2,500 for each violation in a 12–month period.

16 (2) (i) A penalty assessed under this subsection shall be paid as follows:

17 1. 70% to be allocated as provided in subparagraphs (ii)  
18 through (vi) of this paragraph; and

19 2. 30% to the Administration, which may be used by the  
20 Administration, subject to subsection (f) of this section, to provide funding for contracts  
21 with independent agents to assist in the recovery of evidences of registration as authorized  
22 in subsection (d)(3) of this section.

23 (ii) For the fiscal year beginning July 1, 2001, the percentage of the  
24 penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the  
25 Vehicle Theft Prevention Fund, the Motor Vehicle Registration Enforcement Fund, the  
26 School [Bus] Safety Enforcement Fund, the Transportation Trust Fund, and the General  
27 Fund as follows:

28 1. \$400,000 to the Motor Vehicle Registration Enforcement  
29 Fund;

30 2. \$600,000 to the School [Bus] Safety Enforcement Fund;

31 3. \$2,000,000 to the Vehicle Theft Prevention Fund;





1 before the transfer shall continue as if no transfer had occurred and a new registration may  
2 not be issued until the penalty fee is paid.

3 (5) An amount equal to the monetary penalties paid to the Administration  
4 under paragraph (2) of this subsection may be used by the Administration only for the  
5 enforcement of this subtitle.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2016.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.