

## Chapter 529

**(Senate Bill 83)**

AN ACT concerning

**Public Safety – School Safety Enforcement Fund**

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

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 4–201 through 4–204 to be under the amended subtitle “Subtitle 2. School Safety Enforcement Fund”

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 17–106(e)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

**Article – Public Safety**

Subtitle 2. School [Bus] Safety Enforcement Fund.

4–201.

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

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

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

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

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

4–202.

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

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

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

(2) **ENHANCING SCHOOL SAFETY.**

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

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

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

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

(e) The Fund consists of:

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

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

(3) investment earnings of the Fund.

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

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

(1) in accordance with the State budget; or

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

4–203.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4-204.

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

- (1) the status of the Fund;
- (2) the grants made under this subtitle;
- (3) the costs of administering this subtitle; and
- (4) the effect of this subtitle in:

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

(II) **ENHANCING SCHOOL SAFETY.**

### **Article – Transportation**

17-106.

(e) (1) (i) In addition to any other penalty provided for in the Maryland Vehicle Law, if the required security for a vehicle terminates or otherwise lapses during its registration year, the Administration may assess the owner of the vehicle with a penalty of

\$150 for each vehicle without the required security for a period of 1 to 30 days. If a fine is assessed, beginning on the 31st day the fine shall increase by a rate of \$7 for each day.

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

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

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

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

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

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

1. \$400,000 to the Motor Vehicle Registration Enforcement Fund;
2. \$600,000 to the School [Bus] Safety Enforcement Fund;
3. \$2,000,000 to the Vehicle Theft Prevention Fund;
4. \$9,600,000 to the Transportation Trust Fund; and
5. The balance to the General Fund.

(iii) For the fiscal year beginning July 1, 2002, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the Vehicle Theft Prevention Fund, the Maryland Automobile Insurance Fund, the Motor Vehicle Registration Enforcement Fund, the School [Bus] Safety Enforcement Fund, and the General Fund as follows:

1. \$400,000 to the Motor Vehicle Registration Enforcement Fund;
2. \$600,000 to the School [Bus] Safety Enforcement Fund;

3. \$2,000,000 to the Vehicle Theft Prevention Fund;
  4. \$2,000,000 to the Maryland Automobile Insurance Fund;
- and
5. The balance to the General Fund.

(iv) For each fiscal year beginning on or after July 1, 2003, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the School [Bus] Safety Enforcement Fund, the Vehicle Theft Prevention Fund, the Maryland Automobile Insurance Fund, and the General Fund as follows:

1. \$600,000 to the School [Bus] Safety Enforcement Fund;
2. \$2,000,000 to the Vehicle Theft Prevention Fund;
3. The amount distributed to the Maryland Automobile Insurance Fund in the prior fiscal year under the provisions of this paragraph adjusted by the change for the calendar year preceding the fiscal year in the Consumer Price Index – All Urban Consumers – Medical Care as published by the United States Bureau of Labor Statistics to the Maryland Automobile Insurance Fund; and
4. The balance to the General Fund.

(v) For each fiscal year beginning on July 1, 2013, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the School [Bus] Safety Enforcement Fund, the Vehicle Theft Prevention Fund, the Maryland Automobile Insurance Fund, and the General Fund as follows:

1. \$600,000 to the School [Bus] Safety Enforcement Fund;
  2. \$2,000,000 to the Vehicle Theft Prevention Fund;
  3. \$3,400,000 to the Maryland Automobile Insurance Fund;
- and
4. The balance to the General Fund.

(vi) For each fiscal year beginning on or after July 1, 2014, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the School [Bus] Safety Enforcement Fund, the Vehicle Theft Prevention Fund, the Maryland Automobile Insurance Fund, and the General Fund as follows:

1. \$600,000 to the School [Bus] Safety Enforcement Fund;

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

3. To the Maryland Automobile Insurance Fund, the amount distributed to the Maryland Automobile Insurance Fund in the prior fiscal year under the provisions of this paragraph adjusted by the change for the calendar year preceding the fiscal year in the Consumer Price Index – All Urban Consumers – Medical Care as published by the United States Bureau of Labor Statistics; and

4. The balance to the General Fund.

(3) If the Administration assesses a vehicle owner or co-owner with a penalty under this subsection, the Administration may not take any of the following actions until the penalty is paid:

(i) Reinstate a registration suspended under this subsection;

(ii) Except for a temporary registration as provided under § 13–602(a)(2) of this article, issue a new registration for any vehicle that is owned or co-owned by that person and is titled after the violation date; or

(iii) Renew a registration for a vehicle that is owned or co-owned by that person.

(4) (i) In this paragraph, “family member” means any individual whose relationship to the vehicle owner is one of those listed under § 13–810(c)(1) of this article as being exempt from paying the excise tax imposed on the transfer of a vehicle.

(ii) The monetary penalties provided in this subsection may not be avoided by transferring title to the vehicle.

(iii) Regardless of whether money or other valuable consideration is involved in the transfer, if title to a vehicle is transferred by an individual who has violated this subtitle to a family member, any suspension of the vehicle’s registration that occurred before the transfer shall continue as if no transfer had occurred and a new registration may not be issued until the penalty fee is paid.

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

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

**Approved by the Governor, May 19, 2016.**