

Department of Legislative Services

Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 263

(Delegate Carr, *et al.*)

Environment and Transportation

Judicial Proceedings

**School Bus Monitoring Cameras - Exclusion of Vehicle Rental Companies -
Repeal and Notification Requirement**

This bill, by repealing an exclusion, subjects a motor vehicle rental company, as the owner of a vehicle, to enforcement of violations recorded by school bus monitoring cameras. Before mailing a citation to a rental company, a law enforcement agency must send a notice to the rental company stating that a citation will be mailed to the rental company unless, within 45 days of receiving the notice, the rental company provides the agency with (1) a statement under oath of the name and last known address of the individual driving or renting the vehicle when the violation occurred; (2) a statement under oath that the vehicle was stolen at the time of the violation and a copy of the police report; or (3) payment for the penalty. A law enforcement agency may not mail a citation to a rental company if it complies with these requirements.

A motor vehicle leasing company is not affected by the bill and retains its current exclusion.

Fiscal Summary

State Effect: Because the owner of a rental company may receive a school bus monitoring citation under the bill, the District Court's caseload may increase due to more contested citations. However, the Judiciary can likely handle the additional caseload with existing resources. General fund revenues may increase minimally.

Local Effect: Local government revenues in jurisdictions that operate school bus monitoring cameras increase beginning in FY 2018. Any such impact cannot be reliably estimated but is assumed to be minimal. Expenditures are not affected.

Small Business Effect: Minimal. Small business motor vehicle rental companies may be affected if rented vehicles are cited for school bus monitoring camera violations.

Analysis

Current Law:

Duty to Stop

If a school vehicle stops on a roadway and is operating alternately flashing red lights, the driver of any other vehicle meeting or overtaking the school vehicle must stop at least 20 feet from the rear of the school vehicle, if approaching from its rear, or at least 20 feet from the front of the school vehicle, if approaching the school vehicle from its front. The driver of any vehicle meeting or overtaking the school bus may not proceed until the school vehicle resumes motion or the alternately flashing red lights are deactivated. The requirement does not apply to the driver of a vehicle on a divided highway, if the school vehicle is on a different roadway.

If a school bus operator witnesses a violation, the operator may promptly report the violation to a law enforcement agency with jurisdiction. To the extent possible, the report must include (1) information pertaining to the identity of the alleged violator; (2) the license number and color of the vehicle involved in the violation; (3) the time and location of the violation; and (4) an identification of the type of vehicle.

If the identity of the operator of the vehicle cannot be established, the law enforcement agency must issue the registered owner of the vehicle a warning informing the owner (1) that a violation was reported that described the owner's vehicle as the vehicle involved in the violation; (2) that there is insufficient evidence for the issuance of a citation; (3) that the warning does not constitute a finding that the owner is guilty of the violation; and (4) of the requirements for overtaking and passing a school vehicle.

School Bus Monitoring Cameras

Local jurisdictions must expressly authorize the use of school bus monitoring camera systems. If authorized, a law enforcement agency, in consultation with the county board of education, may place school bus monitoring cameras on school buses in the county. A recorded image indicating a violation must include (1) an image of the motor vehicle; (2) an image of at least one of the motor vehicle's registration plates; (3) the time and date of the violation; and (4) to the extent possible, the location of the violation.

Unless the driver receives a citation from a police officer at the time of the violation, the *owner* of the vehicle is subject to a civil penalty if the vehicle is recorded by a school bus monitoring camera. A person who receives a citation by mail may pay the specified civil penalty to the county with jurisdiction or may elect to stand trial in District Court. 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 technician employed by the issuing law enforcement agency. The citation must also be mailed within two weeks of the violation. (If the District Court finds that the person named in the citation – the owner – was not operating the vehicle at the time of the violation or receives evidence identifying the driver, the law enforcement agency may issue a citation to the operator of the vehicle instead.) The civil penalty may not exceed \$250. The District Court must prescribe a uniform citation form and a civil penalty that may be paid if the person chooses to prepay the civil penalty without appearing in District Court.

Background: According to a one-day survey of bus drivers conducted by the Maryland State Department of Education in April 2016, there were 4,326 incidents involving vehicles passing a stopped school bus with its flashing red lights illuminated, a significant increase over the 2,795 incidents found in the previous year's survey.

The Department of Legislative Services is aware of at least four jurisdictions that operate a school bus monitoring camera program: Frederick, Montgomery, Prince George's, and Washington counties. It is unclear if any others do so.

According to the Montgomery County Police Department (MCPD), the county currently has 103 school buses with monitoring cameras installed. An additional 400 buses are scheduled to have cameras installed in 2017, while the remaining 780 school buses in the county are scheduled to have cameras installed in 2018. MCPD also advises that the number of school bus monitoring camera violations has steadily increased in recent years. Between 2014 and 2015, 3,073 citations were issued for school bus monitoring camera violations. As of January 17, 2017, MCPD reports that 2,792 school bus camera citations had already been issued for the 2016-2017 school year.

The Judiciary advises that the current prepaid amount for school bus monitoring camera violations is \$125. In fiscal 2016, 66 citations were contested in the District Court.

Local Revenues: Local government revenues increase minimally beginning in fiscal 2018 for a local government that operates a school bus monitoring camera program. Thus, revenues increase for Frederick, Montgomery, Prince George's, and Washington counties as well as any other jurisdictions that have implemented such a program. This analysis assumes the owner of a rental company either prepays the citation or provides sufficient identifying information so that the driver may be cited instead.

For example, according to data provided by MCPD, between 2014 and 2015, 114 citations totaling \$14,250 were issued to *both* rental and leasing companies for school bus camera violations. Assuming the number of those violations remains constant in future years, under the bill, some portion of that total (*i.e.*, rental companies only) is no longer exempt from payment.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery, Prince George's, and Washington counties; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Department of Legislative Services

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