

HB1139/880714/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 1139

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “system;” insert “prohibiting a violation recorded by a vehicle height monitoring system from being recorded on the driving record of any person; altering the persons to which certain penalties apply;”; in line 13, after “notice;” insert “authorizing a person who has received a citation for a violation recorded by a vehicle height monitoring system to subrogate liability under certain circumstances; requiring Baltimore City to monitor and document for certain time periods the compliance rate for the appropriate satisfaction of citations issued based on recorded images made by a vehicle height monitoring system; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act under certain circumstances; providing for the application of certain provisions of this Act;”; in line 14, strike “automated traffic enforcement” and substitute “enforcement related to vehicle height monitoring systems”; and in line 18, strike “24–111.3(e)(1)” and substitute “24–111.3(d)(2), (e)(1) and (3).”.

On page 2, in line 1, strike “24–111.3(g–1)” and substitute “24–111.3(f–1) and (g–1)”.

AMENDMENT NO. 2

On page 2, in line 29, after “(1)” insert “**THIS SUBSECTION APPLIES TO A VEHICLE OR COMBINATION OF VEHICLES REGISTERED OUTSIDE THE STATE.**

(2);

in lines 29 and 30, strike “ANY PERMITS” and substitute “**A PERMIT TO TRAVEL IN BALTIMORE CITY**”; in line 30, after “SUBTITLE” insert “**TO A VEHICLE OR COMBINATION OF VEHICLES**”; in the same line, strike “ANY” and substitute “**A**”; in the

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same line, strike “PERMITS” and substitute “PERMIT TO TRAVEL IN BALTIMORE CITY”; in line 31, strike “THE REGISTERED OWNER OF”; and in the same line, after “VEHICLE” insert “OR COMBINATION OF VEHICLES”.

AMENDMENT NO. 3

On page 3, in line 8, strike “(2)” and substitute “(3)”; in line 9, after “PERMITS” insert “TO TRAVEL IN BALTIMORE CITY”; and after line 23, insert:

“(d) (2) A civil penalty under this subsection may not exceed:

(i) For a second violation by [the owner of the motor vehicle] A PERSON LIABLE UNDER THIS SECTION, \$250; and

(ii) For a third or subsequent violation by [the owner of the motor vehicle] A PERSON LIABLE UNDER THIS SECTION, \$500.”.

AMENDMENT NO. 4

On page 4, in lines 11 and 14, in each instance, strike “owner” and substitute “PERSON”; and after line 20, insert:

“(3) [A] EXCEPT AS PROVIDED IN SUBSECTION (F-1) OF THIS SECTION, A citation issued under this section shall be mailed no later than 30 days after the alleged violation.

(F-1) (1) IF AT THE TIME OF A VIOLATION UNDER THIS SECTION THE MOTOR VEHICLE INVOLVED WAS UNDER THE CUSTODY AND CONTROL OF, OR BEING OPERATED BY, A PERSON OTHER THAN THE OWNER, THAT PERSON AND NOT THE OWNER SHALL BE LIABLE FOR THE VIOLATION AND SENT A CITATION UNDER SUBSECTION (E) OF THIS SECTION IF, BEFORE THE DUE DATE TO PAY THE CITATION OR CONTEST LIABILITY, THE OWNER PROVIDES SUBSTANTIAL

EVIDENCE IN THE REQUIRED FORM TO THE BALTIMORE POLICE DEPARTMENT OR THE BALTIMORE CITY DEPARTMENT OF TRANSPORTATION, AS APPROPRIATE, OF THE IDENTITY OF THE PERSON WHO HAD CUSTODY AND CONTROL OVER OR WAS OPERATING THE MOTOR VEHICLE AT THE TIME OF THE VIOLATION.

(2) A CITATION ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE MAILED NO LESS THAN 30 DAYS AFTER THE BALTIMORE POLICE DEPARTMENT OR THE BALTIMORE CITY DEPARTMENT OF TRANSPORTATION, AS APPROPRIATE, DETERMINES THAT SUBSTANTIAL EVIDENCE EXISTS THAT THE PERSON OTHER THAN THE OWNER COMMITTED THE VIOLATION.

(3) IF A PERSON IDENTIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION ADMITS TO OR IS ADJUDICATED LIABLE FOR THE VIOLATION, THE OWNER IS NOT LIABLE FOR THE VIOLATION.”.

AMENDMENT NO. 5

On page 5, in line 7, strike “ANY PERMITS” and substitute “A PERMIT TO TRAVEL IN BALTIMORE CITY”; in the same line, after “SUBTITLE” insert “TO A VEHICLE OR COMBINATION OF VEHICLES”; in the same line, strike “ANY” and substitute “A”; in the same line, strike “PERMITS” and substitute “PERMIT TO TRAVEL IN BALTIMORE CITY”; in line 8, strike “THE REGISTERED OWNER OF”; in the same line, after “VEHICLE” insert “OR COMBINATION OF VEHICLES”; and in lines 15 and 16, strike “the owner of the vehicle” and substitute “ANY PERSON”.

On page 7, after line 24, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That Baltimore City shall monitor and document from the date of the initial implementation and use of vehicle

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height monitoring systems through December 1, 2018, December 1, 2019, and December 1, 2020, respectively, the cumulative compliance rate for the payment of civil penalties assessed or the appropriate contesting of liability for violations recorded in Baltimore City by vehicle height monitoring systems.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect December 1, 2018. On or before January 1, 2019, January 1, 2020, and January 1, 2021, respectively, Baltimore City shall notify the Department of Legislative Services of the cumulative compliance rates determined under Section 2 of this Act through December 1, 2018, December 1, 2019, and December 1, 2020, respectively. If the Department of Legislative Services does not receive notice on or before January 1, 2021, stating that the compliance rate through December 1, 2020, determined under Section 2 of this Act does not meet or exceed 80%, Section 1 of this Act shall be null and void without the necessity of further action by the General Assembly.”;

in line 25, strike “2.” and substitute “4.”; and in the same line, after “That” insert “1, subject to Section 3 of this Act.”.