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FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 626

(Prince George's County Delegation)

Environment and Transportation

Judicial Proceedings

Prince George's County - Vehicle Height Monitoring Systems
PG 305-21

This bill authorizes Prince George’s County (and municipalities within the county) to place vehicle height monitoring systems on highways in Prince George’s County if authorized by the appropriate governing body after notice and a public hearing, similar to the authorization for such systems currently in place for Baltimore City (and, beginning October 1, 2021, in Baltimore County). The bill also establishes requirements for Prince George’s County (and municipalities within the county) that must be met before a vehicle height monitoring system can be installed. Specifically, county and municipal workgroups must be convened and perform specified tasks, including the development of maps, processes, and exemptions. Accordingly, should the authorization be used, a local government agency may issue warnings or citations to a vehicle owner for violating a State or local law restricting the presence of certain vehicles at certain times. In addition, a local government agency must issue a warning for a vehicle’s first violation; the maximum fine for a citation is \$250 for a second violation and \$500 for a third or subsequent violation. The bill makes a series of technical changes to broaden authority, including changing references to “local law enforcement agency” to be “local government agency.”

Fiscal Summary

State Effect: The bill is not likely to materially affect State expenditures or revenues, as discussed below.

Local Effect: To the extent that vehicle height monitoring systems are approved and implemented in Prince George’s County, county (and, potentially, municipal) revenues increase; however, the magnitude of any such increase depends on several factors, as discussed below. County (and, potentially, municipal) expenditures increase to procure and install vehicle height monitoring systems and appropriate signage.

Small Business Effect: Minimal.

Analysis

Bill Summary/Current Law: Before a vehicle height monitoring system may be established in Baltimore City currently, in Baltimore County (pursuant to Chapter 504 of 2020, effective October 1, 2021), and, under the bill, in Prince George's County, an analysis must be conducted to determine the appropriateness of the location, and the approval of the official of the local government agency (or the official's designee) must be obtained.

Before a vehicle height monitoring system may be activated, notice of the location must be published in a newspaper and on the local jurisdiction's website. The local jurisdiction must also ensure that all signs stating restrictions on the presence of certain vehicles during certain times near the system are in accordance with State Highway Administration specifications and must state that a vehicle height monitoring system is in use.

Unless a driver receives a citation from a police officer at the time of the violation, a person who receives a citation by mail may pay the civil penalty to the local jurisdiction or elect to stand trial in District Court, which is granted exclusive jurisdiction in proceedings for infractions. In addition to other specified information, the mailed citation must include a copy of the recorded image of the vehicle and a signed statement by a police officer commissioned by the appropriate agency. The citation must also be mailed within 30 days of the violation.

A recorded image of a motor vehicle produced by a vehicle height monitoring system is admissible in a contested case without authentication. A certificate alleging that the violation occurred, which is affirmed by a police officer, is evidence of the facts contained therein, and is also admissible. Adjudication of liability is to be based on a preponderance of the evidence standard. The District Court may consider certain specified defenses, including that the vehicle was stolen.

In a contested case, the penalty must be paid to the District Court. If a contractor operates a vehicle height monitoring system on behalf of a local jurisdiction, the contractor's fee may not be contingent on the number of citations issued or paid. (In Baltimore City only, from the fines collected in uncontested cases, the city may recover the costs of implementing vehicle height monitoring systems and must spend any remaining balance on roadway improvements.)

A citation may not be considered in the provision of vehicle insurance, is not a moving violation for which points may be assessed, may not be placed on the driving record of the owner or driver of the vehicle, and may not be treated as a parking violation for purposes of enforcement.

The bill establishes several provisions related to the establishment of vehicle height monitoring systems that apply only in Prince George's County (although similar requirements are in place under the authorization for Baltimore County).

Before the installation of any vehicle height monitoring systems in the county, the Prince George's County Council and the President of the Prince George's County Municipal Association must jointly establish a workgroup to assist in (1) identifying the entity responsible for the installation costs, collection of revenue, and distribution of revenue relating to vehicle height monitoring enforcement; (2) evaluating existing signage and identifying any locations where signage could be improved; (3) determining the overall number of vehicle height monitoring systems that may be placed within a municipal corporation; and (4) clarifying which vehicles may be exempt from enforcement.

Also, prior to installation, the governing body of the appropriate local jurisdiction must establish a workgroup including commercial transportation industry representatives to assist the local government in (1) evaluating existing truck routes; (2) identifying areas for vehicle height monitoring enforcement; and (3) evaluating existing signage and identifying locations where signage could be improved. In addition, the local jurisdiction must adopt a local law limiting the overall number of vehicle height monitoring systems that may be placed in the local jurisdiction. The governing body of the local jurisdiction may also exempt vehicles. These workgroups must also examine and make recommendations on:

- developing a map of height-restricted roads in the local jurisdiction and providing the map to operators using the best available technology;
- developing and implementing a process for a vehicle owner to easily contest an erroneously issued citation without the necessity of a court hearing;
- developing a process for the owner of a vehicle to identify and transfer liability to the operator of a vehicle responsible for incurring the citation; and
- exempting certain types of vehicles from enforcement.

State/Local Fiscal Effect: Based on the relatively modest incidence of violations captured by Baltimore City's vehicle height monitoring systems during its first year of operations, the increase in revenues under the bill is not expected to be significant. However, Baltimore City only fully activated its vehicle height monitoring systems in spring 2018; thus, there is insufficient long-term data to project how revenues might be affected for Prince George's County and, potentially, any municipalities in the county under the bill.

Expenditures for Prince George's County (and, potentially, municipalities within the county) increase to implement vehicle height monitoring systems in the county. However, those expenditures are delayed until after the workgroups have convened and made recommendations, as specified. As noted above, the joint workgroup must identify the

entity responsible for installation costs, collection of revenue, and distribution of revenue – thus, it is unclear whether the county itself will install all such approved vehicle height monitoring systems or municipalities, as relevant, will share in or be entirely responsible for costs in their jurisdictions. Nevertheless, given the bill’s October 1, 2021 effective date, it is not likely that vehicle height monitoring systems could be in place until calendar 2022 at the earliest.

Prince George’s County did not include an estimate related to the one-time cost to install vehicle height monitoring cameras, which depends on the number of locations at which the systems are placed. Based on Baltimore City’s experience, two vehicle height monitoring systems per location are necessary (at a cost of \$10,000 per location) along with minimal signage costs. Thus, this analysis assumes similar levels of additional expenditures would be incurred for Prince George’s County (and/or municipalities within the county) for each location at which vehicle height monitoring systems are placed.

As noted above, a precise revenue estimate cannot be made without more detailed information (*e.g.*, the number of locations in the county to be monitored by vehicle height monitoring systems, the number of citations expected to be generated at each location, and the penalties imposed, *etc.*). However, *for illustrative purposes only*, local revenues could increase by less than \$100,000 in fiscal 2022 and as much as \$125,000 in fiscal 2023 under the following assumptions:

- approximately 1,000 citations are issued in the first year of operation and 900 are issued in the second year;
- most of those citations (65% in the first year and 50% in the second year) result in the issuance of a warning for a first offense or are false positives;
- the number of citations issued decreases each year due to increased compliance until issuance levels out at approximately 825 citations a year;
- revenue collections depend on the mix of second and subsequent violations each year, with a greater percentage of repeat offenders in the third and later years of operation;
- 85% of nonwarning citations result in prepayment of the fine, and the remaining 15% are contested in court; and
- the fine will be set at the maximum of \$250 for a second violation and \$500 for a third or subsequent violation (however, if the fines are set at the same level as those for Baltimore City, revenue collections will be lower).

As noted above, the joint workgroup must also identify the entity responsible for collection of revenues and the distribution of revenues. Thus, it is unclear whether and to what extent municipalities will share in revenues generated from vehicle height monitoring systems placed within their jurisdictions.

While general fund revenues may increase from fines and court costs collected as a result of the bill, any such increase is expected to be negligible. Based on the implementation of Baltimore City's vehicle height monitoring systems, the District Court is expected to be able to handle any additional contested cases under the bill with existing budgeted resources.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Prince George's County; Judiciary (Administrative Office of the Courts); Department of Legislative Services

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