

February 29, 2024

The Honorable Marc Korman
Chair, House Environment and Transportation Committee
251 House Office Building
Annapolis MD 21401

Re: Letter of Information – House Bill 1001 – Motor Vehicles – Automated Enforcement Programs – Privacy Protections

Dear Chair Korman and Committee Members:

The Maryland Department of Transportation (MDOT) offers the following information on House Bill 1001 for the Committee’s consideration.

The MDOT appreciates the sponsor’s proactive collaboration and recently met to discuss some considerations for House Bill 1001. The intent of protecting consumers is currently built into the State Highway Administration’s (SHA) contracts for Automated Enforcement – these contracts contain personally identifiable information protections. When license plates are photographed, there is a “zone of interest” that limits the viewable area to the rear of the vehicle and, for others, zoom in on the license plate. The photographs are not of the violators themselves.

The SHA also utilizes recorded images for non-enforcement purposes, such as the virtual weigh station program. The SHA uses data and images to improve highway safety by identifying trends with carriers or industries and then creates educational opportunities and outreach to assist with improving compliance and discouraging violations. As drafted, SHA would likely have to eliminate the use of data for this purpose as it would not meet the definition of “appropriate traffic enforcement purpose.”

The language of the bill does allow for data to be disaggregated for analysis purposes in a manner that does not identify any individual. As drafted, it may prove difficult to tie these violations back to serial offenders in the event Automated Enforcement violations are changed in the future to allow for a tiered fine structure based on multiple violations.

Finally, under the Maryland Public Information Act (PIA), MDOT is required to deny access to recorded images produced by certain automated enforcement systems as per § 4-321 of the General Provisions Article. House Bill 1001 creates a penalty for any employee who knowingly discloses records and assigns a fine up to \$1,000 for a violation. While the intent is understandable, the imposition of personal liability against an employee, rather than the agency, may not be the best means of recourse.

The Maryland Department of Transportation respectfully requests the Committee consider this information when deliberating House Bill 1001.

Respectfully submitted,

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