February 29, 2024

Maryland General Assembly
House Committee on Environment and Transportation
90 State Circle,
Annapolis, MD 21401

Re: Testimony of EPIC on House Bill 1001,

Dear Chair Korman, Vice Chair Boyce, and Committee Members,

EPIC writes to urge you to advance H.B.1001, which would require sensible privacy protections when agencies deploy automated traffic enforcement systems like speed cameras and red-light cameras. With money for automated traffic enforcement systems now available through federal highway funding, traffic enforcement systems are likely to expand across the country.[1] This is the time to put strong privacy protections in place so that traffic enforcement systems are not abused. H.B. 1001 would protect Marylanders by ensuring that automated camera systems are used to promote safe driving, not mass surveillance. While other states have enacted similar legislation in patchworks, Maryland has the opportunity to lead the nation by enacting a comprehensive bill that addresses the many ways municipalities might roll out automated traffic camera systems.

The Electronic Privacy Information Center (EPIC) is a public interest research center established in 1994 to focus public attention on emerging privacy and civil liberties issues.[2] EPIC has long advocated for sensible limits on potentially dangerous surveillance technologies, particularly those which reveal location information.[3] EPIC studies advanced surveillance technologies including traffic enforcement systems and automated license plate readers, the flaws and dangers of these systems, and their impacts on society.[4]

As advocates for privacy and civil liberties, we are impressed with the core premise of this bill: that data from traffic enforcement cameras should be used for traffic safety, not leveraged for unrelated police activities or exploited by data brokers and bad actors. This bill protects Marylanders by limiting access to and use of images and data derived from automated enforcement systems to only traffic enforcement purposes, imposing strong limits on how long that data can be stored, and ensuring that agencies comply with those requirements through an audit process.

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[1] Jenna Romaine, *States can now access billions for speed cameras under Biden's infrastructure law*, The Hill (Feb. 3, 2022), https://thehill.com/changing-america/sustainability/infrastructure/592689-states-can-now-access-billions-for-speed/.
[2] EPIC, *About EPIC*, https://epic.org/epic/about.html.
[3] EPIC, *Location Tracking*, https://epic.org/issues/data-protection/location-tracking/.
[4] *See e.g.* EPIC, *Coalition Letter to DEA on unauthorized National License Plate Reader Program* (Mar. 8, 2023), https://epic.org/wp-content/uploads/2023/03/Coalition-Letter-DEA-ALPR-Program-March2023.pdf; *Kansas v. Glover*, 585 U.S. Brief of EPIC as Amicus Curie, (Sept. 6, 2019), https://epic.org/wp-content/uploads/amicus/fourth-amendment/glover/EPIC-Amicus-Kansas-v-Glover.pdf.

H.B. 1001 will be an effective protection for Marylanders because the bill requires four core concepts in data privacy: data minimization, purpose specification, data deletion, and auditing. By requiring cameras to minimize the amount of extraneous information they collect, this bill reduces the possibility that unrelated cars or passengers will be swept up in a system of mass surveillance. And by banning the use of facial recognition and biometric monitoring in automated cameras, the bill further ensures that these systems won't be used to do more than enforce Maryland's traffic laws. The bill further imposes a purpose specification, data can only be accessed for traffic enforcement purposes, not sold or transferred to other agencies where it might be abused. That purpose specification is reinforced through a data deletion requirement that ensures records will only be kept for long enough to substantiate a ticket—less data means less potential for abuse. And finally, all of those protections are enforced by training and auditing requirements, key provisions of any privacy protection.

H.B. 1001 is in line with laws regulating the use of specific automated traffic enforcement systems like those in Pennsylvania[5] and California,[6] but improves on those laws by addressing more types of automated systems and imposing higher data security provisions. This bill won't be the first in the country, but it will be the most comprehensive.

H.B. 1001 is not a ban on surveillance systems but a pragmatic check to ensure that municipalities don't evade existing regulations by using traffic enforcement as a fig leaf for mass surveillance. Maryland law already imposes some limits on general-purpose automated license plate readers, including a legitimate police use requirement and an audit requirement. MD. Public Safety Code § 3-509. H.B. 1001 prevents end-runs around Maryland's ALPR law and helps ensure that traffic enforcement systems will be deployed for traffic safety purposes.

Furthermore, this bill reduces incentives to install systems where they could be abused. Traffic enforcement systems should be installed where they can reduce speeding and reckless driving, not where they can capture the most data from the most drivers, regardless of the impact on traffic safety. Confining the use of automated traffic camera data to traffic enforcement reduces the risk of mission creep. Mission creep is a serious threat to civil rights and good government that occurs when an agency expands the use of tools and information beyond the originally stated purpose and justification. More often than not the expansion is done in secret, without public approval, and to circumvent existing oversight and accountability measures. Here there is a risk that without privacy protections, traffic enforcement data will become a new source for mass surveillance, political policing, or over-policing. In other states license plate readers have been abused to track people's presence at protests,[7] monitor houses of worship,[8] and surveil immigrants

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[5] Pennsylvania Title 75 Pa.C.S.A. Vehicles § 3117 regulates red light cameras, requiring that images from those cameras may only be used for traffic enforcement of violations and requiring all images captured be deleted within one year, *available at* https://codes.findlaw.com/pa/title-75-pacsa-vehicles/pa-csa-sect-75-3117/.

[6] California Vehicle Code VEH § 40240 regulates car-mounted cameras for enforcing parking violations. The law requires cameras to minimize photographing unrelated cars or pedestrians, limits who can view parking enforcement images, and imposes a 60 day deletion requirement, *available at* https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=40240.&nodeTreePath=34.1.4&lawCode=VEH.

[7] Rebecca Glenberg, *Virginia State Police Used License Plate Readers At Political Rallies*, Built Huge Database, ACLU (Oct. 8, 2013), https://www.aclu.org/news/national-security/virginia-state-police-used-license-plate-readers.

[8] *NYPD defends legality of spying on mosques*, CBS News (Feb. 24, 2012), https://www.cbsnews.com/news/nypd-defends-legality-of-spying-on-mosques/.

against the wishes of local communities.[9] That means more police time spent on petty crimes, less time on meaningful public safety, and increased risks of wrongful arrest. When public safety agencies depart from their basic mission, harms to the public multiply while benefits decline.

Wrongful arrest and prosecution is a serious threat of any traffic enforcement system that lacks proper safeguards. Because these systems surveil the public, they can impact anyone. For example, without privacy protections, a system that misreads a license plate can incorrectly alert police to the presence of a wanted person and lead to innocent drivers being wrongfully pulled over, wrongfully arrested, or even wrongfully convicted based on an error in the system. This is not an unlikely scenario given license plate readers widely varying error rates, and field studies showing systems misreading license plates at disturbing rates as high as 37 percent.[10]

The potential harms from license plate readers and other traffic enforcement systems are multiplied when these systems are combined with already inaccurate databases, especially stolen vehicle registries. H.B. 1001 addresses this risk for traffic enforcement cameras by banning agencies from networking their automated ticketing systems with other databases. In one case from 2019, a rental car was mistakenly reported stolen so when Oakland, CA privacy activist Brian Hofer drove by an automated license plate reader with his family, the police were called.[11] Mr. Hofer was pulled over, police approached his car guns drawn, and detained him at length before concluding no crime had been committed. License-plate reader misreads led to the high-stakes wrongful detentions of Mark Molner in Kansas City, Denise Green in San Francisco, and Brittany Gilliam alongside her four young daughters in Aurora, CO.[12] H.B. 1001 minimizes the risk of a wrongful detention or arrest from an automated traffic enforcement system by limiting the use to ticketing. Put simply, under this bill even if an automated traffic camera makes a mistake, the harm is a ticket, not an arrest.

Finally, EPIC encourages the legislature to fund and incentivize surveillance-free public safety interventions like safe-street design alongside any expansions to automated traffic enforcement systems. Well-designed streets and intersections naturally prevent speeding, protect cyclists, and improve the pedestrian experience. Those interventions reduce the need for traffic enforcement systems, and consequently reduce the risk of mass surveillance.

We urge the Committee to advance H.B. 1001 and provide Marylanders with meaningful privacy protections for traffic enforcement systems. Limiting the use of data derived from traffic

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[9] Vasudha Talla, *Documents Reveal ICE Using Driver Location Data From Local Police for Deportations*, ACLU (Mar. 13, 2019), https://www.aclu.org/news/immigrants-rights/documents-reveal-ice-using-driver-location-data.

[10] A trial by the Vallejo Police Department in 2018 found that their stationary license plate readers made a mistake about 37 percent of the time. Jason Potts, *Research in Brief: Assessing the Effectiveness of Automatic License Plate Readers*, Police Chief Magazine (Mar. 2018), https://www.theiacp.org/sites/default/files/2018-08/March%202018%20RIB.pdf. When the Northern California Regional Intelligence Center, a police inter-agency center conducted a review of license plate reader data, they found about at 10 percent error rate across multiple agencies. Lisa Fernandez, Privacy advocate sues CoCo sheriff's deputies after license plate readers target his car stolen, Fox 2 KTVU (Feb. 19, 2019), https://www.ktvu.com/news/privacy-advocate-sues-coco-sheriffs-deputies-after-license-plate-readers-target-his-car-stolen.

[11] Charlie Warzel, *When License-Plate Surveillance Goes Horribly Wrong*, N.Y. Times (Apr. 23, 2019), https://www.nytimes.com/2019/04/23/opinion/when-license-plate-surveillance-goes-horribly-wrong.html.

[12] Jonathan Hofer, *The Pitfalls of Law Enforcement License Plate Readers in California and Safeguards to Protect the Public*, The Independent Institute (Aug. 16, 2022), https://www.independent.org/publications/article.asp?id=14254#s3.

enforcement can prevent wrongful arrests, harmful over-policing, and the sale of Marylanders' data to data brokers or out-of-state agencies.

Thank you for the opportunity to testify, please reach out with any questions to EPIC Counsel Jake Wiener at wiener@epic.org.

Sincerely,

Jake Wiener
Jake Wiener
EPIC Counsel

AAA Testimony in Support of HB 1001 - Automated En

Uploaded by: Ragina Ali

Position: FAV

AAA Mid-Atlantic's Testimony in SUPPORT of HB 1001
Motor Vehicles – Automated Enforcement Programs – Privacy Protections
Sponsors: Delegates Love, Jacobs and Baker

- AAA Mid-Atlantic supports House Bill 1001 – Motor Vehicles – Automated Enforcement Programs – Privacy Protections**,** which would make several changes to Maryland's existing automated enforcement programs, by enhancing the privacy and identity of drivers who receive automated enforcement citations.

- Accordingly, HB 1001 would limit who has access to recorded images produced by automated enforcement systems and would prohibit agencies from using those images and/or associated data for anything beyond legitimate traffic enforcement purposes.

- AAA Mid-Atlantic has been supportive of Maryland's automated speed enforcement (ASE) systems, also known as speed safety camera (SSC) enforcement for nearly two decades, working with the legislature in 2005 to launch Maryland's first pilot program for automated speed enforcement in residential areas and school zones in Montgomery County.

- In 2009, AAA was also an advocate for the statewide authorization of ASE technology, in work zones, and the law authorizing local jurisdictions and municipalities to use automated enforcement in school zones, protecting the lives of highway workers, students and drivers in work zones and school zones.

- With that advocacy, the auto club stressed that the technology be fair with a focus on traffic safety and not revenue generation and that motorists' rights be protected.

- As it relates to automated enforcement, AAA believes that legitimate privacy rights of individuals must be protected, including destruction of photos as quickly as practical.

- According to the Insurance Institute for Highway Safety, speed safety cameras were in operation in 211 U.S. communities in 20 states and the District of Columbia during 2023.

- We recognize the important role that speed safety cameras, coupled with police involvement, can play in traffic safety for motorists, pedestrians, and other road users by improving compliance with red lights, speed limits, and other traffic control devices.

- AAA Mid-Atlantic remains supportive of this technology as long as it is fair, safety-based and ensures the privacy of drivers and their personal information.

- We respectfully urge the Committee to give **HB 1001 a favorable report**.

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HB1001 Automated Enforcement Privacy Love written.
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HB 1001 – Automated Enforcement Programs - Privacy Provisions

Chair Korman, Vice Chair Boyce, Members of Environment and Transportation –

Right now in Maryland law we allow a number of different automated enforcement programs:
- School bus cameras
- Red light cameras
- Speed cameras[1]
  - In school zones
  - In work zones
  - In residential areas (Anne Arundel, Montgomery, Prince George's)
  - On certain roads in certain places (e.g. I-83, Rte. 210, Jessup Rd., Oxford Rd.)
- Vehicle height monitoring cameras
- Railroad grade crossing cameras

Each year, we get a number of bills seeking to add to that list. This year alone we have bills to:
- Add Baltimore County to the residential camera program
- Expand the work zone camera program
- Enable a jurisdiction to add cameras on high-risk roads
- Enable a jurisdiction to add cameras on every traffic sign
- Enable three jurisdictions to use noise cameras
- Enable cameras on all buses to monitor: dedicated bus lanes, bike lanes, all bus stops, all curb cut-outs, double parking, all no-parking signs

This is a lot of automated enforcement, and a lot of data that is being collected. However, there is no statewide standard as to what is done with that data. HB 1001 would set that standard.

HB 1001 would put basic privacy parameters around this data, by setting retention/destruction time limits, limiting who would have access to the data, and requiring that the data be kept secure. In addition, it requires that the data only be used for traffic enforcement purposes, and that a system may not use biometric identifying technology, such as facial recognition.

With the explosion in surveillance technology, these are important parameters to put in place now.

I respectfully request a favorable report on HB 1001.

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[1] Please note each of these have requirements and exceptions.

HOUSE BILL 1001

R5   4lr0604

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By: **Delegates Love, Baker, and Jacobs**
Introduced and read first time: February 5, 2024
Assigned to: Environment and Transportation

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A BILL ENTITLED

1   AN ACT concerning

2   **Motor Vehicles – Automated Enforcement Programs – Privacy Protections**

3   FOR the purpose of requiring a custodian of recorded images produced by certain
4   automated enforcement systems to deny inspection of the recorded images, subject
5   to certain exceptions; prohibiting certain State and local agencies from using a
6   recorded image or associated data produced by an automated enforcement system
7   unless the use is for an appropriate traffic enforcement purpose; establishing
8   certain requirements and authorizations for the removal and destruction of
9   recorded images and associated data produced by an automated enforcement
10   system; establishing certain prohibitions and requirements for privacy protection
11   under automated enforcement programs; and generally relating to privacy
12   protections for automated enforcement programs.

13 BY repealing and reenacting, with amendments,
14   Article – General Provisions
15   Section 4–321
16   Annotated Code of Maryland
17   (2019 Replacement Volume and 2023 Supplement)

18 BY adding to
19   Article – Transportation
20   Section 12–113.1
21   Annotated Code of Maryland
22   (2020 Replacement Volume and 2023 Supplement)

23 BY repealing and reenacting, without amendments,
24   Article – Transportation
25   Section 21–202.1(c), 21–704.1(b) and (e)(1), 21–706.1(c)(1), 21–809(b)(1)(i),
26   21–810(b)(1), and 24–111.3(b) and (c)(1)
27   Annotated Code of Maryland
28   (2020 Replacement Volume and 2023 Supplement)

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EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
     [Brackets] indicate matter deleted from existing law.

1   BY repealing and reenacting, with amendments,
2   Article – Transportation
3   Section 21–202.1(j), 21–704.1(k), 21–706.1(k), 21–809(i), 21–810(i), and 24–111.3(j)
4   Annotated Code of Maryland
5   (2020 Replacement Volume and 2023 Supplement)

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

8   **Article – General Provisions**

9   4–321.

10   (a)   In this section, **"RECORDED IMAGE" OR** "recorded images" has the meaning
11   stated in § 21–202.1, **§ 21–706.1,** § 21–809, § 21–810, or § 24–111.3 of the Transportation
12   Article.

13   (b)   Except as provided in subsection (c) of this section, a custodian shall deny
14   inspection of recorded images produced by:

15   (1)   a traffic control signal monitoring system operated under § 21–202.1
16   of the Transportation Article;

17   **(2)   AN AUTOMATED RAILROAD GRADE CROSSING ENFORCEMENT**
18   **SYSTEM OPERATED UNDER § 21–704.1 OF THE TRANSPORTATION ARTICLE;**

19   **(3)   A SCHOOL BUS MONITORING CAMERA OPERATED UNDER §**
20   **21–706.1 OF THE TRANSPORTATION ARTICLE;**

21   **[**(2)**] (4)**   a speed monitoring system operated under § 21–809 of the
22   Transportation Article;

23   **[**(3)**] (5)**   a work zone speed control system operated under § 21–810 of
24   the Transportation Article; or

25   **[**(4)**] (6)**   a vehicle height monitoring system operated under § 24–111.3
26   of the Transportation Article.

27   (c)   A custodian shall allow inspection of recorded images:

28   (1)   as required in **§ 12–113.1,** § 21–202.1, **§ 21–704.1, § 21–706.1,** §
29   21–809, § 21–810, or § 24–111.3 of the Transportation Article;

30   (2)   by any person issued a citation under § 21–202.1, **§ 21–704.1, §**
31   **21–706.1,** § 21–809, § 21–810, or § 24–111.3 of the Transportation Article, or by an

1   attorney of record for the person; or

2   (3)   by an employee or agent of an agency in an investigation or a
3   proceeding relating to the imposition of or indemnification from civil liability under §
4   21–202.1, **§ 21–704.1, § 21–706.1,** § 21–809, § 21–810, or § 24–111.3 of the
5   Transportation Article.

6   **Article – Transportation**

7   **12–113.1.**

8   (A)   (1)   IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
9   INDICATED.

10   (2)   "AGENCY" MEANS A STATE POLICE DEPARTMENT, THE STATE
11 HIGHWAY ADMINISTRATION, A LOCAL POLICE DEPARTMENT, OR ANOTHER LOCAL
12 AGENCY THAT IMPLEMENTS AND OPERATES AN AUTOMATED ENFORCEMENT
13 PROGRAM.

14   (3)   "APPROPRIATE TRAFFIC ENFORCEMENT PURPOSE" MEANS THE
15 DETECTION, INVESTIGATION, OR ANALYSIS OF, OR ASSESSMENT OR ADJUDICATION
16 OF LIABILITY FOR, A VIOLATION.

17   (4)   "AUTOMATED ENFORCEMENT" MEANS THE USE OF CAMERAS,
18 MONITORING DEVICES, AND OTHER TECHNOLOGY BY AN AGENCY TO CAPTURE
19 RECORDED IMAGES OF A MOTOR VEHICLE BEING OPERATED IN VIOLATION OF A
20 TRAFFIC LAW.

21   (5)   "FACIAL RECOGNITION TECHNOLOGY" MEANS A BIOMETRIC
22 SOFTWARE APPLICATION THAT IDENTIFIES OR VERIFIES THE IDENTITY OF AN
23 INDIVIDUAL BY COMPARING AND ANALYZING PATTERNS BASED ON AN
24 INDIVIDUAL'S FACIAL CONTOURS.

25   (6)   "PROGRAM" MEANS AN AUTOMATED ENFORCEMENT PROGRAM
26 IMPLEMENTED AND OPERATED BY AN AGENCY.

27   (7)   "RECORDED IMAGE OR ASSOCIATED DATA" MEANS ANY IMAGE
28 OR DATA RECORDED UNDER A PROGRAM BY ELECTRONIC OR DIGITAL MEANS, BY
29 PHOTOGRAPHIC MEANS, OR BY WAY OF ANY OTHER MEDIUM THAT:

30   (I)   SHOWS A MOTOR VEHICLE;

31   (II)   CLEARLY IDENTIFIES THE ENTIRE REGISTRATION PLATE
32 NUMBER OF THE MOTOR VEHICLE; AND

1   **(III)**   MAY CONSTITUTE EVIDENCE OF A VIOLATION.

2   **(8)**   "VIOLATION" MEANS A TRAFFIC VIOLATION THAT A PARTICULAR
3 AUTOMATED ENFORCEMENT SYSTEM IS INTENDED TO CAPTURE.

4   **(B)**   THIS SECTION APPLIES TO:

5   **(1)**   TRAFFIC CONTROL SIGNAL MONITORING SYSTEMS UNDER §
6 21–202.1 OF THIS ARTICLE;

7   **(2)**   AUTOMATED RAILROAD GRADE CROSSING ENFORCEMENT
8 SYSTEMS UNDER § 21–704.1 OF THIS ARTICLE;

9   **(3)**   SCHOOL BUS MONITORING CAMERAS UNDER § 21–706.1 OF THIS
10 ARTICLE;

11   **(4)**   SPEED MONITORING SYSTEMS UNDER § 21–809 OF THIS
12 ARTICLE;

13   **(5)**   WORK ZONE SPEED CONTROL SYSTEMS UNDER § 21–810 OF THIS
14 ARTICLE; AND

15   **(6)**   VEHICLE HEIGHT MONITORING SYSTEMS UNDER § 24–111.3 OF
16 THIS ARTICLE.

17   **(C)**   **(1)**   AN AGENCY MAY NOT USE A RECORDED IMAGE OR ASSOCIATED
18 DATA UNLESS THE USE IS FOR AN APPROPRIATE TRAFFIC ENFORCEMENT
19 PURPOSE.

20   **(2)**   AN EMPLOYEE OF AN AGENCY WHO KNOWINGLY VIOLATES THIS
21 SUBSECTION IS SUBJECT TO A FINE NOT EXCEEDING $1,000.

22   **(D)**   **(1)**   AN AGENCY SHALL IMMEDIATELY REMOVE FROM ITS RECORDS
23 AND DESTROY ANY RECORDED IMAGE OR ASSOCIATED DATA CAPTURED UNDER A
24 PROGRAM THAT:

25   **(I)**   DOES NOT CONSTITUTE EVIDENCE OF A VIOLATION; OR

26   **(II)**   CONSTITUTES EVIDENCE OF A VIOLATION ONCE ALL THE
27 AVENUES OF ADJUDICATION FOR THE VIOLATION HAVE BEEN EXHAUSTED.

28   **(2)**   BEFORE AN AGENCY REMOVES AND DESTROYS A RECORDED

1 IMAGE OR ASSOCIATED DATA, THE AGENCY MAY DISAGGREGATE THE DATA FOR
2 ANALYSIS PURPOSES IN A MANNER THAT DOES NOT IDENTIFY ANY INDIVIDUAL.

3   (E)   (1)   AN AGENCY THAT IMPLEMENTS AND OPERATES A PROGRAM
4 SHALL ADOPT PROCEDURES RELATING TO THE OPERATION OF THE PROGRAM AND
5 THE USE OF AUTOMATED ENFORCEMENT SYSTEMS.

6   (2)   THE PROCEDURES SHALL:

7   (I)   IDENTIFY THE PERSONNEL IN THE AGENCY WHO ARE
8 AUTHORIZED TO ACCESS RECORDED IMAGES AND ASSOCIATED DATA PRODUCED BY
9 AN AUTOMATED ENFORCEMENT SYSTEM;

10   (II)   ESTABLISH AN AUDIT PROCESS TO ENSURE THAT
11 INFORMATION OBTAINED THROUGH THE USE OF AN AUTOMATED ENFORCEMENT
12 SYSTEM IS USED ONLY FOR APPROPRIATE TRAFFIC ENFORCEMENT PURPOSES;

13   (III)   ESTABLISH PROCEDURES AND SAFEGUARDS TO ENSURE
14 THAT AGENCY PERSONNEL WITH ACCESS TO RECORDED IMAGES AND ASSOCIATED
15 DATA ARE ADEQUATELY SCREENED AND TRAINED; AND

16   (IV)   ESTABLISH PROCEDURES FOR THE REMOVAL AND
17 DESTRUCTION OF RECORDED IMAGES AND ASSOCIATED DATA.

18   (F)   (1)   RECORDED IMAGES AND ASSOCIATED DATA SHALL BE STORED
19 USING SOFTWARE THAT:

20   (I)   IS INDEPENDENT FROM AND INACCESSIBLE TO OTHER
21 SYSTEMS AND NETWORKS; AND

22   (II)   DOES NOT USE AND IS NOT ACCESSIBLE BY WIRELESS
23 NETWORKS.

24   (2)   AN AUTOMATED ENFORCEMENT SYSTEM SHALL BE SITUATED
25 AND FOCUSED IN A MANNER THAT:

26   (I)   CAPTURES RECORDED IMAGES AND ASSOCIATED DATA OF
27 VIOLATIONS; AND

28   (II)   TO THE MAXIMUM EXTENT POSSIBLE, DOES NOT CAPTURE
29 IDENTIFYING IMAGES OF THE DRIVER, OTHER DRIVERS OR VEHICLES, OR
30 PEDESTRIANS.

1   **(3)   AN AUTOMATED ENFORCEMENT SYSTEM MAY NOT USE**
2   **BIOMETRIC IDENTIFYING TECHNOLOGY, INCLUDING FACIAL RECOGNITION**
3   **TECHNOLOGY.**

4   **(4)   AN AGENCY OR A CONTRACTOR OF AN AGENCY MAY NOT SELL OR**
5   **OTHERWISE TRANSFER OR SHARE RECORDED IMAGES AND ASSOCIATED DATA WITH**
6   **ANOTHER PERSON OTHER THAN:**

7   **(I)   A PERSON ALLEGED TO BE LIABLE FOR A CIVIL VIOLATION**
8   **RECORDED BY AN AUTOMATED ENFORCEMENT SYSTEM; OR**

9   **(II)   A   COURT   OF   COMPETENT   JURISDICTION   WHEN**
10 **ADJUDICATING LIABILITY.**

11 21–202.1.

12   (c)   This section applies to a violation of § 21–202(h) of this subtitle at an
13 intersection monitored by a traffic control signal monitoring system.

14   (j)   **(1)**   In consultation with local governments, the chief judge of the District
15 Court shall adopt procedures for the issuance of citations, the trial of civil violations, and
16 the collection of civil penalties under this section.

17   **(2)   THE   STANDARDS   AND   REQUIREMENTS   FOR   THE   USE,**
18 **PROCESSING, AND DISPOSAL OF RECORDED IMAGES AND ASSOCIATED DATA**
19 **ESTABLISHED UNDER § 12–113.1 OF THIS ARTICLE APPLY TO CITATIONS ISSUED**
20 **UNDER THIS SECTION.**

21 21–704.1.

22   (b)   This section applies only in Montgomery County and Prince George's
23 County.

24   (e)   (1)   Unless the driver of the motor vehicle received a citation from a police
25 officer at the time of the violation, the owner or, in accordance with subsection (h)(5) of
26 this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is
27 recorded by an automated railroad grade crossing enforcement system during the
28 commission of a violation.

29   (k)   **(1)**   In consultation with local law enforcement agencies in Montgomery
30 County and Prince George's County, the Chief Judge of the District Court shall adopt
31 procedures for the issuance of citations, the trial of violations, and the collection of civil
32 penalties under this section.

33   **(2)   THE   STANDARDS   AND   REQUIREMENTS   FOR   THE   USE,**

1 **PROCESSING, AND DISPOSAL OF RECORDED IMAGES AND ASSOCIATED DATA**
2 **ESTABLISHED UNDER § 12–113.1 OF THIS ARTICLE APPLY TO CITATIONS ISSUED**
3 **UNDER THIS SECTION.**

4 21–706.1.

5   (c)   (1)   A school bus monitoring camera may not be used in a local jurisdiction
6 under this section unless its use is authorized by the governing body of the local
7 jurisdiction by local law enacted after reasonable notice and a public hearing.

8   (k)   **(1)**   In consultation with law enforcement agencies, the Chief Judge of the
9 District Court shall adopt procedures for the issuance of citations, trials for violations,
10 and the collection of civil penalties imposed under this section.

11   **(2)**   **THE STANDARDS AND REQUIREMENTS FOR THE USE,**
12 **PROCESSING, AND DISPOSAL OF RECORDED IMAGES AND ASSOCIATED DATA**
13 **ESTABLISHED UNDER § 12–113.1 OF THIS ARTICLE APPLY TO CITATIONS ISSUED**
14 **UNDER THIS SECTION.**

15 21–809.

16   (b)   (1)   (i)   A speed monitoring system may not be used in a local
17 jurisdiction under this section unless its use is authorized by the governing body of the
18 local jurisdiction by local law enacted after reasonable notice and a public hearing.

19   (i)   **(1)**   In consultation with the appropriate local government agencies, the
20 Chief Judge of the District Court shall adopt procedures for the issuance of citations, the
21 trial of civil violations, and the collection of civil penalties under this section.

22   **(2)**   **THE STANDARDS AND REQUIREMENTS FOR THE USE,**
23 **PROCESSING, AND DISPOSAL OF RECORDED IMAGES AND ASSOCIATED DATA**
24 **ESTABLISHED UNDER § 12–113.1 OF THIS ARTICLE APPLY TO CITATIONS ISSUED**
25 **UNDER THIS SECTION.**

26 21–810.

27   (b)   (1)   A work zone speed control system that meets the requirements of this
28 subsection may be used to record the images of motor vehicles traveling on a highway:

29   (i)   Within a work zone;

30   (ii)   That is an expressway or a controlled access highway as defined
31 in § 21–101 of this title; and

32   (iii)   On which the speed limit, established using generally accepted
33 traffic engineering practices, is 45 miles per hour or greater.

1   (i)   **(1)**   In consultation with local police departments and State police
2   departments, the Chief Judge of the District Court shall adopt procedures for the
3   issuance of citations, the trial of civil violations, and the collection of civil penalties under
4   this section.

5   **(2)   THE STANDARDS AND REQUIREMENTS FOR THE USE,**
6   **PROCESSING, AND DISPOSAL OF RECORDED IMAGES AND ASSOCIATED DATA**
7   **ESTABLISHED UNDER § 12–113.1 OF THIS ARTICLE APPLY TO CITATIONS ISSUED**
8   **UNDER THIS SECTION.**

9   24–111.3.

10   (b)   This section applies only in Baltimore City, Baltimore County, Harford
11   County, and Prince George's County.

12   (c)   (1)   A vehicle height monitoring system may be used to record images of
13   vehicles traveling on a highway in a local jurisdiction under this section only if the use of
14   vehicle height monitoring systems is authorized by local law adopted by the governing
15   body of the local jurisdiction after reasonable notice and a public hearing.

16   (j)   **(1)**   In consultation with the appropriate local government agency, the
17   Chief Judge of the District Court shall adopt procedures for the issuance of citations, the
18   trial of civil violations, and the collection of civil penalties under this section.

19   **(2)   THE STANDARDS AND REQUIREMENTS FOR THE USE,**
20   **PROCESSING, AND DISPOSAL OF RECORDED IMAGES AND ASSOCIATED DATA**
21   **ESTABLISHED UNDER § 12–113.1 OF THIS ARTICLE APPLY TO CITATIONS ISSUED**
22   **UNDER THIS SECTION.**

23   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24   October 1, 2024.

MCPA-MSA_HB 1001 Automated Enforcement Programs -
Uploaded by: Natasha Mehu
Position: UNF

Maryland Chiefs of Police Association
Maryland Sheriffs' Association

<u>MEMORANDUM</u>

TO: The Honorable Mark Korman, Chair and
Members of the Environment and Transportation Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 29, 2024

RE: **HB 1001 – Motor Vehicles - Automated Enforcement Programs - Privacy Protections**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE HB 1001.** This bill seeks to prohibit state and local police agencies or other agencies that operate an automated enforcement program from using recorded images or other data from the program for any purpose other than traffic enforcement raising concerns about the impact it would have on police investigations.

Automated enforcement cameras play a crucial role in traffic safety. They are used to deter people from speeding, running red lights, passing stopped school buses, or other traffic safety purposes and to penalize those who violate those laws. The goal is to ensure the safety of all who use our roads be it pedestrians, drivers, or bicyclists.

These cameras are also powerful tools that enhance public safety and aid law enforcement in solving crimes. Police investigators may use camera recordings and data to identify suspects on the run, track their movements, and reconstruct events. This bill would completely strip law enforcement of the ability to review the data as part of a criminal investigation when necessary.

Accessing this data for investigations is not something law enforcement takes lightly. Officers are not scanning automated camera footage in hopes of catching people in the act or doing so in place of other investigative methods. Rather, there are instances where time is of the essence for officers to act and perpetrators are still at large. For example, a child is kidnapped or someone is murdered and the offender has escaped in a vehicle. Law enforcement may then use the camera footage to see what direction they are traveling in or where they have been in conjunction with other intel and evidence they are gathering to determine the next steps. In those instances, accessing automated camera footage may be the difference between finding the child before they are further harmed or the criminal before they commit another crime.

Prohibiting the use of the camera recording images and data from law enforcement investigations may jeopardize timely response to crime and place individuals at further risk. For these reasons, MCPA and MSA **OPPOSE HB 1001** and request an **UNFAVORABLE** committee report.

Department of State Police Letter of Information H

State of Maryland
Department of State Police
Government Affairs Unit
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: February 29, 2024

BILL NUMBER: House Bill 1001   **POSITION:** Letter of Information

BILL TITLE: Motor Vehicles – Automated Enforcement Programs – Privacy Protections

REVIEW AND ANALYSIS

This legislation restricts the use of recorded images captured by automated enforcement systems to use only for an appropriate traffic enforcement purpose. An agency shall immediately remove from its records and destroy any recorded image or associated data captured under the automated program.

Currently, the Department of State Police (DSP) works with our partners at the Maryland Department of Transportation for the collection of images collected by a Work Zone Speed Camera System. DSP is responsible for the review and approval of civil citations issued for violations.

In the Governor's Administration Bill to protect workers in work zones (HB 513), the bill provides for an enhanced penalty for second or subsequent speeding violations within a work zone. House Bill 1001 requires the immediate removal of recorded images and associated data captured by the program once all avenues of adjudication are exhausted, which will remove the record of a previous violation for purposes of the enhanced penalty. House Bill 1001 would eliminate the ability of the Work Zone program to issue an enhanced penalty for vehicles that commit multiple violations.

House Bill 1001, by mandating that images can only be used for traffic enforcement, restricts a valid tool used by law enforcement to identify vehicles used in crimes or other offenses. Operationally, these cameras capture vehicle make and tag information. It also captures the location of the violation. The cameras do not capture the interior of the vehicle or driver. This legislation could negatively impact law enforcement agencies that may have a photo of a speeding vehicle or a vehicle running a red light near the scene of a major crime or other incident. Legitimate criminal investigations will be negatively impacted by the passage of this legislation.

HB1001 - TSO - Motor Vehicles Automated Enforceme

Uploaded by: Patricia Westervelt

Position: INFO

MDOT

MARYLAND DEPARTMENT
OF TRANSPORTATION

Wes Moore
Governor

Aruna Miller
Lieutenant Governor

Paul J. Wiedefeld
Secretary

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,

Pilar Helm
Director of Government Affairs
Maryland Department of Transportation
410-865-1090

House Bill 1001

Motor Vehicles – Automated Enforcement Programs – Privacy Protections

MACo Position:	To: Environment and Transportation Committee
LETTER OF INFORMATION	
Date: February 29, 2024	From: Sarah Sample

The Maryland Association of Counties (MACo) offers this **LETTER OF INFORMATION** on HB 1001. This bill limits the use of and access to images recorded by automated enforcement programs by law enforcement. It also mandates several procedures and requirements for automated enforcement programs run by local governments.

Automated enforcement programs are used for capturing motor vehicle violations in a variety of ways, as authorized by the State. Only a handful of jurisdictions have enabled some form of automated enforcement, and all are operated by a specified unit that oversees them within local law enforcement or transportation divisions. Each unit has established policies for how data is collected, reviewed, and stored. Some have standards above and beyond those identified in the legislation.

Counties appreciate the incredible need for privacy and security when it comes to data handling procedures, particularly records with identifying information of community members. It is a responsibility they do not take lightly as is evidenced by existing standards. The provisions of this bill intend to uphold the safety and security of this information and are well-meaning but, in a few narrow instances, potentially improbable.

For instance, red-light cameras are positioned to catch violations, often across multiple lanes. The bill's requirement to eliminate the capture of anything else in the area could present a significant challenge when the area to cover is sometimes in the range of 15 to 20 feet wide, with sidewalks on the adjacent edges of the street. Trying to exclude other drivers, vehicles, and potential pedestrians from the frame might not always be possible while also trying to ensure the cameras are able to catch the applicable violations.

Another primary concern is the requirement that these systems and software are not accessible to wireless networks. With dozens of cameras across some jurisdictions, remote data is uploaded everyday through wireless networks to the main servers of the automated enforcement unit. Manually collecting data from each of the cameras in remote locations could render some programs inoperable due to the sheer volume of staff and equipment those procedures would require.

All automated enforcement programs run by local jurisdictions are managed with extreme care and caution, as well as clear policies and training - which means most of the bill's specifications are part of existing procedures. Local governments appreciate the interest and intent of the legislation and for these reasons MACo opted to take no position and offer this **LETTER OF INFORMATION** on HB 1001.