

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 107

(Delegate R. Lewis, *et al.*)

Environment and Transportation

Judicial Proceedings

Vehicle Laws - Bus Lane Obstruction - Monitoring Systems Expansion (Better Bus Service Act of 2024)

This bill establishes a statewide authorization for local jurisdictions to use bus lane monitoring systems to enforce the prohibition against driving a motor vehicle in a dedicated bus lane. As a result, current statutory provisions governing bus lane monitoring systems in Baltimore City are expanded to incorporate all local jurisdictions in the State. In addition, the bill establishes new prohibitions against standing or parking in a bus lane.

Fiscal Summary

State Effect: General fund revenues increase minimally to the extent additional local jurisdictions establish bus lane monitoring systems and due to additional violations in Baltimore City. General fund expenditures for the Judiciary increase by approximately \$17,300 for reprogramming in FY 2025 only; any increase in District Court caseloads can likely be handled with existing resources. Transportation Trust Fund (TTF) revenues may increase minimally from additional flag fees placed on the registrations of vehicle owners who fail to pay a fine or contest a violation under the bill.

Local Effect: Local government revenues increase, potentially significantly, to the extent bus lane monitoring systems are established. Expenditures increase to install and maintain the systems, with any remaining revenue balances after recovery of implementation and administration costs reserved for public safety expenditures. In Baltimore City only, revenues and expenditures may increase further due to the bill's new prohibitions against standing or parking in a bus lane.

Small Business Effect: Potential minimal.

Analysis

Bill Summary/Current Law:

Definitions

The bill generally substitutes references to the Baltimore City Police Department with “agency,” which the bill defines as:

- a law enforcement agency of the State or a local political subdivision that is authorized to issue a citation for a violation of the Maryland Vehicle Law or of local traffic laws or regulations;
- for a municipal corporation that does not maintain a police force, an agency established or designated by the municipal corporation to use bus lane monitoring systems; or
- a local, regional, or statewide multistate transit agency or authority, including the Maryland Transit Administration (MTA) and the Washington Metropolitan Area Transit Authority (WMATA).

Under current law, a “dedicated bus lane” is a lane designated for use by mass transit vehicles owned, operated, or contracted for by MTA or a local department of transportation; under the bill, it also includes (1) mass transit vehicles owned, operated, or contracted by WMATA and (2) transit bus stops located proximate to lanes designated for use by mass transit vehicles. As under current law, a “recorded image” is an image recorded by a bus lane monitoring system on a photograph, microphotograph, electronic image, videotape, or any other visual medium, which clearly identifies the motor vehicle’s registration plate number.

Under current law, a “bus lane monitoring system” is an enforcement system that is designed to capture a recorded image of a driver of a motor vehicle committing a violation. Under the bill, the definition is altered to mean an enforcement system, including an onboard or fixed monitoring system, that is designed to capture a recorded image of a motor vehicle during the commission of a violation.

Under the bill, the definition of a “bus lane monitoring system operator” is altered to mean a representative of an agency (rather than the Baltimore City Police Department) or a contractor that operates a bus lane monitoring system.

Prohibitions Related to Bus Lanes

Under current law, a person is expressly prohibited from *driving* a vehicle in a dedicated bus lane, unless authorized to do so by the local jurisdiction in which that bus lane is located. However, certain vehicles may be driven in a dedicated bus lane:

- a transit vehicle owned, operated, or contracted for by MTA or a local department of transportation;
- a school bus;
- a bicycle;
- an emergency vehicle; and
- a vehicle making a right turn at the next immediate intersection.

As noted earlier, the bill expands these provisions to also apply to standing or parking in a dedicated bus lane as well as to WMATA transit vehicles.

Bus Lane Monitoring Systems, Generally

The bill authorizes an agency (rather than only Baltimore City) to use a bus lane monitoring system to record images of motor vehicles during the commission of a violation. Generally, an agency (rather than only the Baltimore City Police Department) may issue warnings or citations to vehicle owners or drivers committing a violation; however, during the first 45 days of operation of the monitoring system, a warning notice *must* be mailed in place of a citation. The maximum fine for a violation recorded by a bus lane monitoring system is \$75. Otherwise, a violation is a misdemeanor, subject to a maximum fine of \$500.

Training, Recordkeeping, and Other Operating Requirements

Among other requirements under current law, a bus lane monitoring system may be used only when operated by a bus lane monitoring system operator. The bill also requires that conspicuous signage be placed, as specified. Additionally, under the bill, the system must produce video for each alleged violation that allows for the differentiation between a vehicle that is driving, *standing*, or *parked* in a dedicated bus lane improperly and a vehicle that is lawfully stopped or moving in order to execute a right turn at an intersection. Specific training and recordkeeping requirements apply for system operators, including the performance of calibration checks as specified by an independent laboratory; these requirements are unchanged under the bill.

Retention of Recorded Images

Currently, a bus lane monitoring system may be used to record only images of vehicles that are traveling in a bus lane. Under the bill, such systems may retain only images of vehicles that contain evidence of a violation. Recorded images from a bus lane monitoring system:

- that contain evidence of a violation may be retained up to six months or 60 days after final disposition of the citation, whichever is later;
- that do not contain evidence of a violation must be destroyed within 15 days after the recorded image was first captured; and
- may not be used for any other purpose without a warrant, subpoena, or court order.

A bus lane monitoring system may not use biometric identification techniques, including facial recognition technology.

Citations

Unless a driver of a motor vehicle received a citation from a police officer at the time of the violation, a person who receives a citation by mail may pay the specified civil penalty directly to the local jurisdiction or may elect to stand trial in District Court, which is granted exclusive jurisdiction in proceedings for civil infractions. In a contested case, the penalty must be paid to the District Court.

A citation issued by a bus lane monitoring system is not a moving violation for which points may be assessed and may not be placed on the driving record of the owner or driver of the vehicle. However, it may be treated as a parking violation for purposes of enforcement. In addition, the citation may not be considered in the provision of vehicle insurance. If the civil penalty is not paid and the violation is not contested, the Motor Vehicle Administration (MVA) may refuse to register or reregister the motor vehicle.

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 police officer employed by the local law enforcement agency. The citation must also be mailed within two weeks of the violation.

Similar to current requirements, a certificate alleging that the violation occurred, that is sworn to or affirmed by a duly authorized law enforcement officer employed by or under contract with an agency (rather than only a Baltimore City police officer) is evidence of the facts contained therein and is also admissible in any proceeding. On request of a person who received a citation, video of the alleged violation must be made available to the person; video evidence made available in this manner must be admitted as evidence in any court

proceeding for a bus lane monitoring violation. Adjudication of liability is to be based on a preponderance of evidence standard. The District Court may consider specified defenses, including that the vehicle was stolen or that the owner was not operating the vehicle at the time of the violation. For violations involving certain trucks, tractors, trailers, and buses, the person named in the citation may satisfy the burden of proof that he or she was not operating the vehicle at the time of the violation by providing a sworn letter containing the name, address, and driver's license number of the person who was operating the vehicle at the time. Similarly, for violations involving rental vehicles, a process is specified by which companies may demonstrate that the company is not liable for the violation.

Authorized Uses of Collected Fines

From the fines it collects, a political subdivision may recover the costs of implementing and administering the bus lane monitoring system; any remaining revenue balances must be spent for public safety purposes, including pedestrian safety programs.

Implementation

An agency (rather than the Baltimore City Police Department) or a designated contractor must administer and process civil citations issued in coordination with the District Court.

If a contractor provides, deploys, or operates a bus lane monitoring system for an agency (rather than only for the Baltimore City Police Department), the contractor's fee may not be contingent on the number of citations issued or paid.

State/Local Fiscal Effect: The Judiciary advises that reprogramming is necessary to implement the bill's requirements. In fiscal 2025 only, general fund expenditures increase by \$17,298 to make the necessary changes.

The number of citations issued in local jurisdictions authorizing bus lane monitoring systems likely increases significantly due to the establishment of an automated bus lane enforcement system. As a result, the number of individuals opting for a trial in District Court likely also increases – even with the penalty capped at \$75. Accordingly, general fund revenues likely increase minimally, as fine revenues paid by individuals convicted in the District Court are paid into the general fund.

However, in an uncontested case, fine revenues are paid to a local jurisdiction. As a result, local revenues increase for a local jurisdiction to the extent it implements an automated bus lane monitoring system. Based on citation revenues from other automated enforcement systems, the Department of Legislative Services (DLS) advises that revenues received under the bill may be significant.

To the extent relatively few additional jurisdictions authorize bus lane monitoring systems, State and local revenues may be more minimally affected.

The bill authorizes MVA to refuse to register or reregister a motor vehicle if a citation is not paid or contested pursuant to the bill's requirements. Assuming MVA receives additional flagging requests from local jurisdictions under the bill, TTF revenues may increase, as individuals must pay the administrative flag fee (\$30) to register or reregister a vehicle. However, the overall effect on TTF revenues is expected to be negligible.

As noted above, a local jurisdiction may recover the costs for implementation and administration of a bus lane monitoring system from the fines collected from violations enforced by the system; revenue balances remaining after recovery of these costs must be spent for public safety purposes.

In Baltimore City only, due to the bill's expanded prohibitions against standing or parking in a bus lane, current enforcement procedures may need to be modified under the bill in order to capture different types of violations. Revenues likely also increase, as additional types of violations are subject to enforcement.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1027 of 2023.

Designated Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Howard, and Prince George's counties; Maryland Association of Counties; Maryland Municipal League; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Department of Legislative Services

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Analysis by: Eric F. Pierce

Direct Inquiries to:
(410) 946-5510
(301) 970-5510