

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE

House Bill 1321 (Delegate Carr, *et al.*)  
Environmental Matters

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**Transportation - Littering and Securing Loads on Vehicles - Online Reporting of Violations and Issuance of Citations**

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This bill requires the State Highway Administration (SHA) to establish an online reporting system to allow individuals to report violations of various provisions of the Maryland Vehicle Law pertaining to highway littering and securing vehicle loads. The bill establishes procedures for investigating and enforcing reported violations. The bill also requires SHA to expand its standard book and recordkeeping duties to include compiling and publishing highway litter removal statistics, including, among other things, the cost of relevant programs and the number of reported violations relating to highway littering and securing vehicle loads.

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**Fiscal Summary**

**State Effect:** General fund revenues increase minimally as additional fine revenue is collected due to the bill's changes. Workloads of SHA and the District Court increase minimally to implement the bill, but can likely be handled with existing resources.

**Local Effect:** Local government operations and finances are not materially affected, assuming the bill does not result in a substantial increase in the number of highway litter or load security violations under the Maryland Vehicle Law.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** SHA must establish an online reporting system that allows an adult to electronically file a report of a violation of specified provisions relating to the prohibition

on highway litter and requirements for securing vehicle loads, as amended by the bill. The bill amends the current highway litter prohibition and load security requirements by altering both the definition of a vehicle “owner” and by altering the presumption of responsibility of a vehicle owner. An “owner” is defined by the bill as the registered owner of a vehicle, or a lessee of a vehicle with a lease of at least six months; an owner does not include a vehicle rental or leasing company. The presumption of owner responsibility is changed such that the owner is presumed responsible for a violation of the highway litter prohibition or load security requirements if the actual violator cannot be determined, regardless of whether he or she was in the vehicle.

An electronic report under the bill must contain specified information provided by the witness making the report, including descriptive information about the vehicle involved in the alleged violation, and a statement about whether the witness is willing to testify in court. A report that includes such a statement must also be accompanied by an electronic signature that subjects the witness to the penalties of perjury.

On submission of a report complete with an electronic signature, SHA must forward the report to the “local police department,” defined as the police department of any municipal corporation or county, and the sheriff’s department of a county with highway traffic patrol responsibilities. A police officer in the local police department must conduct an investigation of the report, which may include a telephone or in-person interview of the alleged violator. If the officer has probable cause to believe that the violation occurred, the police department must send a citation by certified mail to the owner or individual believed to be involved. The citation must contain specified information, including the violation charged, the time and place of the violation, the penalty to be imposed, and information about how to contest the citation, which must be by trial in the District Court.

If a report is electronically submitted by a witness without a statement regarding testifying or an electronic signature, SHA must instead mail the notice to the owner of the vehicle involved in the alleged violation, informing the owner of the potential penalties for the violation.

A person who receives a citation may pay the penalty or elect to stand trial.

SHA and the Department of State Police must jointly adopt regulations to implement the above provisions.

The bill requires any police department in the State to maintain specified records and annually submit a report to SHA of each citation issued for violations of the highway litter provisions of the Maryland Vehicle Law and the litter control provisions of the Criminal Law Article. The report must note, for each citation, a description of the

violation and the disposition of the citation as well as whether the citation was issued through the bill's electronic reporting system.

**Current Law:** The Maryland Vehicle Law prohibits a person from throwing, dumping, discharging, or depositing any trash, junk, or other refuse on any highway or public bridge, or in any public waters. In addition, the Criminal Law Article's litter control law prohibits a person from disposing or allowing the disposal of litter on a highway or any public or private property, unless the person is authorized to do so and the property is designated for the disposal of the litter or unless disposed of in a litter receptacle.

A violation of the Maryland Vehicle Law is generally a misdemeanor and subject to a penalty of up to \$500. However, a violation of the highway litter provisions may be prepaid with a fine of \$140 and is also subject to the imposition of two points on the driver's record. A violation of provisions relating to securing loads on vehicles may be prepaid with a fine of \$80.

A person who is guilty of the Criminal Law Article's litter control law is guilty of a misdemeanor and on conviction is subject to imprisonment for up to 30 days or a fine of up to \$1,500 or both; however, the penalties increase for violations in which the litter exceeds 100 pounds or 27 cubic feet or the act of littering is for commercial gain.

SHA is currently required to keep books that detail all expenditures made to establish or improve highways in the State or to perform any other of its duties. SHA must also compile and publish annually its maps, plans, and statistics that show the progress and status of work on all State highways and county roads. Generally, all books and records are public and open to public inspection.

**State Fiscal Effect:** General fund revenues from fines may increase minimally beginning in fiscal 2011 due to an expected minimal increase in highway littering violations and load securing violations under the Maryland Vehicle Law reported by citizens through the electronic reporting system established by the bill. In addition, the bill's changes to the definition of owner and the presumption of responsibility may also result in a minimal increase in fine revenue.

Currently, there are roughly two dozen violations of the highway litter and load security provisions in the Maryland Vehicle Law on an annual basis. A reliable estimate of the additional violations that will occur as a result of the bill cannot be made at this time, but is expected to be minimal. Legislative Services advises that, if SHA were to conduct a marketing campaign to inform citizens of their right to report violations under the bill, it may result in a more significant increase in the number of violations. However, SHA has not indicated its intent to conduct such a campaign.

Although the bill requires SHA to establish an online reporting system, SHA advises that the system can be developed in-house with existing information technology resources. SHA has also reported no additional cost to expand its book and recordkeeping operations required under the bill. However, SHA has advised that, because the bill requires SHA to send notice to individuals named in reports when a witness refuses to agree to testify in court, this additional duty may require additional clerical staff. Legislative Services disagrees with this assessment and notes that it is unlikely there will be a sufficient number of such notices to justify hiring an additional clerical position. SHA is also required by the bill to develop regulations in conjunction with the Department of State Police; it is expected that this can be handled with existing resources of both agencies.

In addition to a potential minimal increase in its caseload, the District Court may incur a minimal operational burden to account for the violations reported under the bill. The bill specifies certain procedures, including a police investigation, which must occur prior to a citation being issued. Because this process differs from the usual method of reporting violations under the Maryland Vehicle Law, District Court clerical staff may incur a minimal increase in workload to track and account for violations under the bill.

**Local Fiscal Effect:** Local law enforcement agencies may incur a minimal increase in workload due to additional time spent investigating reports made under the bill and from time spent in court for contested cases. However, as the number of additional reported violations is not anticipated to be significant, it is expected that any increase in local law enforcement workloads can be handled with existing resources. Local government expenditures may increase minimally due to the bill's reporting requirement, and as a result of having to manually process and communicate violations to the District Court. However, overall, the bill is not expected to materially affect local operations or finances.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Allegany, Harford, Montgomery, and Talbot counties; Town of Bladensburg; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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