

SENATE BILL 83

E4

6lr0078

(PRE-FILED)

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Office of Crime Control and Prevention)**

Requested: September 29, 2015

Introduced and read first time: January 13, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – School Safety Enforcement Fund**

3 FOR the purpose of renaming the School Bus Safety Enforcement Fund to be the School
4 Safety Enforcement Fund; expanding the purposes of the Fund to include enhancing
5 school safety; expanding eligibility to receive grants from the Fund to county boards
6 of education; repealing a provision of law restricting the Executive Director of the
7 Governor’s Office of Crime Control and Prevention from making a grant from the
8 Fund exceeding a certain amount of money in a fiscal year for use in a single county;
9 making conforming changes; and generally relating to the School Safety
10 Enforcement Fund.

11 BY repealing and reenacting, with amendments,
12 Article – Public Safety
13 Section 4–201 through 4–204 to be under the amended subtitle “Subtitle 2. School
14 Safety Enforcement Fund”
15 Annotated Code of Maryland
16 (2011 Replacement Volume and 2015 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Transportation
19 Section 17–106(e)
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2015 Supplement)

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

24 **Article – Public Safety**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Subtitle 2. School [Bus] Safety Enforcement Fund.

2 4–201.

3 (a) In this subtitle the following words have the meanings indicated.

4 (b) “Executive Director” means the Executive Director of the Governor’s Office of
5 Crime Control and Prevention.

6 (c) “Fund” means the School [Bus] Safety Enforcement Fund.

7 (d) “Law enforcement agency” means the Department of State Police, the police
8 department of a county or municipal corporation, or a sheriff’s office.9 (e) “School vehicle” has the meaning stated in § 11–154 of the Transportation
10 Article.

11 4–202.

12 (a) There is a School [Bus] Safety Enforcement Fund.

13 (b) The [purpose] **PURPOSES** of the Fund [is] **ARE** to assist law enforcement
14 agencies **AND COUNTY BOARDS OF EDUCATION** in:15 **(1)** addressing the problem of drivers illegally failing to stop for school
16 vehicles; **AND**17 **(2) ENHANCING SCHOOL SAFETY.**

18 (c) (1) The Executive Director shall administer the Fund.

19 (2) The Executive Director shall receive from the Fund each fiscal year the
20 amount, not exceeding \$50,000 in a fiscal year, necessary to offset its costs in administering
21 this subtitle.22 (d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of
23 the State Finance and Procurement Article.24 (2) The Treasurer shall hold the Fund separately and the Comptroller shall
25 account for the Fund in conjunction with the Executive Director.

26 (e) The Fund consists of:

27 (1) money credited to the Fund under § 17–106(e) of the Transportation
28 Article;

1 (2) money from any other source accepted for the benefit of the Fund; and

2 (3) investment earnings of the Fund.

3 (f) The Treasurer shall invest the money of the Fund in the same manner as other
4 State money may be invested.

5 (g) Expenditures from the Fund may only be made:

6 (1) in accordance with the State budget; or

7 (2) by the budget amendment procedure as provided in § 7–209 of the State
8 Finance and Procurement Article, if at least 45 days have passed since the budget
9 amendment and supporting information were submitted to the budget committees for their
10 review and comment.

11 4–203.

12 (a) The Executive Director may make grants to law enforcement agencies **AND**
13 **COUNTY BOARDS OF EDUCATION** from the Fund.

14 (b) The Executive Director shall establish procedures for law enforcement
15 agencies **AND COUNTY BOARDS OF EDUCATION** to apply for grants from the Fund and for
16 the evaluation of progress in [addressing the problem of drivers illegally failing to stop for
17 school vehicles] **FULFILLING THE PURPOSES OF THE FUND**.

18 (c) When making grants from the Fund, the Executive Director shall consider, **AS**
19 **APPLICABLE**:

20 (1) the extent of the problem of drivers illegally failing to stop for school
21 vehicles in the area identified by the [law enforcement agency applying] **APPLICANT** for a
22 grant;

23 (2) the [law enforcement agency's] **APPLICANT'S** goals and plans with
24 respect to enhanced enforcement efforts that relate to § 21–706 of the Transportation
25 Article **OR ENHANCING SCHOOL SAFETY**; and

26 (3) other factors that the Executive Director considers appropriate [that
27 relate to drivers illegally failing to stop for school vehicles] **AND RELEVANT**.

28 (d) [(1) Except as provided in paragraph (2) of this subsection, the Executive
29 Director may not make a grant from the Fund exceeding \$35,000 in a fiscal year for use in
30 a single county.

1 (2) If money remains available in the Fund after grants are initially
 2 awarded in a fiscal year, the Executive Director may make supplemental grants to law
 3 enforcement agencies in accordance with procedures established by the Executive Director.

4 (e)] A law enforcement agency **OR BOARD OF EDUCATION** that receives a grant
 5 under this subtitle:

6 (1) may use the grant only in accordance with the terms of the grant for
 7 efforts that relate to the enforcement of § 21-706 of the Transportation Article **OR FOR**
 8 **ENHANCEMENTS TO SCHOOL SAFETY**; and

9 (2) shall comply with reporting requirements established by the Executive
 10 Director to evaluate:

11 (i) the law enforcement agency's [enforcement] efforts under the
 12 grant; and

13 (ii) statewide [enforcement] efforts under this subtitle.

14 4-204.

15 On or before September 1 of each year, the Executive Director shall report to the
 16 Governor and, subject to § 2-1246 of the State Government Article, to the General
 17 Assembly on:

18 (1) the status of the Fund;

19 (2) the grants made under this subtitle;

20 (3) the costs of administering this subtitle; and

21 (4) the effect of this subtitle in:

22 (I) reducing the problem of drivers illegally failing to stop for school
 23 vehicles; **AND**

24 (II) **ENHANCING SCHOOL SAFETY.**

25 **Article – Transportation**

26 17-106.

27 (e) (1) (i) In addition to any other penalty provided for in the Maryland
 28 Vehicle Law, if the required security for a vehicle terminates or otherwise lapses during its
 29 registration year, the Administration may assess the owner of the vehicle with a penalty of

1 \$150 for each vehicle without the required security for a period of 1 to 30 days. If a fine is
2 assessed, beginning on the 31st day the fine shall increase by a rate of \$7 for each day.

3 (ii) Each period during which the required security for a vehicle
4 terminates or otherwise lapses shall constitute a separate violation.

5 (iii) The penalty imposed under this subsection may not exceed
6 \$2,500 for each violation in a 12-month period.

7 (2) (i) A penalty assessed under this subsection shall be paid as follows:

8 1. 70% to be allocated as provided in subparagraphs (ii)
9 through (vi) of this paragraph; and

10 2. 30% to the Administration, which may be used by the
11 Administration, subject to subsection (f) of this section, to provide funding for contracts
12 with independent agents to assist in the recovery of evidences of registration as authorized
13 in subsection (d)(3) of this section.

14 (ii) For the fiscal year beginning July 1, 2001, the percentage of the
15 penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the
16 Vehicle Theft Prevention Fund, the Motor Vehicle Registration Enforcement Fund, the
17 School [Bus] Safety Enforcement Fund, the Transportation Trust Fund, and the General
18 Fund as follows:

19 1. \$400,000 to the Motor Vehicle Registration Enforcement
20 Fund;

21 2. \$600,000 to the School [Bus] Safety Enforcement Fund;

22 3. \$2,000,000 to the Vehicle Theft Prevention Fund;

23 4. \$9,600,000 to the Transportation Trust Fund; and

24 5. The balance to the General Fund.

25 (iii) For the fiscal year beginning July 1, 2002, the percentage of the
26 penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the
27 Vehicle Theft Prevention Fund, the Maryland Automobile Insurance Fund, the Motor
28 Vehicle Registration Enforcement Fund, the School [Bus] Safety Enforcement Fund, and
29 the General Fund as follows:

30 1. \$400,000 to the Motor Vehicle Registration Enforcement
31 Fund;

32 2. \$600,000 to the School [Bus] Safety Enforcement Fund;

1 3. To the Maryland Automobile Insurance Fund, the amount
2 distributed to the Maryland Automobile Insurance Fund in the prior fiscal year under the
3 provisions of this paragraph adjusted by the change for the calendar year preceding the
4 fiscal year in the Consumer Price Index – All Urban Consumers – Medical Care as
5 published by the United States Bureau of Labor Statistics; and

6 4. The balance to the General Fund.

7 (3) If the Administration assesses a vehicle owner or co-owner with a
8 penalty under this subsection, the Administration may not take any of the following actions
9 until the penalty is paid:

10 (i) Reinstate a registration suspended under this subsection;

11 (ii) Except for a temporary registration as provided under §
12 13–602(a)(2) of this article, issue a new registration for any vehicle that is owned or
13 co-owned by that person and is titled after the violation date; or

14 (iii) Renew a registration for a vehicle that is owned or co-owned by
15 that person.

16 (4) (i) In this paragraph, “family member” means any individual whose
17 relationship to the vehicle owner is one of those listed under § 13–810(c)(1) of this article
18 as being exempt from paying the excise tax imposed on the transfer of a vehicle.

19 (ii) The monetary penalties provided in this subsection may not be
20 avoided by transferring title to the vehicle.

21 (iii) Regardless of whether money or other valuable consideration is
22 involved in the transfer, if title to a vehicle is transferred by an individual who has violated
23 this subtitle to a family member, any suspension of the vehicle’s registration that occurred
24 before the transfer shall continue as if no transfer had occurred and a new registration may
25 not be issued until the penalty fee is paid.

26 (5) An amount equal to the monetary penalties paid to the Administration
27 under paragraph (2) of this subsection may be used by the Administration only for the
28 enforcement of this subtitle.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2016.