

HOUSE BILL 6

R5

9lr0420

(PRE-FILED)

By: **Delegate Lierman**

Requested: August 20, 2018

Introduced and read first time: January 9, 2019

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Vehicle Height Monitoring Systems – Enforcement**

3 FOR the purpose of requiring the Motor Vehicle Administration to refuse to register or
4 reregister, or to refuse to transfer or to suspend the registration of, a motor vehicle
5 for which the person liable for a violation recorded by a vehicle height monitoring
6 system has failed to pay the civil penalty, contest liability, or appear for trial;
7 altering the information that is required to be included in a citation issued based on
8 a recorded image produced by a vehicle height monitoring system; prohibiting a
9 violation recorded by a vehicle height monitoring system from being recorded on the
10 driving record of any person; altering the persons to which certain penalties related
11 to vehicle height monitoring systems apply; requiring Baltimore City and the
12 District Court to provide certain notice to the Motor Vehicle Administration or the
13 State Highway Administration regarding certain unsatisfied violations based on a
14 recorded image produced by a vehicle height monitoring system; requiring the State
15 Highway Administration to suspend certain permits and prohibiting the State
16 Highway Administration from issuing certain permits for a certain time period on
17 receipt of certain notice; authorizing a person who has received a citation for a
18 violation recorded by a vehicle height monitoring system to subrogate liability under
19 certain circumstances; providing for the application of certain provisions of this Act;
20 making certain conforming changes; and generally relating to enforcement related
21 to vehicle height monitoring systems in Baltimore City.

22 BY repealing and reenacting, with amendments,

23 Article – Transportation

24 Section 24–101, 24–111.3(d)(2), (e)(1) and (3), and (h), and 26–305

25 Annotated Code of Maryland

26 (2012 Replacement Volume and 2018 Supplement)

27 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Transportation
2 Section 24–111.3(a)(1) and (4) and (b)(1)
3 Annotated Code of Maryland
4 (2012 Replacement Volume and 2018 Supplement)

5 BY adding to
6 Article – Transportation
7 Section 24–111.3(f–1) and (g–1)
8 Annotated Code of Maryland
9 (2012 Replacement Volume and 2018 Supplement)

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

12 **Article – Transportation**

13 24–101.

14 (a) The provisions of this subtitle governing size, weight, and load do not apply
15 to:

16 (1) Emergency vehicles;

17 (2) Farm equipment temporarily moved on a highway;

18 (3) Vehicles owned by or under contract with the State or a political
19 subdivision of the State when engaged in emergency operations or in snow or ice removal
20 consistent with federal law; or

21 (4) Any other vehicle driven under the terms and conditions of a permit
22 issued under this subtitle.

23 (b) A person may not drive on any publicly maintained highway any vehicle or
24 combination of vehicles with a gross weight that exceeds:

25 (1) The maximum registered weight limit for which the vehicle or
26 combination is registered under § 24–110 of this subtitle; or

27 (2) Any other weight limit established under the Maryland Vehicle Law.

28 (c) A person may not permit to be driven on any publicly maintained highway any
29 vehicle or combination of vehicles with a gross weight that exceeds:

30 (1) The maximum registered weight limit for which the vehicle or
31 combination is registered under § 24–110 of this subtitle; or

32 (2) Any other weight limit established under the Maryland Vehicle Law.

1 (d) A violation of the maximum weight provisions of this subtitle is not a moving
2 violation for purposes of Title 16, Subtitle 4 of this article.

3 (E) (1) THIS SUBSECTION APPLIES TO A VEHICLE OR COMBINATION OF
4 VEHICLES REGISTERED OUTSIDE THE STATE.

5 (2) THE STATE HIGHWAY ADMINISTRATION SHALL SUSPEND A
6 PERMIT TO TRAVEL IN BALTIMORE CITY ISSUED UNDER THIS SUBTITLE TO A
7 VEHICLE OR COMBINATION OF VEHICLES AND MAY NOT ISSUE A NEW PERMIT TO
8 TRAVEL IN BALTIMORE CITY UNDER THIS SUBTITLE TO A VEHICLE OR
9 COMBINATION OF VEHICLES FOR WHICH THE STATE HIGHWAY ADMINISTRATION
10 HAS RECEIVED:

11 (I) A DELINQUENCY NOTICE FROM BALTIMORE CITY UNDER §
12 24-111.3(G-1)(2) OF THIS SUBTITLE FOR A VIOLATION RECORDED BY A VEHICLE
13 HEIGHT MONITORING SYSTEM; OR

14 (II) NOTICE FROM THE DISTRICT COURT UNDER § 26-305(A-1)
15 OF THIS ARTICLE THAT THE REGISTERED OWNER HAS FAILED TO APPEAR FOR TRIAL
16 FOR A VIOLATION RECORDED BY A VEHICLE HEIGHT MONITORING SYSTEM.

17 (3) THE STATE HIGHWAY ADMINISTRATION SHALL CONTINUE THE
18 SUSPENSION OF AND REFUSAL TO ISSUE PERMITS TO TRAVEL IN BALTIMORE CITY
19 UNDER THIS SUBSECTION UNTIL:

20 (I) BALTIMORE CITY NOTIFIES THE STATE HIGHWAY
21 ADMINISTRATION THAT THE DELINQUENCY HAS BEEN SATISFIED; OR

22 (II) THE DISTRICT COURT NOTIFIES THE STATE HIGHWAY
23 ADMINISTRATION THAT THE REGISTERED OWNER HAS APPEARED FOR TRIAL OR
24 HAS ADMITTED LIABILITY AND PAID THE FINE FOR THE VIOLATION.

25 24-111.3.

26 (a) (1) In this section the following words have the meanings indicated.

27 (4) "Vehicle height monitoring system" means a device with one or more
28 motor vehicle sensors that is capable of producing recorded images of vehicles whose height
29 exceeds a predetermined limit.

30 (b) (1) A vehicle height monitoring system may be used to record images of
31 vehicles traveling on a highway in Baltimore City under this section only if the use of
32 vehicle height monitoring systems is authorized by an ordinance adopted by the Baltimore
33 City Council after reasonable notice and a public hearing.

1 (d) (2) A civil penalty under this subsection may not exceed:

2 (i) For a second violation by [the owner of the motor vehicle] A
3 **PERSON LIABLE UNDER THIS SECTION**, \$250; and

4 (ii) For a third or subsequent violation by [the owner of the motor
5 vehicle] **A PERSON LIABLE UNDER THIS SECTION**, \$500.

6 (e) (1) Subject to the provisions of paragraphs (2) and (3) of this subsection,
7 the Baltimore City Police Department or the Baltimore City Department of Transportation
8 shall mail to an owner liable under this section a citation that shall include:

9 (i) The name and address of the registered owner of the motor
10 vehicle;

11 (ii) The registration number of the motor vehicle involved in the
12 violation;

13 (iii) The violation charged;

14 (iv) The location at which the violation occurred;

15 (v) The date and time of the violation;

16 (vi) A copy of the recorded image;

17 (vii) The amount of the civil penalty imposed and the date by which
18 the civil penalty should be paid;

19 (viii) A signed statement by a duly authorized law enforcement officer
20 commissioned by the Baltimore City Police Department that, based on inspection of the
21 recorded image, the motor vehicle or combination of vehicles was being operated in violation
22 of a State or local law restricting the presence of certain vehicles during certain times;

23 (ix) A statement that the recorded image is evidence of the violation;

24 (x) Information advising the [owner] **PERSON** alleged to be liable
25 under this section of the manner and time in which liability as alleged in the citation may
26 be contested in the District Court; and

27 (xi) Information advising the [owner] **PERSON** alleged to be liable
28 under this section that failure to pay the civil penalty or to contest liability in a timely
29 manner [is]:

30 1. **IS an admission of liability; AND**

1 **2. SHALL RESULT IN:**

2 **A. THE REFUSAL BY THE ADMINISTRATION TO**
3 **REGISTER, REREGISTER, OR TRANSFER THE REGISTRATION OF THE MOTOR**
4 **VEHICLE; AND**

5 **B. THE SUSPENSION OF THE MOTOR VEHICLE**
6 **REGISTRATION.**

7 (3) **[A] EXCEPT AS PROVIDED IN SUBSECTION (F-1) OF THIS SECTION,**
8 **A citation issued under this section shall be mailed no later than 30 days after the alleged**
9 **violation.**

10 **(F-1) (1) IF AT THE TIME OF A VIOLATION UNDER THIS SECTION THE**
11 **MOTOR VEHICLE INVOLVED WAS UNDER THE CUSTODY AND CONTROL OF, OR BEING**
12 **OPERATED BY, A PERSON OTHER THAN THE OWNER, THAT PERSON AND NOT THE**
13 **OWNER SHALL BE LIABLE FOR THE VIOLATION AND SENT A CITATION UNDER**
14 **SUBSECTION (E) OF THIS SECTION IF, BEFORE THE DUE DATE TO PAY THE CITATION**
15 **OR CONTEST LIABILITY, THE OWNER PROVIDES SUBSTANTIAL EVIDENCE IN THE**
16 **REQUIRED FORM TO THE BALTIMORE POLICE DEPARTMENT OR THE BALTIMORE**
17 **CITY DEPARTMENT OF TRANSPORTATION, AS APPROPRIATE, OF THE IDENTITY OF**
18 **THE PERSON WHO HAD CUSTODY AND CONTROL OVER OR WAS OPERATING THE**
19 **MOTOR VEHICLE AT THE TIME OF THE VIOLATION.**

20 **(2) A CITATION ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION**
21 **SHALL BE MAILED NOT LESS THAN 30 DAYS AFTER THE BALTIMORE POLICE**
22 **DEPARTMENT OR THE BALTIMORE CITY DEPARTMENT OF TRANSPORTATION, AS**
23 **APPROPRIATE, DETERMINES THAT SUBSTANTIAL EVIDENCE EXISTS THAT THE**
24 **PERSON OTHER THAN THE OWNER COMMITTED THE VIOLATION.**

25 **(3) IF A PERSON IDENTIFIED UNDER PARAGRAPH (1) OF THIS**
26 **SUBSECTION ADMITS TO OR IS ADJUDICATED LIABLE FOR THE VIOLATION, THE**
27 **OWNER IS NOT LIABLE FOR THE VIOLATION.**

28 **(G-1) (1) IF AN OWNER LIABLE UNDER THIS SECTION DOES NOT PAY THE**
29 **CIVIL PENALTY, CONTEST THE VIOLATION, OR APPEAR FOR TRIAL, THE**
30 **ADMINISTRATION SHALL:**

31 **(I) REFUSE TO REGISTER, REREGISTER, OR TRANSFER THE**
32 **REGISTRATION OF THE MOTOR VEHICLE CITED FOR THE VIOLATION; OR**

33 **(II) SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE**
34 **CITED FOR THE VIOLATION.**

1 **(2) (I) IF A MOTOR VEHICLE INVOLVED IN A VIOLATION THAT IS**
 2 **SUBJECT TO LIABILITY UNDER THIS SECTION IS REGISTERED OUTSIDE THE STATE**
 3 **AND THE PENALTY FOR THE VIOLATION IS NOT PAID AND THE VIOLATION IS NOT**
 4 **CONTESTED BY THE PRESCRIBED DUE DATE, BALTIMORE CITY SHALL:**

5 **1. PROVIDE A DELINQUENCY NOTICE TO THE STATE**
 6 **HIGHWAY ADMINISTRATION FOR THE FAILURE OF THE OWNER TO PAY THE CIVIL**
 7 **PENALTY OR CONTEST THE VIOLATION; AND**

8 **2. NOTIFY THE STATE HIGHWAY ADMINISTRATION IF**
 9 **THE DELINQUENCY IS SATISFIED.**

10 **(II) THE STATE HIGHWAY ADMINISTRATION SHALL SUSPEND A**
 11 **PERMIT TO TRAVEL IN BALTIMORE CITY ISSUED UNDER THIS SUBTITLE TO A**
 12 **VEHICLE OR COMBINATION OF VEHICLES AND MAY NOT ISSUE A NEW PERMIT TO**
 13 **TRAVEL IN BALTIMORE CITY UNDER THIS SUBTITLE TO A VEHICLE OR**
 14 **COMBINATION OF VEHICLES FOR WHICH BALTIMORE CITY HAS PROVIDED A**
 15 **DELINQUENCY NOTICE UNTIL THE STATE HIGHWAY ADMINISTRATION RECEIVES**
 16 **NOTICE THAT THE DELINQUENCY IS SATISFIED.**

17 (h) A violation for which a civil penalty is imposed under this section:

18 (1) Is not a moving violation for the purpose of assessing points under §
 19 16–402 of this article;

20 (2) May not be recorded by the Administration on the driving record of [the
 21 owner of the vehicle] **ANY PERSON;**

22 (3) May [not] be treated as a parking violation for purposes of § 26–305 of
 23 this article; and

24 (4) May not be considered in the provision of motor vehicle insurance
 25 coverage.

26 26–305.

27 (a) The Administration may not register or transfer the registration of any vehicle
 28 involved in a parking violation under this subtitle, a violation under any federal parking
 29 regulation that applies to property in this State under the jurisdiction of the U.S.
 30 government, a violation of § 21–202(h) of this article as determined under § 21–202.1 of this
 31 article or Title 21, Subtitle 8 of this article as determined under § 21–809 or § 21–810 of
 32 this article, **A VIOLATION RECORDED IN BALTIMORE CITY BY A VEHICLE HEIGHT**
 33 **MONITORING SYSTEM UNDER § 24–111.3 OF THIS ARTICLE**, or a violation of the Illegal
 34 Dumping and Litter Control Law under § 10–110 of the Criminal Law Article or a local law

1 or ordinance adopted by Baltimore City relating to the unlawful disposal of litter as
2 determined under § 10–112 of the Criminal Law Article, if:

3 (1) It is notified by a political subdivision or authorized State agency that
4 the person cited for the violation under this subtitle, § 21–202.1, § 21–809, [or] § 21–810,
5 **OR § 24–111.3** of this article, or § 10–110 or § 10–112 of the Criminal Law Article has
6 failed to either:

7 (i) Pay the fine for the violation by the date specified in the citation;
8 or

9 (ii) File a notice of his intention to stand trial for the violation;

10 (2) It is notified by the District Court that a person who has elected to stand
11 trial for the violation under this subtitle, under § 21–202.1, § 21–809, [or] § 21–810, **OR §**
12 **24–111.3** of this article, or under § 10–110 or § 10–112 of the Criminal Law Article has
13 failed to appear for trial; or

14 (3) It is notified by a U.S. District Court that a person cited for a violation
15 under a federal parking regulation:

16 (i) Has failed to pay the fine for the violation by the date specified
17 in the federal citation; or

18 (ii) Either has failed to file a notice of the person’s intention to stand
19 trial for the violation, or, if electing to stand trial, has failed to appear for trial.

20 **(A–1) IF A PERSON WHO ELECTED TO STAND TRIAL FOR A VIOLATION**
21 **RECORDED BY A VEHICLE HEIGHT MONITORING SYSTEM UNDER § 24–111.3 OF THIS**
22 **ARTICLE FAILS TO APPEAR FOR TRIAL, THE DISTRICT COURT SHALL NOTIFY:**

23 **(1) THE ADMINISTRATION FOR A VEHICLE REGISTERED IN THE**
24 **STATE; OR**

25 **(2) THE STATE HIGHWAY ADMINISTRATION FOR A VEHICLE**
26 **REGISTERED OUT OF STATE.**

27 (b) (1) **(I)** Notwithstanding the provisions of subsection (a) of this section,
28 the Administration may suspend the registration of a vehicle involved in a parking violation
29 under this subtitle or a violation under any federal parking regulation that applies to
30 property in this State under the jurisdiction of the U.S. government if notified in accordance
31 with subsection (a) of this section that the violator is a chronic offender.

32 **[(2)] (II)** The Administration may adopt rules and regulations to define
33 chronic offender and develop procedures to carry out the suspension of registration as
34 authorized by this subsection.

1 **(2) THE ADMINISTRATION SHALL SUSPEND THE REGISTRATION OF A**
2 **VEHICLE THAT IS SUBJECT TO A VIOLATION RECORDED IN BALTIMORE CITY BY A**
3 **VEHICLE HEIGHT MONITORING SYSTEM UNDER § 24-111.3 OF THIS ARTICLE IF IT IS**
4 **NOTIFIED:**

5 **(I) BY BALTIMORE CITY THAT THE PERSON ALLEGED TO BE**
6 **LIABLE HAS FAILED TO EITHER:**

7 **1. PAY THE FINE FOR THE VIOLATION BY THE DATE**
8 **SPECIFIED IN THE CITATION; OR**

9 **2. FILE A NOTICE OF INTENT TO STAND TRIAL FOR THE**
10 **VIOLATION; OR**

11 **(II) BY THE DISTRICT COURT THAT THE PERSON ALLEGED TO**
12 **BE LIABLE HAS ELECTED TO STAND TRIAL FOR THE VIOLATION BUT FAILED TO**
13 **APPEAR FOR THE TRIAL.**

14 (c) The Administration shall continue the suspension and refusal to register or
15 transfer a registration of the vehicle until:

16 (1) If the suspension or refusal was required under subsection (a)(1) or
17 **[(b)(1)] (B)** of this section, the political subdivision or State agency notifies the
18 Administration that the charge has been satisfied;

19 (2) If the suspension or refusal was required under subsection (a)(2) or
20 **[(b)(1)] (B)** of this section, the District Court notifies the Administration that the person
21 cited has appeared for trial or has pleaded guilty and paid the fine for the violation; or

22 (3) If the suspension or refusal was required under subsection (a)(3) or
23 **[(b)(1)] (B)** of this section, the U.S. District Court notifies the Administration that the
24 charge has been satisfied.

25 (d) If the registration of the vehicle has been suspended in accordance with
26 subsection **[(b)(1)] (B)** of this section, a person may not drive the vehicle on any highway in
27 this State.

28 (e) The procedures specified in this section are in addition to any other penalty
29 provided by law for the failure to pay a fine or stand trial for a parking violation.

30 (f) The Administration shall adopt procedures by which the political
31 subdivisions, State agencies, the District Court, and the U.S. District Court shall notify it
32 of any restrictions and any rescission of restrictions placed on the registration of vehicles
33 under this section.

1 (g) (1) In addition to any other fee or penalty provided by law, an owner of a
2 vehicle who is denied registration of the vehicle under the provisions of this section shall
3 pay a fee established by the Administration before renewal of the registration of the vehicle.

4 (2) The fee described under paragraph (1) of this subsection:

5 (i) May be distributed in part to a political subdivision acting as an
6 agent of the Administration in the registration of a vehicle under § 13–404 of this article if,
7 based upon information provided to the Administration by the political subdivision under
8 this section, the vehicle’s prior registration was suspended or the vehicle’s registration
9 renewal was denied; and

10 (ii) Except as provided under item (i) of this paragraph, shall be
11 retained by the Administration and may not be credited to the Gasoline and Motor Vehicle
12 Revenue Account for distribution under § 8–403 or § 8–404 of this article.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2019.