

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 41

(Senator Lam)

Judicial Proceedings

Environment and Transportation

Baltimore County - Vehicle Height Monitoring Systems

This bill authorizes Baltimore County to place vehicle height monitoring systems on highways in Baltimore County if authorized by the Baltimore County Council after notice and a public hearing, similar to the authorization for such systems in Baltimore City. However, the bill also establishes additional requirements (for Baltimore County only) that must be met before a height monitoring system can be installed. Specifically, a workgroup must be convened, perform specified tasks, and report to the Baltimore County Council. Accordingly, should the authorization be used in Baltimore County, a local law enforcement agency may issue warnings or citations to a vehicle owner for violating a State or local law restricting the presence of certain vehicles at certain times. In addition, a local law enforcement agency must issue a warning for a vehicle's first violation. The maximum fine for a citation is \$250 for a second violation and \$500 for a third or subsequent violation.

The bill takes effect October 1, 2021.

Fiscal Summary

State Effect: The bill is not likely to materially affect State expenditures or revenues, as discussed below.

Local Effect: Baltimore County can convene the required workgroup with existing resources. To the extent that Baltimore County subsequently approves and implements height monitoring systems, county revenues increase; however, the magnitude of any such increase depends on the number of height monitoring systems placed as a result of the bill, the number of citations issued, and the penalties imposed, as discussed below. County expenditures increase by more than \$150,000 for additional personnel on an annualized basis. County expenditures also increase to procure and install vehicle height monitoring systems and appropriate signage.

Small Business Effect: Minimal.

Analysis

Bill Summary/Current Law: Before a vehicle height monitoring system may be established in Baltimore City and, under the bill, in Baltimore County, an analysis must be conducted to determine the appropriateness of the location, and the approval of the chief law enforcement officer of the local law enforcement agency (or the chief law enforcement officer's designee) must be obtained.

Before a vehicle height monitoring system may be activated, notice of the location must be published in a newspaper and on the local jurisdiction's website. The local jurisdiction must also ensure that all signs stating restrictions on the presence of certain vehicles during certain times near the system are in accordance with State Highway Administration specifications and must state that a vehicle height monitoring system is in use.

Unless a driver receives a citation from a police officer at the time of the violation, a person who receives a citation by mail may pay the civil penalty to the local jurisdiction or elect to stand trial in District Court, which is granted exclusive jurisdiction in proceedings for infractions. In addition to other specified information, the mailed citation must include a copy of the recorded image of the vehicle and a signed statement by a police officer commissioned by the local law enforcement agency. The citation must also be mailed within 30 days of the violation.

A recorded image of a motor vehicle produced by a vehicle height monitoring system is admissible in a contested case without authentication. A certificate alleging that the violation occurred, which is affirmed by a police officer, is evidence of the facts contained therein and is also admissible. Adjudication of liability is to be based on a preponderance of the evidence standard. The District Court may consider certain specified defenses, including that the vehicle was stolen.

In a contested case, the penalty must be paid to the District Court. If a contractor operates a vehicle height monitoring system on behalf of a local jurisdiction, the contractor's fee may not be contingent on the number of citations issued or paid. (In Baltimore City only, from the fines collected in uncontested cases, the city may recover the costs of implementing vehicle height monitoring systems and must spend any remaining balance on roadway improvements.)

A citation may not be considered in the provision of vehicle insurance, is not a moving violation for which points may be assessed, may not be placed on the driving record of the owner or driver of the vehicle, and may not be treated as a parking violation for purposes of enforcement.

The bill establishes several provisions related to the establishment of vehicle height monitoring systems that apply only in Baltimore County.

Before the installation of any vehicle height monitoring systems in the county, the governing body of the local jurisdiction must establish a workgroup including commercial transportation industry representatives to assist the local government in (1) evaluating existing truck routes; (2) identifying areas for vehicle height monitoring enforcement; and (3) evaluating existing signage and identifying locations where signage could be improved. In addition, the local jurisdiction must adopt a local law limiting the overall number of vehicle height monitoring systems that may be placed in the local jurisdiction. The governing body of the local jurisdiction may exempt vehicles.

The required workgroup must also examine and make recommendations to the Baltimore County Council on:

- developing a map of height-restricted roads in the local jurisdiction and providing the map to operators using the best available technology;
- developing and implementing a process for a vehicle owner to easily contest an erroneously issued citation without the necessity of a court hearing;
- developing a process for the owner of a vehicle to identify and transfer liability to the operator of a vehicle responsible for incurring the citation; and
- exempting certain types of vehicles from enforcement.

Again, these activities must be performed before the installation of any vehicle height monitoring system.

Background: Although Chapters 375 and 376 of 2012 authorized the use of vehicle height monitoring systems in Baltimore City, the systems were not fully deployed until spring 2018. For a first offense, the violator receives a warning. The fine for a second offense is \$125, and a third or subsequent offense carries a \$250 fine.

Baltimore City advised in 2019 that, in the first several months of operations, its vehicle height monitoring systems captured significantly fewer violations than were anticipated. In part, this was due to the trucking community complying in greater numbers than had been expected.

State/Local Fiscal Effect: Based on the relatively modest incidence of violations captured by Baltimore City's height monitoring systems, the increase in revenues for Baltimore County and the District Court is not expected to be significant. However, as noted above, Baltimore City only fully activated its height monitoring systems recently.

Thus, there is insufficient data to project how revenues might be affected for Baltimore County under the bill.

Baltimore County expenditures increase to implement vehicle height monitoring systems in the county. However, those expenditures are delayed until after the required workgroup has convened and made recommendations to the Baltimore County Council. Given the bill's October 1, 2021 effective date, it is not likely that vehicle height monitoring systems could be in place until calendar 2022. Should they be implemented, the Baltimore County Police Department anticipates hiring two additional police officers (in part because such systems tend to identify a greater number of false positives than other automated enforcement systems). On an annualized basis, these personnel costs are more than \$150,000 a year.

Baltimore County did not include an estimate related to the one-time cost to install height monitoring cameras, which depends on the number of locations at which height monitoring systems are placed. Based on Baltimore City's experience, two height monitoring systems per location are necessary (at a cost of \$10,000 per location) along with minimal signage costs. Thus, this analysis assumes similar levels of additional expenditures would be incurred for Baltimore County for each location at which height monitoring systems are placed.

As noted above, a precise revenue estimate cannot be made without more detailed information (*e.g.*, the number of locations in the county to be monitored by height monitoring systems, the number of citations expected to be generated at each location, *etc.*). However, the Department of Legislative Services advises that Baltimore County revenues may not cover costs in the first several years of operation. *For illustrative purposes only*, Baltimore County revenues could increase by less than \$100,000 in the first year of operation and as much as \$125,000 in the second year under the following assumptions:

- approximately 1,000 citations are issued in the first year of operation and 900 are issued in the second year;
- most of those citations (65% in the first year and 50% in the second year) result in the issuance of a warning for a first offense or are false positives;
- the number of citations issued decreases each year due to increased compliance until issuance levels out at approximately 825 citations a year;
- revenue collections depend on the mix of second and subsequent violations each year, with a greater percentage of repeat offenders in the third and later years of operation;
- 85% of nonwarning citations result in prepayment of the fine, and the remaining 15% are contested in court; and

- the fine will be set at the maximum of \$250 for a second violation and \$500 for a third or subsequent violation (however, if the fines are set at the same level as those for Baltimore City, revenue collections will be lower).

While general fund revenues may increase from fines and court costs collected as a result of the bill, any such increase is expected to be negligible. Based on the implementation of Baltimore City's height monitoring systems, the District Court is expected to be able to handle any additional contested cases under the bill with existing budgeted resources.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 50 (Delegate Ebersole) - Environment and Transportation.

Information Source(s): Baltimore County; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Department of Legislative Services

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