

HOUSE BILL 626

R5, L2

11r0800

By: **Prince George's County Delegation**

Introduced and read first time: January 22, 2021

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Vehicle Height Monitoring Systems**

3 **PG 305–21**

4 FOR the purpose of authorizing the use of certain vehicle height monitoring systems in
5 Prince George's County to enforce certain State and local laws restricting the
6 presence of certain vehicles during certain times; applying to Prince George's County
7 certain provisions of law relating to vehicle height monitoring systems; defining a
8 certain term; making a stylistic and a technical change; making conforming changes;
9 providing for the effective date of certain provisions of this Act; providing for the
10 termination of certain provisions of this Act; and generally relating to imposing
11 liability on owners of motor vehicles recorded while being operated in violation of a
12 State or local law restricting the presence of vehicles during certain times.

13 BY repealing and reenacting, without amendments,
14 Article – Courts and Judicial Proceedings
15 Section 7–302(e)
16 Annotated Code of Maryland
17 (2020 Replacement Volume)

18 BY repealing and reenacting, with amendments,
19 Article – Transportation
20 Section 24–111.3
21 Annotated Code of Maryland
22 (2020 Replacement Volume)

23 BY repealing and reenacting, with amendments,
24 Article – Transportation
25 Section 24–111.3
26 Annotated Code of Maryland
27 (2020 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(As enacted by Chapter 504 of the Acts of the General Assembly of 2020)

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

Article – Courts and Judicial Proceedings

7–302.

(e) (1) A citation issued pursuant to § 21–202.1, § 21–706.1, § 21–809, § 21–810, or § 24–111.3 of the Transportation Article shall provide that the person receiving the citation may elect to stand trial by notifying the issuing agency of the person’s intention to stand trial at least 5 days prior to the date of payment as set forth in the citation. On receipt of the notice to stand trial, the agency shall forward to the District Court having venue a copy of the citation and a copy of the notice from the person who received the citation indicating the person’s intention to stand trial. On receipt thereof, the District Court shall schedule the case for trial and notify the defendant of the trial date under procedures adopted by the Chief Judge of the District Court.

(2) A citation issued as the result of a vehicle height monitoring system, a traffic control signal monitoring system, or a speed monitoring system, including a work zone speed control system, controlled by a political subdivision or a school bus monitoring camera shall provide that, in an uncontested case, the penalty shall be paid directly to that political subdivision. A citation issued as the result of a traffic control signal monitoring system or a work zone speed control system controlled by a State agency, or as a result of a vehicle height monitoring system, a traffic control signal monitoring system, a speed monitoring system, or a school bus monitoring camera in a case contested in District Court, shall provide that the penalty shall be paid directly to the District Court.

(3) Civil penalties resulting from citations issued using a vehicle height monitoring system, traffic control signal monitoring system, speed monitoring system, work zone speed control system, or school bus monitoring camera that are collected by the District Court shall be collected in accordance with subsection (a) of this section and distributed in accordance with § 12–118 of the Transportation Article.

(4) (i) From the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems or school bus monitoring cameras, a political subdivision:

1. May recover the costs of implementing and administering the speed monitoring systems or school bus monitoring cameras; and

2. Subject to subparagraphs (ii) and (iii) of this paragraph, may spend any remaining balance solely for public safety purposes, including pedestrian safety programs.

(ii) 1. For any fiscal year, if the balance remaining from the fines

1 (i) On:

- 2 1. A photograph;
- 3 2. A microphotograph;
- 4 3. An electronic image;
- 5 4. Videotape; or
- 6 5. Any other medium; and

7 (ii) Showing:

- 8 1. The front or side of a motor vehicle or combination of
9 vehicles;
- 10 2. At least two time-stamped images of the motor vehicle or
11 combination of vehicles that include the same stationary object near the motor vehicle or
12 combination of vehicles; and
- 13 3. On at least one image or portion of tape, a clear and legible
14 identification of the entire registration plate number of the motor vehicle.

15 **[(4)] (5)** “Vehicle height monitoring system” means a device with one or
16 more motor vehicle sensors that is capable of producing recorded images of vehicles whose
17 height exceeds a predetermined limit.

18 (b) **THIS SECTION APPLIES ONLY IN BALTIMORE CITY AND PRINCE**
19 **GEORGE’S COUNTY.**

20 (c) (1) A vehicle height monitoring system may be used to record images of
21 vehicles traveling on a highway in **[Baltimore City] A LOCAL JURISDICTION** under this
22 section only if the use of vehicle height monitoring systems is authorized by **[an ordinance]**
23 **LOCAL LAW** adopted by the **[Baltimore City Council] GOVERNING BODY OF THE LOCAL**
24 **JURISDICTION** after reasonable notice and a public hearing.

25 (2) Before **[Baltimore City] A LOCAL JURISDICTION** places or installs a
26 vehicle height monitoring system at a particular location, it shall:

27 (i) Conduct an analysis to determine the appropriateness of the
28 location; and

29 (ii) Obtain the approval of the **[Baltimore City Police Commissioner]**
30 **CHIEF LAW ENFORCEMENT OFFICER OF THE LOCAL LAW ENFORCEMENT AGENCY** or

1 the [Commissioner's] **CHIEF LAW ENFORCEMENT OFFICER'S** designee.

2 (3) Before activating a vehicle height monitoring system, [Baltimore City]
3 **A LOCAL JURISDICTION** shall:

4 (i) Publish notice of the location of the vehicle height monitoring
5 system on its [Web site] **WEBSITE** and in a newspaper of general circulation in the
6 jurisdiction; and

7 (ii) Ensure that all signs stating restrictions on the presence of
8 certain vehicles during certain times approaching and within the segment of highway on
9 which the vehicle height monitoring system is located include signs that:

10 1. Are in accordance with the manual and specifications for
11 a uniform system of traffic control devices adopted by the State Highway Administration
12 under § 25–104 of this article; and

13 2. Indicate that a vehicle height monitoring system is in use.

14 **[(c)] (D)** A vehicle height monitoring system operator shall fill out and sign a
15 daily set-up log for a vehicle height monitoring system that:

16 (1) States that the operator successfully performed the
17 manufacturer-specified self-test of the vehicle height monitoring system before producing
18 a recorded image;

19 (2) Shall be kept on file; and

20 (3) Shall be admitted as evidence in any court proceeding for a violation of
21 this section.

22 **[(d)] (E)** (1) Unless the driver of the motor vehicle or combination of vehicles
23 received a citation from a police officer at the time of the violation, the owner of a motor
24 vehicle or combination of vehicles is subject to a civil penalty if the motor vehicle or
25 combination of vehicles is recorded by a vehicle height monitoring system while being
26 operated in violation of a State or local law restricting the presence of certain vehicles
27 during certain times.

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

29 (i) For a second violation by the owner of the motor vehicle, \$250;
30 and

31 (ii) For a third or subsequent violation by the owner of the motor
32 vehicle, \$500.

1 (3) For purposes of this section, the District Court shall prescribe:

2 (i) A uniform citation form consistent with [subsection (d)(1)]
3 **PARAGRAPHS (1) AND (2)** of this [section] **SUBSECTION** and § 7–302 of the Courts Article;
4 and

5 (ii) A civil penalty, which shall be indicated on the citation, to be paid
6 by persons who choose to prepay the civil penalty without appearing in District Court.

7 [(e)] (F) (1) Subject to the provisions of paragraphs (2) and (3) of this
8 subsection, [the Baltimore City Police Department] **A LOCAL LAW ENFORCEMENT**
9 **AGENCY** or, **IN BALTIMORE CITY**, the Baltimore City Department of Transportation shall
10 mail to an owner liable under this section a citation that shall include:

11 (i) The name and address of the registered owner of the motor
12 vehicle;

13 (ii) The registration number of the motor vehicle involved in the
14 violation;

15 (iii) The violation charged;

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

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

18 (vi) A copy of the recorded image;

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

21 (viii) A signed statement by a duly authorized law enforcement officer
22 commissioned by the [Baltimore City Police Department] **LOCAL LAW ENFORCEMENT**
23 **AGENCY** that, based on inspection of the recorded image, the motor vehicle or combination
24 of vehicles was being operated in violation of a State or local law restricting the presence of
25 certain vehicles during certain times;

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

27 (x) Information advising the owner alleged to be liable under this
28 section of the manner and time in which liability as alleged in the citation may be contested
29 in the District Court; and

30 (xi) Information advising the owner alleged to be liable under this
31 section that failure to pay the civil penalty or to contest liability in a timely manner is an
32 admission of liability.

1 (2) ~~【The Baltimore City Police Department】~~ **A LOCAL LAW**
2 **ENFORCEMENT AGENCY** or, **IN BALTIMORE CITY**, the Baltimore City Department of
3 Transportation shall, for a first violation, mail a warning notice instead of a citation to an
4 owner liable under this section.

5 (3) A citation issued under this section shall be mailed no later than 30
6 days after the alleged violation.

7 (4) A person who receives a citation under this section may:

8 (i) Pay the civil penalty, in accordance with instructions on the
9 citation, directly to ~~【Baltimore City】~~ **THE LOCAL JURISDICTION**; or

10 (ii) Elect to stand trial in the District Court for the alleged violation.

11 ~~【(f)】~~ **(G)** (1) A certificate alleging that a violation of a State or local law
12 restricting the presence of certain vehicles during certain times occurred and that the
13 requirements under subsections ~~【(b)】~~ **(C)** and ~~【(c)】~~ **(D)** of this section have been affirmed
14 by a duly authorized law enforcement officer commissioned by ~~【the Baltimore City Police~~
15 ~~Department】~~ **A LOCAL LAW ENFORCEMENT AGENCY**, based on inspection of the recorded
16 image produced by the vehicle height monitoring system, shall be:

17 (i) Evidence of the facts contained in the certificate; and

18 (ii) Admissible in a proceeding alleging a violation under this section
19 without the presence or testimony of the vehicle height monitoring system operator.

20 (2) If a person who received a citation under this section desires the vehicle
21 height monitoring system operator to be present and testify at trial, the person shall notify
22 the court and the State in writing no later than 20 days before trial.

23 (3) Adjudication of liability shall be based on a preponderance of evidence.

24 ~~【(g)】~~ **(H)** (1) The District Court may consider in defense of a violation:

25 (i) Subject to paragraph (2) of this subsection, that the motor vehicle
26 or the registration plates of the motor vehicle were stolen before the violation occurred and
27 were not under the control or possession of the owner at the time of the violation; and

28 (ii) Any other issues and evidence that the District Court deems
29 pertinent.

30 (2) To demonstrate that the motor vehicle or the registration plates were
31 stolen before the violation occurred and were not under the control or possession of the
32 owner at the time of the violation, the owner shall submit proof that a police report

1 regarding the stolen motor vehicle or registration plates was filed in a timely manner.

2 **[(h)] (I)** A violation for which a civil penalty is imposed under this section:

3 (1) Is not a moving violation for the purpose of assessing points under §
4 16–402 of this article;

5 (2) May not be recorded by the Administration on the driving record of the
6 owner of the vehicle;

7 (3) May not be treated as a parking violation for purposes of § 26–305 of
8 this article; and

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

11 **[(i)] (J)** In consultation with the **[(Baltimore City Police Department)]**
12 **APPROPRIATE LOCAL LAW ENFORCEMENT AGENCY**, the Chief Judge of the District
13 Court shall adopt procedures for the issuance of citations, the trial of civil violations, and
14 the collection of civil penalties under this section.

15 **[(j)] (K)** (1) **[(The Baltimore City Police Department)]** **A LOCAL LAW**
16 **ENFORCEMENT AGENCY** or, **IN BALTIMORE CITY**, the Baltimore City Department of
17 Transportation, or a contractor designated by the **[(Baltimore City Police Department)]**
18 **LOCAL LAW ENFORCEMENT AGENCY** or, **IN BALTIMORE CITY**, the Baltimore City
19 Department of Transportation, shall administer and process civil citations issued under
20 this section in coordination with the District Court.

21 (2) If a contractor operates a vehicle height monitoring system on behalf of
22 **[(Baltimore City)]** **A LOCAL JURISDICTION**, the contractor’s fee may not be contingent on
23 the number of citations issued or paid.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
25 as follows:

26 **Article – Transportation**

27 24–111.3.

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

29 (2) “Local law enforcement agency” means a law enforcement agency of a
30 local jurisdiction that is authorized to issue a citation for a violation of the Maryland Vehicle
31 Law or of local traffic laws or regulations.

32 (3) (i) “Owner” means the registered owner of a motor vehicle.

1 (ii) In Baltimore County, “owner” does not include:

2 1. A motor vehicle rental or leasing company; or

3 2. The holder of an interchangeable registration under Title
4 13, Subtitle 9, Part III of this article.

5 (4) “Recorded image” means an image recorded by a vehicle height
6 monitoring system:

7 (i) On:

8 1. A photograph;

9 2. A microphotograph;

10 3. An electronic image;

11 4. Videotape; or

12 5. Any other medium; and

13 (ii) Showing:

14 1. The front or side of a motor vehicle or combination of
15 vehicles;

16 2. At least two time-stamped images of the motor vehicle or
17 combination of vehicles that include the same stationary object near the motor vehicle or
18 combination of vehicles; and

19 3. On at least one image or portion of tape, a clear and legible
20 identification of the entire registration plate number of the motor vehicle.

21 (5) “Vehicle height monitoring system” means a device with one or more
22 motor vehicle sensors that is capable of producing recorded images of vehicles whose height
23 exceeds a predetermined limit.

24 (b) This section applies only in Baltimore City [and], Baltimore County, AND
25 **PRINCE GEORGE’S COUNTY.**

26 (c) (1) A vehicle height monitoring system may be used to record images of
27 vehicles traveling on a highway in a local jurisdiction under this section only if the use of
28 vehicle height monitoring systems is authorized by local law adopted by the governing body
29 of the local jurisdiction after reasonable notice and a public hearing.

1 (2) Before a local jurisdiction places or installs a vehicle height monitoring
2 system at a particular location, it shall:

3 (i) Conduct an analysis to determine the appropriateness of the
4 location; and

5 (ii) Obtain the approval of the chief law enforcement officer of the
6 local law enforcement agency or the chief law enforcement officer's designee.

7 (3) Before activating a vehicle height monitoring system, a local
8 jurisdiction shall:

9 (i) Publish notice of the location of the vehicle height monitoring
10 system on its website and in a newspaper of general circulation in the jurisdiction; and

11 (ii) Ensure that all signs stating restrictions on the presence of
12 certain vehicles during certain times approaching and within the segment of highway on
13 which the vehicle height monitoring system is located include signs that:

14 1. Are in accordance with the manual and specifications for
15 a uniform system of traffic control devices adopted by the State Highway Administration
16 under § 25-104 of this article; and

17 2. Indicate that a vehicle height monitoring system is in use.

18 (d) A vehicle height monitoring system operator shall fill out and sign a daily
19 set-up log for a vehicle height monitoring system that:

20 (1) States that the operator successfully performed the
21 manufacturer-specified self-test of the vehicle height monitoring system before producing
22 a recorded image;

23 (2) Shall be kept on file; and

24 (3) Shall be admitted as evidence in any court proceeding for a violation of
25 this section.

26 (e) (1) Unless the driver of the motor vehicle or combination of vehicles
27 received a citation from a police officer at the time of the violation, the owner of a motor
28 vehicle or combination of vehicles is subject to a civil penalty if the motor vehicle or
29 combination of vehicles is recorded by a vehicle height monitoring system while being
30 operated in violation of a State or local law restricting the presence of certain vehicles
31 during certain times.

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

1 (i) For a second violation by the owner of the motor vehicle, \$250;
2 and

3 (ii) For a third or subsequent violation by the owner of the motor
4 vehicle, \$500.

5 (3) For purposes of this section, the District Court shall prescribe:

6 (i) A uniform citation form consistent with paragraphs (1) and (2) of
7 this subsection and § 7–302 of the Courts Article; and

8 (ii) A civil penalty, which shall be indicated on the citation, to be paid
9 by persons who choose to prepay the civil penalty without appearing in District Court.

10 (f) (1) Subject to the provisions of paragraphs (2) and (3) of this subsection, a
11 local law enforcement agency or, in Baltimore City, the Baltimore City Department of
12 Transportation shall mail to an owner liable under this section a citation that shall include:

13 (i) The name and address of the registered owner of the motor
14 vehicle;

15 (ii) The registration number of the motor vehicle involved in the
16 violation;

17 (iii) The violation charged;

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

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

20 (vi) A copy of the recorded image;

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

23 (viii) A signed statement by a duly authorized law enforcement officer
24 commissioned by the local law enforcement agency that, based on inspection of the recorded
25 image, the motor vehicle or combination of vehicles was being operated in violation of a
26 State or local law restricting the presence of certain vehicles during certain times;

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

28 (x) Information advising the owner alleged to be liable under this
29 section of the manner and time in which liability as alleged in the citation may be contested
30 in the District Court; and

1 (xi) Information advising the owner alleged to be liable under this
2 section that failure to pay the civil penalty or to contest liability in a timely manner is an
3 admission of liability.

4 (2) A local law enforcement agency or, in Baltimore City, the Baltimore
5 City Department of Transportation shall, for a first violation, mail a warning notice instead
6 of a citation to an owner liable under this section.

7 (3) A citation issued under this section shall be mailed no later than 30
8 days after the alleged violation.

9 (4) A person who receives a citation under this section may:

10 (i) Pay the civil penalty, in accordance with instructions on the
11 citation, directly to the local jurisdiction; or

12 (ii) Elect to stand trial in the District Court for the alleged violation.

13 (g) (1) A certificate alleging that a violation of a State or local law restricting
14 the presence of certain vehicles during certain times occurred and that the requirements
15 under subsections (c) and (d) of this section have been affirmed by a duly authorized law
16 enforcement officer commissioned by a local law enforcement agency, based on inspection
17 of the recorded image produced by the vehicle height monitoring system, shall be:

18 (i) Evidence of the facts contained in the certificate; and

19 (ii) Admissible in a proceeding alleging a violation under this section
20 without the presence or testimony of the vehicle height monitoring system operator.

21 (2) If a person who received a citation under this section desires the vehicle
22 height monitoring system operator to be present and testify at trial, the person shall notify
23 the court and the State in writing no later than 20 days before trial.

24 (3) Adjudication of liability shall be based on a preponderance of evidence.

25 (h) (1) The District Court may consider in defense of a violation:

26 (i) Subject to paragraph (2) of this subsection, that the motor vehicle
27 or the registration plates of the motor vehicle were stolen before the violation occurred and
28 were not under the control or possession of the owner at the time of the violation; and

29 (ii) Any other issues and evidence that the District Court deems
30 pertinent.

31 (2) To demonstrate that the motor vehicle or the registration plates were
32 stolen before the violation occurred and were not under the control or possession of the

1 owner at the time of the violation, the owner shall submit proof that a police report
2 regarding the stolen motor vehicle or registration plates was filed in a timely manner.

3 (i) A violation for which a civil penalty is imposed under this section:

4 (1) Is not a moving violation for the purpose of assessing points under §
5 16-402 of this article;

6 (2) May not be recorded by the Administration on the driving record of the
7 owner of the vehicle;

8 (3) May not be treated as a parking violation for purposes of § 26-305 of
9 this article; and

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

12 (j) In consultation with the appropriate local law enforcement agency, the Chief
13 Judge of the District Court shall adopt procedures for the issuance of citations, the trial of
14 civil violations, and the collection of civil penalties under this section.

15 (k) (1) A local law enforcement agency or, in Baltimore City, the Baltimore
16 City Department of Transportation, or a contractor designated by the local law enforcement
17 agency or, in Baltimore City, the Baltimore City Department of Transportation, shall
18 administer and process civil citations issued under this section in coordination with the
19 District Court.

20 (2) If a contractor operates a vehicle height monitoring system on behalf of
21 a local jurisdiction, the contractor's fee may not be contingent on the number of citations
22 issued or paid.

23 (l) (1) This subsection applies only in Baltimore County.

24 (2) Before the installation of any vehicle height monitoring systems, the
25 governing body of the local jurisdiction shall:

26 (i) Establish a workgroup including commercial transportation
27 industry representatives to assist the local government in:

28 1. Evaluating existing truck routes;

29 2. Identifying areas for vehicle height monitoring
30 enforcement; and

31 3. Evaluating existing signage and identifying locations
32 where signage could be improved; and

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1 (ii) Adopt a local law limiting the overall number of vehicle height
2 monitoring systems that may be placed in the local jurisdiction.

3 (3) The governing body of the local jurisdiction may adopt a local law
4 exempting certain vehicles from the enforcement of height restrictions by a vehicle height
5 monitoring system in the local jurisdiction.

6 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
7 effect October 1, 2021. It shall remain effective until the taking effect of Section 2 of this
8 Act. If Section 2 of this Act takes effect, Section 1 of this Act, with no further action required
9 by the General Assembly, shall be abrogated and of no further force and effect.

10 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
11 effect October 1, 2021, the effective date of Chapter 504 of the Acts of the General Assembly
12 of 2020. If the effective date of Chapter 504 is amended, Section 2 of this Act shall take
13 effect on the taking effect of Chapter 504.

14 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions of
15 Sections 3 and 4 of this Act, this Act shall take effect October 1, 2021.