

SENATE BILL 642

R5, L2

EMERGENCY BILL
ENROLLED BILL

(2lr2068)

— *Judicial Proceedings/Environment and Transportation* —

Introduced by **Senator Cassilly**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Harford County – Vehicle Height Monitoring Systems**

3 FOR the purpose of authorizing the use of vehicle height monitoring systems ~~at certain~~
4 ~~locations~~ in Harford County to enforce certain State and local laws restricting the
5 presence of certain vehicles during certain times subject to certain requirements;
6 and generally relating to vehicle height monitoring systems in Harford County.

7 BY repealing and reenacting, without amendments,

8 Article – Courts and Judicial Proceedings

9 Section 7–302(e)

10 Annotated Code of Maryland

11 (2020 Replacement Volume and 2021 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Section 24–111.3
2 Annotated Code of Maryland
3 (2020 Replacement Volume and 2021 Supplement)

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

6 **Article – Courts and Judicial Proceedings**

7 7–302.

8 (e) (1) A citation issued pursuant to § 21–202.1, § 21–706.1, § 21–809, §
9 21–810, or § 24–111.3 of the Transportation Article shall provide that the person receiving
10 the citation may elect to stand trial by notifying the issuing agency of the person’s intention
11 to stand trial at least 5 days prior to the date of payment as set forth in the citation. On
12 receipt of the notice to stand trial, the agency shall forward to the District Court having
13 venue a copy of the citation and a copy of the notice from the person who received the
14 citation indicating the person’s intention to stand trial. On receipt thereof, the District
15 Court shall schedule the case for trial and notify the defendant of the trial date under
16 procedures adopted by the Chief Judge of the District Court.

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

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

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

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

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

1 (ii) 1. For any fiscal year, if the balance remaining from the fines
2 collected by a political subdivision as a result of violations enforced by speed monitoring
3 systems, after the costs of implementing and administering the systems are recovered in
4 accordance with subparagraph (i)1 of this paragraph, is greater than 10% of the total
5 revenues of the political subdivision for the fiscal year, the political subdivision shall remit
6 any funds that exceed 10% of the total revenues to the Comptroller.

7 2. The Comptroller shall deposit any money remitted under
8 this subparagraph to the General Fund of the State.

9 (iii) The fines collected by Prince George's County as a result of
10 violations enforced by speed monitoring systems on Maryland Route 210 shall be remitted
11 to the Comptroller for distribution to the State Highway Administration to be used solely
12 to assist in covering the costs of:

13 1. Examining the engineering, infrastructure, and other
14 relevant factors that may contribute to safety issues on Maryland Route 210 in Prince
15 George's County;

16 2. Reporting its findings and recommendations on any
17 solutions to these safety issues; and

18 3. Implementing any solutions to these safety issues.

19 (iv) 1. From the fines collected by Baltimore City as a result of
20 violations enforced by speed monitoring systems on Interstate 83, any balance remaining
21 after the allocation of fines under subparagraph (i)1 of this paragraph shall be remitted to
22 the Comptroller for distribution to the Baltimore City Department of Transportation to be
23 used solely to assist in covering the cost of roadway improvements on Interstate 83 in
24 Baltimore City.

25 2. Fines remitted to the Baltimore City Department of
26 Transportation under subparagraph (iv)1 of this paragraph are supplemental to and are
27 not intended to take the place of funding that would otherwise be appropriated for uses
28 described under subparagraph (iv)1 of this paragraph.

29 (v) From the fines collected by Anne Arundel County as a result of
30 violations enforced by speed monitoring systems on Maryland Route 175 (Jessup Road)
31 between the Maryland Route 175/295 interchange and the Anne Arundel County–Howard
32 County line, any balance remaining after the allocation of fines under subparagraph (i)1 of
33 this paragraph shall be remitted to the Comptroller for distribution to the State Highway
34 Administration to be used solely to assist in covering the cost of speed reduction measures
35 and roadway and pedestrian safety improvements on Maryland Route 175 (Jessup Road)
36 between the Maryland Route 175/295 interchange and the Anne Arundel County–Howard
37 County line.

1 (5) From the fines collected by Baltimore City as a result of violations
2 enforced by vehicle height monitoring systems, Baltimore City may:

3 (i) Recover the costs of implementing and administering the vehicle
4 height monitoring systems; and

5 (ii) Spend the remaining balance solely on roadway improvements.

6 Article – Transportation

7 24–111.3.

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

9 (2) “Local government agency” means an agency of a local jurisdiction that
10 is authorized to issue a citation for a violation of the Maryland Vehicle Law or of local traffic
11 laws or regulations.

12 (3) “Local jurisdiction” means a county or municipal corporation.

13 (4) (i) “Owner” means the registered owner of a motor vehicle.

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

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

16 2. The holder of an interchangeable registration under Title
17 13, Subtitle 9, Part III of this article.

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

20 (i) On:

21 1. A photograph;

22 2. A microphotograph;

23 3. An electronic image;

24 4. Videotape; or

25 5. Any other medium; and

26 (ii) Showing:

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

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

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

8 (6) “Vehicle height monitoring system” means a device with one or more
9 motor vehicle sensors that is capable of producing recorded images of vehicles whose height
10 exceeds a predetermined limit.

11 (b) This section applies only in Baltimore City, Baltimore County, **HARFORD**
12 **COUNTY**, and Prince George’s County.

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

17 ~~(2) **IN HARFORD COUNTY, A VEHICLE HEIGHT MONITORING SYSTEM**~~
18 ~~**MAY BE USED, SUBJECT TO THE REQUIREMENTS OF THIS SECTION, ONLY ON:**~~

19 ~~(i) **SPESUTIA ROAD, FROM THE INTERSECTION OF SPESUTIA**~~
20 ~~**ROAD AND U.S. ROUTE 40 TO THE INTERSECTION OF SPESUTIA ROAD AND**~~
21 ~~**MARYLAND ROUTE 159;**~~

22 ~~(ii) **MITCHELL LANE, FROM THE INTERSECTION OF MITCHELL**~~
23 ~~**LANE AND U.S. ROUTE 40 TO THE INTERSECTION OF MITCHELL LANE AND**~~
24 ~~**SPESUTIA ROAD; AND**~~

25 ~~(iii) **OLD STEPNEY ROAD, FROM THE INTERSECTION OF OLD**~~
26 ~~**STEPNEY ROAD AND U.S. ROUTE 40 TO THE INTERSECTION OF OLD STEPNEY ROAD**~~
27 ~~**AND SPESUTIA ROAD.**~~

28 ~~{(2)}~~ ~~(3)~~ Before a local jurisdiction places or installs a vehicle height
29 monitoring system at a particular location, it shall:

30 (i) Conduct an analysis to determine the appropriateness of the
31 location; and

32 (ii) Obtain the approval of the chief official of the local government
33 agency or the chief official’s designee.

1 ~~[(3)] (4)~~ Before activating a vehicle height monitoring system, a local
2 jurisdiction shall:

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

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

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

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

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

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

17 (2) Shall be kept on file; and

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

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

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

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

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

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

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

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

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

6 (i) The name and address of the registered owner of the motor
7 vehicle;

8 (ii) The registration number of the motor vehicle involved in the
9 violation;

10 (iii) The violation charged;

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

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

13 (vi) A copy of the recorded image;

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

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

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

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

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

27 (2) A local government agency or, in Baltimore City, the Baltimore City
28 Department of Transportation shall, for a first violation, mail a warning notice instead of
29 a citation to an owner liable under this section.

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

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

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

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

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

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

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

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

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

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

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

21 (ii) Any other issues and evidence that the District Court deems
22 pertinent.

23 (2) To demonstrate that the motor vehicle or the registration plates were
24 stolen before the violation occurred and were not under the control or possession of the
25 owner at the time of the violation, the owner shall submit proof that a police report
26 regarding the stolen motor vehicle or registration plates was filed in a timely manner.

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

28 (1) Is not a moving violation for the purpose of assessing points under §
29 16-402 of this article;

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

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

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

5 (j) In consultation with the appropriate local government agency, the Chief Judge
6 of the District Court shall adopt procedures for the issuance of citations, the trial of civil
7 violations, and the collection of civil penalties under this section.

8 (k) (1) A local government agency or, in Baltimore City, the Baltimore City
9 Department of Transportation, or a contractor designated by the local government agency
10 or, in Baltimore City, the Baltimore City Department of Transportation, shall administer
11 and process civil citations issued under this section in coordination with the District Court.

12 (2) If a contractor operates a vehicle height monitoring system on behalf of
13 a local jurisdiction, the contractor’s fee may not be contingent on the number of citations
14 issued or paid.

15 (l) (1) This subsection applies only in Baltimore County **AND HARFORD**
16 **COUNTY.**

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

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

21 1. Evaluating existing truck routes;

22 2. Identifying areas for vehicle height monitoring
23 enforcement; and

24 3. Evaluating existing signage and identifying locations
25 where signage could be improved; and

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

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

31 (m) (1) This subsection applies only in Prince George’s County.

1 (2) Before the installation of any vehicle height monitoring systems, the
2 governing body of Prince George's County and the President of the Prince George's County
3 Municipal Association shall jointly establish a workgroup to assist in:

4 (i) Identifying the entity responsible for the installation costs,
5 collection of revenue, and distribution of revenue relating to vehicle height monitoring
6 enforcement;

7 (ii) Evaluating existing signage and identifying any locations where
8 signage could be improved;

9 (iii) Determining the overall number of vehicle height monitoring
10 systems that may be placed within a municipal corporation; and

11 (iv) Clarifying which vehicles may be exempt from enforcement of
12 height restrictions.

13 (n) (1) This subsection applies only in Prince George's County.

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

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

18 1. Evaluating existing truck routes;

19 2. Identifying areas for vehicle height monitoring
20 enforcement; and

21 3. Evaluating existing signage and identifying locations
22 where signage could be improved; and

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

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

28 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
29 ~~October 1, 2022.~~

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
31 measure, is necessary for the immediate preservation of the public health or safety, has been
32 passed by a yea and nay vote supported by three-fifths of all the members elected to each of
33 the two Houses of the General Assembly, and shall take effect from the date it is enacted.