

# SENATE BILL 642

R5, L2

EMERGENCY BILL  
ENROLLED BILL

(2lr2068)

— *Judicial Proceedings/Environment and Transportation* —

Introduced by **Senator Cassilly**

Read and Examined by Proofreaders:

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Proofreader.

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Proofreader.

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

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

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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

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### 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.

### 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.

(5) From the fines collected by Baltimore City as a result of violations 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.

## Article – Transportation

7 24-111.3.

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

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

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

24 4. Videotape; or

25 5. Any other medium; and

26 (ii) Showing:

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

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

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

19 (II) 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

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.

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

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;

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.

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

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

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

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

(ii) Admissible in a proceeding alleging a violation under this section or testimony of the vehicle height monitoring system operator.

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

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

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

(i) Subject to paragraph (2) of this subsection, that the motor vehicle plates of the motor vehicle were stolen before the violation occurred and the control or possession of the owner at the time of the violation; and

(ii) Any other issues and evidence that the District Court deems

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

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

(1) Is not a moving violation for the purpose of assessing points under § 13-101 of this article;

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

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

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

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

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

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

(2) Before the installation of any vehicle height monitoring systems, the governing body of Prince George's County and the President of the Prince George's County 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;

(iii) Determining the overall number of vehicle height monitoring 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.

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

## 1. Evaluating existing truck routes;

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

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

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