

SENATE BILL 642

R5, L2

2lr2068

By: **Senator Cassilly**

Introduced and read first time: February 3, 2022

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2022

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

14 Section 24–111.3

15 Annotated Code of Maryland

16 (2020 Replacement Volume and 2021 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Courts and Judicial Proceedings**

20 7–302.

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.



1 (e) (1) A citation issued pursuant to § 21–202.1, § 21–706.1, § 21–809, §
2 21–810, or § 24–111.3 of the Transportation Article shall provide that the person receiving
3 the citation may elect to stand trial by notifying the issuing agency of the person’s intention
4 to stand trial at least 5 days prior to the date of payment as set forth in the citation. On
5 receipt of the notice to stand trial, the agency shall forward to the District Court having
6 venue a copy of the citation and a copy of the notice from the person who received the
7 citation indicating the person’s intention to stand trial. On receipt thereof, the District
8 Court shall schedule the case for trial and notify the defendant of the trial date under
9 procedures adopted by the Chief Judge of the District Court.

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

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

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

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

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

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

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

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

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

8 2. Reporting its findings and recommendations on any
9 solutions to these safety issues; and

10 3. Implementing any solutions to these safety issues.

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

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

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

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

32 (i) Recover the costs of implementing and administering the vehicle
33 height monitoring systems; and

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

35 **Article – Transportation**

1 24–111.3.

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

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

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

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

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

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

10 2. The holder of an interchangeable registration under Title

11 13, Subtitle 9, Part III of this article.

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

14 (i) On:

15 1. A photograph;

16 2. A microphotograph;

17 3. An electronic image;

18 4. Videotape; or

19 5. Any other medium; and

20 (ii) Showing:

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

23 2. At least two time–stamped images of the motor vehicle or
24 combination of vehicles that include the same stationary object near the motor vehicle or
25 combination of vehicles; and

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

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

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

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

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

12 ~~(i) SPESUTIA ROAD, FROM THE INTERSECTION OF SPESUTIA~~
 13 ~~ROAD AND U.S. ROUTE 40 TO THE INTERSECTION OF SPESUTIA ROAD AND~~
 14 ~~MARYLAND ROUTE 159;~~

15 ~~(ii) MITCHELL LANE, FROM THE INTERSECTION OF MITCHELL~~
 16 ~~LANE AND U.S. ROUTE 40 TO THE INTERSECTION OF MITCHELL LANE AND~~
 17 ~~SPESUTIA ROAD; AND~~

18 ~~(iii) OLD STEPNEY ROAD, FROM THE INTERSECTION OF OLD~~
 19 ~~STEPNEY ROAD AND U.S. ROUTE 40 TO THE INTERSECTION OF OLD STEPNEY ROAD~~
 20 ~~AND SPESUTIA ROAD.~~

21 ~~[(2)] (3)~~ Before a local jurisdiction places or installs a vehicle height
 22 monitoring system at a particular location, it shall:

23 (i) Conduct an analysis to determine the appropriateness of the
 24 location; and

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

27 ~~[(3)] (4)~~ Before activating a vehicle height monitoring system, a local
 28 jurisdiction shall:

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

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

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

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

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

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

10 (2) Shall be kept on file; and

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

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

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

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

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

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

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

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

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

32 (i) The name and address of the registered owner of the motor
33 vehicle;

1 (ii) The registration number of the motor vehicle involved in the
2 violation;

3 (iii) The violation charged;

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

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

6 (vi) A copy of the recorded image;

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

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

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

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

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

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

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

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

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

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

29 (g) (1) A certificate alleging that a violation of a State or local law restricting
30 the presence of certain vehicles during certain times occurred and that the requirements
31 under subsections (c) and (d) of this section have been affirmed by a duly authorized law

1 enforcement officer commissioned by a local government agency, based on inspection of the
2 recorded image produced by the vehicle height monitoring system, shall be:

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

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

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

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

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

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

14 (ii) Any other issues and evidence that the District Court deems
15 pertinent.

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

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

21 (1) Is not a moving violation for the purpose of assessing points under §
22 16–402 of this article;

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

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

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

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

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

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

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

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

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

14 1. Evaluating existing truck routes;

15 2. Identifying areas for vehicle height monitoring
16 enforcement; and

17 3. Evaluating existing signage and identifying locations
18 where signage could be improved; and

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

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

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

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

28 (i) Identifying the entity responsible for the installation costs,
29 collection of revenue, and distribution of revenue relating to vehicle height monitoring
30 enforcement;

31 (ii) Evaluating existing signage and identifying any locations where
32 signage could be improved;

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

3 (iv) Clarifying which vehicles may be exempt from enforcement of
4 height restrictions.

5 (n) (1) This subsection applies only in Prince George’s County.

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

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

- 10 1. Evaluating existing truck routes;
- 11 2. Identifying areas for vehicle height monitoring
12 enforcement; and
- 13 3. Evaluating existing signage and identifying locations
14 where signage could be improved; and

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.