

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 642

(Senator Cassilly)

Judicial Proceedings

Environment and Transportation

Harford County - Vehicle Height Monitoring Systems

This emergency bill extends the authorization to use vehicle height monitoring systems to Harford County and municipalities within the county (which are currently only authorized in Baltimore City, Baltimore and Prince George's counties, and municipalities within those two counties). The Harford County authorization is subject to some of the additional requirements that also apply before the installation of such systems in Baltimore County and Prince George's County. Accordingly, in addition to general requirements that apply to all such authorizations, before the installation of any vehicle height monitoring systems in Harford 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 certain vehicles from the enforcement of height restrictions by a vehicle height monitoring system.

Fiscal Summary

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

Local Effect: Harford County can convene the required workgroup with existing resources. To the extent that vehicle height monitoring systems are approved and implemented in Harford County, county revenues increase; however, the magnitude of any such increase depends on several factors, as discussed below. Harford County expenditures increase to procure and install vehicle height monitoring systems and appropriate signage.

Small Business Effect: Minimal.

Analysis

Current Law: Initially authorized only in Baltimore City, the authorization to use a vehicle height monitoring system also applies in Baltimore and Prince George’s counties and municipalities within those two counties effective October 1, 2021 (pursuant to Chapter 504 of 2020 and Chapter 450 of 2021, respectively). Certain requirements apply to all such authorizations; other requirements are specific to the newer authorizations. “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.

General Provisions and Requirements

Despite the general authorization to use a vehicle height monitoring system in Baltimore City, Baltimore and Prince George’s counties, and municipalities in those two counties, use of such a system must also be authorized by local law adopted by the governing body of the local jurisdiction after reasonable notice and a hearing. Moreover, before a vehicle height monitoring system may be placed or installed in a particular location, the local jurisdiction must conduct an analysis to determine the appropriateness of the location and obtain the approval of the chief official of the local government agency (or the official’s designee).

In addition, 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 the signs must state that a vehicle height monitoring system is in use.

A local government agency must mail a warning notice, instead of a citation, 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.

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 appropriate 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.

Additional Jurisdiction-specific Requirements Prior to Installation

Before the installation of any vehicle height monitoring systems in the county, the Prince George's County Council and the President of the Prince George's County Municipal Association must jointly establish a workgroup to assist in (1) identifying the entity responsible for the installation costs, collection of revenue, and distribution of revenue relating to vehicle height monitoring enforcement; (2) evaluating existing signage and identifying any locations where signage could be improved; (3) determining the overall number of vehicle height monitoring systems that may be placed within a municipal corporation; and (4) clarifying which vehicles may be exempt from enforcement.

In both Baltimore County and Prince George's County (and municipalities within those counties), before the installation of any vehicle height monitoring systems, 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. Uncodified language for the authorizations in both counties also requires that workgroup to examine more specific issues and make recommendations.

State/Local Fiscal Effect: Based on the relatively modest incidence of violations captured by Baltimore City's vehicle height monitoring systems during its first years of operations, the increase in revenues under the bill is not expected to be significant. However, there is insufficient long-term data on existing vehicle height monitoring systems to project how revenues might be affected for Harford County.

This analysis assumes any vehicle height monitoring devices authorized by the bill will be installed by Harford County; therefore, county expenditures increase to implement vehicle height monitoring systems at the locations determined to be appropriate. Harford County did not include an estimate related to the one-time cost to install vehicle height monitoring systems, which depends on the number of locations at which the systems are placed. Based on Baltimore City's experience, two vehicle 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 Harford County for each location at which vehicle 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, the number of systems placed at each location, the number of citations expected to be generated at each location, and the penalties imposed, *etc.*). However, *for illustrative purposes only*, Harford 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.

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 vehicle 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: None.

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

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