

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 53

(Delegate R. Lewis, *et al.*)

Environment and Transportation

Judicial Proceedings

Vehicle Laws - Dedicated Bus Lanes - Prohibition and Monitoring Systems

This bill expressly establishes the prohibition against driving a vehicle in a dedicated bus lane, unless authorized to do so by the local jurisdiction in which that bus lane is located and specifies that certain types of vehicles are authorized to drive in a dedicated bus lane. The bill also authorizes Baltimore City to use a bus lane monitoring system to record images of motor vehicles traveling in a bus lane. Generally, the Baltimore City Police Department may issue warnings or citations to vehicle owners or drivers for driving in a dedicated bus lane in an unauthorized vehicle; however, during the first 45 days of operation of the monitoring system, a warning notice *must* be mailed in place of a citation. The bill also establishes contracting requirements for any bus lane monitoring system established by Baltimore City. The maximum fine for a violation recorded by a bus lane monitoring system is \$75. Otherwise, a violation continues to be a misdemeanor, subject to a maximum fine of \$500.

Fiscal Summary

State Effect: General fund revenues increase minimally to the extent Baltimore City establishes a bus lane monitoring system. General fund expenditures for the Judiciary increase by approximately \$17,100 for reprogramming; any increase in District Court caseloads can likely be handled with existing resources. Transportation Trust Fund (TTF) revenues may increase minimally from additional flag fees placed on the registrations of vehicle owners who fail to pay a fine or contest a violation under the bill.

Local Effect: Baltimore City revenues increase, potentially significantly, to the extent it establishes a bus lane monitoring system. Expenditures increase in order to install and maintain the system, with any remaining revenue balances after recovery of implementation and administration costs reserved for public safety expenditures.

Small Business Effect: Potential minimal.

Analysis

Bill Summary:

Exceptions to the Prohibition

The bill specifies that the following vehicles may be driven in a dedicated bus lane:

- a transit vehicle owned, operated, or contracted for by the Maryland Transit Administration (MTA) or a local department of transportation;
- a school bus;
- a bicycle;
- an emergency vehicle; and
- a vehicle making a right turn at the next immediate intersection.

Definitions

A “dedicated bus lane” is a lane designated for use by mass transit vehicles owned, operated, or contracted for by MTA or a local department of transportation.

A “bus lane monitoring system” is an enforcement system that is designed to capture a recorded image of a driver of a motor vehicle committing a violation.

A “bus lane monitoring system operator” is a representative of the Baltimore City Police Department or a contractor that operates a bus lane monitoring system.

A “recorded image” is an image recorded by a bus lane monitoring system on a photograph, microphotograph, electronic image, videotape, or any other visual medium, which clearly identifies the motor vehicle’s registration plate number.

Contracting Requirements

If Baltimore City elects to designate a contractor to serve as the bus lane system operator, the city must issue a competitive request for proposals to select the contractor. Similarly, if the Baltimore City Police Department elects to designate a contractor to administer and process civil citations issued pursuant to the bill’s authorization, Baltimore City must issue a competitive request for proposals to select the contractor. In either case, Baltimore City must apply the relevant procurement preferences for minority and women’s business enterprises and consider the procurement participation goals regarding minority and women’s business enterprises in selecting a contractor.

Training, Recordkeeping, and Other Operating Requirements

A bus lane monitoring system may be used only when operated by a bus lane monitoring system operator and if conspicuous signage is placed, as specified. Additionally, the system must produce video for each alleged violation that allows for the differentiation between a vehicle that is driven in a dedicated bus lane in violation of the bill and a vehicle that is lawfully stopped or moving in order to execute a right turn at an intersection. The bill establishes training and recordkeeping requirements for system operators, including the performance of calibration checks as specified by an independent laboratory.

Citations

Unless a driver of a motor vehicle received a citation from a police officer at the time of the violation, a person who receives a citation by mail may pay the specified civil penalty to Baltimore City or may elect to stand trial in District Court, which is granted exclusive jurisdiction in proceedings for civil infractions under the bill. In a contested case, the penalty must be paid to the District Court.

A citation issued by a bus lane monitoring system is not a moving violation for which points may be assessed and may not be placed on the driving record of the owner or driver of the vehicle. However, it may be treated as a parking violation for purposes of enforcement. In addition, the citation may not be considered in the provision of vehicle insurance. If the civil penalty is not paid and the violation is not contested, the Motor Vehicle Administration (MVA) may refuse to register or reregister the motor vehicle.

In addition to other required information, the mailed citation must include a copy of the recorded image of the vehicle and a signed statement by a police officer employed by the Baltimore City Police Department. The citation must also be mailed within two weeks of the violation.

A certificate alleging that the violation occurred, that is sworn to or affirmed by a police officer employed by the Baltimore City Police Department, is evidence of the facts contained therein and is also admissible in any proceeding. On request of a person who received a citation, video of the alleged violation must be made available to the person; video evidence made available in this manner must be admitted as evidence in any court proceeding for a bus lane monitoring violation. Adjudication of liability is to be based on a preponderance of evidence standard. The District Court may consider the defenses specified in the bill, including that the vehicle was stolen or that the owner was not operating the vehicle at the time of the violation. For violations involving certain trucks, tractors, trailers, and buses, the person named in the citation may satisfy the burden of proof that he or she was not operating the vehicle at the time of the violation by providing a

sworn letter containing the name, address, and driver's license number of the person who was operating the vehicle at the time. Similarly, for violations involving rental vehicles, the bill establishes a process by which companies may demonstrate that the company is not liable for the violation.

Authorized Uses of Collected Fines

From the fines it collects, Baltimore City may recover the costs of implementing and administering the bus lane monitoring system; any remaining revenue balances must be spent for public safety purposes, including pedestrian safety programs.

Implementation

The Baltimore City Police Department or a designated contractor must administer and process civil citations issued under the bill in coordination with the District Court.

If a contractor provides, deploys, or operates a bus lane monitoring system for the Baltimore City Police Department, the contractor's fee may not be contingent on the number of citations issued or paid.

Current Law: Bus lane violations are addressed in State law through failure to obey a properly placed traffic control device (which includes bus lane markings), which is a violation of the Maryland Vehicle Law and subject to a maximum penalty of \$500. The prepayment penalty is \$90 and, upon conviction, one point assessed against the driver's license. If the violation contributes to an accident, the prepayment penalty increases to \$130 and three points assessed against the license.

Among other things, Baltimore City's Minority and Women's Business Opportunity Office is responsible for the certification of minority business enterprises and women's business enterprises and maintaining a directory of certified business enterprises. Additional information about the program may be found on the office's [website](#).

State/Local Fiscal Effect: The Judiciary advises that reprogramming is necessary in order to implement the bill's requirements. In fiscal 2023 only, general fund expenditures increase by \$17,064 in order to make the necessary changes.

The number of citations issued in Baltimore City likely increases significantly due to the establishment of an automated bus lane system enforcement system. As a result, the number of individuals opting for a trial in District Court likely also increases – even with the penalty capped at \$75. Accordingly, general fund revenues likely increase minimally, as fine revenues paid by individuals convicted in the District Court are paid into the general fund.

However, in an uncontested case, fine revenues are paid to a local jurisdiction. As a result, local revenues increase for Baltimore City to the extent it implements an enforcement system. Based on citation revenues from other automated enforcement systems, the Department of Legislative Services advises that revenues received under the bill may be significant.

The bill authorizes MVA to refuse to register or reregister a motor vehicle if a citation is not paid or contested pursuant to the bill's requirements. Assuming MVA receives additional flagging requests from Baltimore City under the bill, TTF revenues may increase, as individuals must pay the administrative flag fee (\$30) in order to register or reregister a vehicle. However, the overall effect on TTF revenues is expected to be negligible.

Baltimore City currently maintains bus lanes that are utilized by MTA buses. Based on the recent installation of speed cameras on Interstate 83, Baltimore City advises that, while there may be an initial increase in local expenditures in order to procure and install bus lane monitoring devices, those expenditures are likely offset by citation revenues. However, the impact on Baltimore City's finances and operations depends on a number of factors (*e.g.*, mileage of dedicated bus lanes, number of monitoring devices installed, changes in driver behavior due to the devices, *etc.*). As a result, while this analysis assumes additional citation revenues are likely to be more than sufficient to offset additional expenditures, the impact on Baltimore City's finances and operations cannot be quantified at this time.

As noted above, the bill authorizes Baltimore City to recover costs for implementation and administration of a bus lane monitoring system from the fines collected from violations enforced by the system; revenue balances remaining after recovery of these costs must be spent for public safety purposes.

Additional Information

Prior Introductions: HB 284 of 2021, as amended, a similar bill, passed the House and received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. HB 1492 of 2020, another similar bill, received a hearing in the House Environment and Transportation Committee, but no further action was taken. SB 837 of 2019, another similar bill, received a hearing in the Senate Judicial Proceedings Committee and was subsequently withdrawn. Additionally, similar legislation was considered during the 2018 legislative session. HB 749 was amended in the House and referred to the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, SB 551,

received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Designated Cross File: None.

Information Source(s): Baltimore City; Baltimore, Cecil, Montgomery, and St. Mary's counties; Comptroller's Office; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Department of Legislative Services

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