

HOUSE BILL 1027

R5

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By: **Delegate R. Lewis**

Introduced and read first time: February 10, 2023

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Bus Lane Monitoring Systems – Statewide Expansion**

3 FOR the purpose of making statewide the authority of a local jurisdiction to use, in
4 accordance with certain standards and procedures, a bus lane monitoring system to
5 enforce the prohibition against driving a motor vehicle in a designated bus lane; and
6 generally relating to bus lane monitoring systems.

7 BY repealing and reenacting, with amendments,

8 Article – Transportation

9 Section 21–1134

10 Annotated Code of Maryland

11 (2020 Replacement Volume and 2022 Supplement)

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

14 **Article – Transportation**

15 21–1134.

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

17 (2) **“AGENCY” MEANS:**

18 (I) **A LAW ENFORCEMENT AGENCY OF A LOCAL POLITICAL**
19 **SUBDIVISION THAT IS AUTHORIZED TO ISSUE A CITATION FOR A VIOLATION OF THE**
20 **MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR REGULATIONS; OR**

21 (II) **FOR A MUNICIPAL CORPORATION THAT DOES NOT**
22 **MAINTAIN A POLICE FORCE, AN AGENCY ESTABLISHED OR DESIGNATED BY THE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 MUNICIPAL CORPORATION TO USE BUS LANE MONITORING SYSTEMS IN
2 ACCORDANCE WITH THIS SECTION.

3 **(3)** “Bus lane monitoring system” means an enforcement system that is
4 designed to capture a recorded image of a driver of a motor vehicle committing a violation.

5 **[(3)] (4)** “Bus lane monitoring system operator” means a representative
6 of [the Baltimore City Police Department] AN AGENCY or a contractor that operates a bus
7 lane monitoring system.

8 **[(4)] (5)** (i) “Owner” means the registered owner of a motor vehicle or
9 a lessee of a motor vehicle under a lease of 6 months or more.

10 (ii) “Owner” does not include:

- 11 1. A motor vehicle leasing company; or
12 2. A holder of a special registration plate issued under Title
13 13, Subtitle 9, Part III of this article.

14 **[(5)] (6)** “Recorded image” means an image recorded by a bus lane
15 monitoring system:

16 (i) On:

- 17 1. A photograph;
18 2. A microphotograph;
19 3. An electronic image;
20 4. Videotape; or
21 5. Any other visual medium; and

22 (ii) Showing a motor vehicle and, on at least one image or portion of
23 the recording, clearly identifying the registration plate number of the motor vehicle.

24 **[(6)] (7)** “Violation” means a violation of § 21–1133 of this subtitle.

25 **[(b)]** This section applies only in Baltimore City.]

26 **[(c)] (B)** (1) [Baltimore City] A LOCAL JURISDICTION may use a bus lane
27 monitoring system that meets the requirements of this subsection to record the images of
28 motor vehicles traveling in a bus lane.

1 (2) A bus lane monitoring system may be used only:

2 (i) When being operated by a bus lane monitoring system operator;

3 (ii) If, in accordance with the Maryland Manual on Uniform Traffic
4 Control Devices, a conspicuous road sign is placed at a reasonable distance consistent with
5 national guidelines before the bus lane alerting drivers that a bus lane monitoring system
6 may be in operation in the bus lane; and

7 (iii) If the system produces video for each alleged violation that allows
8 for the differentiation between a vehicle that is driven in a dedicated bus lane in violation
9 of § 21–1133 of this subtitle and a vehicle that is lawfully stopped or moving in order to
10 execute a right turn at an intersection.

11 (3) A bus lane monitoring system may be used to record only the images of
12 vehicles that are traveling in a bus lane.

13 **[(d)] (C)** (1) (i) A bus lane monitoring system operator shall complete
14 training by the manufacturer of the bus lane monitoring system in the procedures for
15 setting up, testing, and operating the bus lane monitoring system.

16 (ii) On completion of the training, the manufacturer shall issue a
17 signed certificate to the bus lane monitoring system operator.

18 (iii) The certificate of training shall be admitted as evidence in any
19 court proceeding for a violation.

20 (2) A bus lane monitoring system operator shall fill out and sign a daily
21 set-up log for each bus lane monitoring system that:

22 (i) States the date and time when the system was set up;

23 (ii) States that the bus lane monitoring system operator successfully
24 performed, and the device passed, the manufacturer-specified self-tests of the bus lane
25 monitoring system before producing a recorded image;

26 (iii) Shall be kept on file; and

27 (iv) Shall be admitted as evidence in any court proceeding for a
28 violation.

29 **[(e)] (D)** (1) A bus lane monitoring system shall undergo an annual
30 calibration check performed by an independent calibration laboratory.

31 (2) The independent calibration laboratory shall issue a signed certificate
32 of calibration after the annual calibration check that:

1 (i) Shall be kept on file; and

2 (ii) Shall be admitted as evidence in any court proceeding for a
3 violation of § 21–1133 of this subtitle.

4 **[(f) (E)]** (1) Unless the driver of the motor vehicle received a citation from a
5 police officer at the time of the violation, the owner or, in accordance with subsection **[(i)(5)]**
6 **(H)(5)** of this section, the driver of a motor vehicle is subject to a civil penalty if the motor
7 vehicle is recorded by a bus lane monitoring system during the commission of a violation.

8 (2) A civil penalty under this section may not exceed \$75.

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

10 (i) A uniform citation form consistent with subsection **[(g)(1)] (F)(1)**
11 of this section and § 7–302 of the Courts Article; and

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

14 **[(g) (F)]** (1) Subject to the provisions of paragraphs (2) through (5) of this
15 subsection, **[the Baltimore City Police Department] AN AGENCY** or a contractor of the
16 **[police department] AGENCY** shall mail to the owner liable under subsection **[(f) (E)]** of
17 this section a citation that shall include:

18 (i) The name and address of the registered owner of the vehicle;

19 (ii) The registration number of the motor vehicle involved in the
20 violation;

21 (iii) The violation charged;

22 (iv) To the extent possible, the location of the violation;

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

24 (vi) A copy of the recorded image;

25 (vii) The amount of the civil penalty imposed and the date by which
26 the civil penalty must be paid;

27 (viii) A signed statement by a police officer employed by the **[Baltimore**
28 **City Police Department] LOCAL LAW ENFORCEMENT AGENCY** that, based on inspection
29 of the recorded images, the motor vehicle was being operated during the commission of a
30 violation;

1 (ix) A statement that the recorded image is evidence of a violation;
2 and

3 (x) Information advising the person alleged to be liable under this
4 section:

5 1. Of the manner and time in which liability as alleged in the
6 citation may be contested in the District Court; and

7 2. That failure to pay the civil penalty or to contest liability
8 in a timely manner is an admission of liability and may result in refusal or suspension of
9 the motor vehicle registration.

10 (2) (i) Subject to subparagraph (ii) of this paragraph, [the Baltimore
11 City Police Department] **A LOCAL LAW ENFORCEMENT AGENCY** may mail a warning
12 notice in place of a citation to the owner liable under subsection [(f)] **(E)** of this section.

13 (ii) [The Baltimore City Police Department] **AN AGENCY** shall mail
14 a warning notice in place of a citation to an owner liable under subsection [(f)] **(E)** of this
15 section for a violation recorded by a bus lane monitoring system during the first 45 days
16 that the bus lane monitoring system is in operation.

17 (3) (i) Before mailing a citation to a motor vehicle rental company liable
18 under subsection [(f)] **(E)** of this section, [the Baltimore City Police Department] **AN**
19 **AGENCY** shall mail a notice to the motor vehicle rental company stating that a citation will
20 be mailed to the motor vehicle rental company unless, within 45 days after receiving the
21 notice, the motor vehicle rental company provides [the Baltimore City Police Department]
22 **THE AGENCY** with:

23 1. A statement made under oath that states the name and
24 last known mailing address of the individual driving or renting the motor vehicle when the
25 violation occurred;

26 2. A. A statement made under oath that states that the
27 motor vehicle rental company is unable to determine who was driving or renting the vehicle
28 at the time the violation occurred because the motor vehicle was stolen at the time of the
29 violation; and

30 B. A copy of the police report associated with the motor
31 vehicle theft claimed under item A of this item; or

32 3. Payment for the penalty associated with the violation.

33 (ii) [The Baltimore City Police Department] **AN AGENCY** may not
34 mail a citation to a motor vehicle rental company liable under subsection [(f)] **(E)** of this

1 section if the motor vehicle rental company complies with subparagraph (i) of this
2 paragraph.

3 (4) Except as provided in paragraph (3) of this subsection and subsection
4 **[(i)(5)] (H)(5)** of this section, a citation issued under this section shall be mailed not later
5 than 2 weeks after the alleged violation.

6 (5) A person who receives a citation under paragraph (1) of this subsection
7 may:

8 (i) Pay the civil penalty, in accordance with instructions on the
9 citation, directly to **[Baltimore City] THE LOCAL JURISDICTION**; or

10 (ii) Elect to stand trial **IN THE DISTRICT COURT** for the alleged
11 violation.

12 **[(h)] (G)** (1) (i) A certificate alleging that a violation occurred, sworn to or
13 affirmed by a **[Baltimore City police officer] DULY AUTHORIZED LAW ENFORCEMENT**
14 **OFFICER EMPLOYED OR UNDER CONTRACT WITH AN AGENCY**, based on inspection of a
15 recorded image produced by a bus lane monitoring system, shall be evidence of the facts
16 contained in the certificate and shall be admissible in any proceeding concerning the
17 alleged violation without the presence or testimony of the bus lane monitoring system
18 operator who performed the requirements under subsection **[(d)] (C)** of this section.

19 (ii) If a person who received a citation under this section desires a
20 bus lane monitoring system operator to be present and testify at trial, the person shall
21 notify the court and the **[Baltimore City Police Department] AGENCY** in writing not later
22 than 20 days before trial.

23 (iii) 1. On request of a person who received a citation under this
24 section, video of the alleged violation shall be made available to the person.

25 2. Video evidence made available under subparagraph 1
26 of this subparagraph shall be admitted as evidence in any court proceeding for a violation
27 of § 21–1133 of this subtitle.

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

29 **[(i)] (H)** (1) The District Court may consider in defense of an alleged
30 violation:

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

1 (ii) Subject to paragraph (3) of this subsection, evidence that the
2 person named in the citation was not operating the vehicle at the time of the violation; and

3 (iii) Any other issues and evidence that the District Court deems
4 relevant.

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

9 (3) To satisfy the evidentiary burden under paragraph (1)(ii) of this
10 subsection, the person named in the citation shall provide to the District Court evidence to
11 the satisfaction of the District Court of who was operating the vehicle at the time of the
12 violation, including, at a minimum, the operator's name and current address.

13 (4) (i) This paragraph applies only to a citation that involves a Class E
14 (truck) vehicle with a registered gross weight of 26,001 pounds or more, a Class F (tractor)
15 vehicle, a Class G (trailer) vehicle operated in combination with a Class F (tractor) vehicle,
16 and a Class P (passenger bus) vehicle.

17 (ii) To satisfy the evidentiary burden under paragraph (1)(ii) of this
18 subsection, the person named in a citation described under subparagraph (i) of this
19 paragraph may provide to the District Court a letter, sworn to or affirmed by the person
20 and mailed by certified mail, return receipt requested, that:

21 1. States that the person named in the citation was not
22 operating the vehicle at the time of the violation; and

23 2. Provides the name, address, and driver's license
24 identification number of the person who was operating the vehicle at the time of the
25 violation.

26 (5) (i) If the District Court finds that the person named in the citation
27 was not operating the vehicle at the time of the violation or receives evidence under
28 paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at the time
29 of the violation, the clerk of the court shall provide to the [Baltimore City Police
30 Department] **LOCAL LAW ENFORCEMENT AGENCY** a copy of any evidence substantiating
31 who was operating the vehicle at the time of the violation.

32 (ii) On the receipt of substantiating evidence from the District Court
33 under subparagraph (i) of this paragraph, [the Baltimore City Police Department] **AN**
34 **AGENCY** may issue a new citation as provided in subsection [(g)] **(F)** of this section to the
35 person that the evidence indicates was operating the vehicle at the time of the violation.

36 (iii) A citation issued under subparagraph (ii) of this paragraph shall
37 be mailed not later than 2 weeks after receipt of the evidence from the District Court.

1 **[(j)] (I)** If the civil penalty is not paid and the violation is not contested, the
2 Administration may refuse to register or reregister the motor vehicle.

3 **[(k)] (J)** A violation for which a civil penalty is imposed under this section:

4 (1) Is not a moving violation for the purpose of assessing points under §
5 16–402 of this article and may not be recorded by the Administration on the driving record
6 of the owner or driver of the vehicle;

7 (2) May be treated as a parking violation for purposes of § 26–305 of this
8 article; and

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

11 **[(l)] (K)** In consultation with the **[(Baltimore City Police Department)]**
12 **APPROPRIATE LOCAL GOVERNMENT AGENCIES**, the Chief Judge of the District Court
13 shall adopt procedures for the issuance of citations, trials for violations, and the collection
14 of civil penalties imposed under this section.

15 **[(m)] (L)** (1) **[(The Baltimore City Police Department)] AN AGENCY** or a
16 contractor designated by the **[(Baltimore City Police Department)] AGENCY** shall administer
17 and process civil citations issued under this section in coordination with the District Court.

18 (2) If a contractor provides, deploys, or operates a bus lane monitoring
19 system for **[(the Baltimore City Police Department)] AN AGENCY**, the contractor’s fee may
20 not be contingent on the number of citations issued or paid.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2023.