

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 391

(Delegate Healey, *et al.*)

Environment and Transportation

Judicial Proceedings

Vehicle Laws - Parking Enforcement - Citations

This bill requires a parking citation issued by a political subdivision, State agency, or third-party contractor to include a box that the person issued the citation may check to indicate that the registration plates cited were not issued for the vehicle described in the citation. If a person returns a citation with the box checked, a political subdivision, State agency, or third-party contractor authorized to conduct parking enforcement on behalf of a political subdivision or State agency must verify through the Motor Vehicle Administration (MVA) whether the person should be held liable for the violation and may contact the person as part of the verification process. If, after the verification process, the political subdivision, State agency, or third-party contractor finds that the person should not be held liable, the citation must be dismissed. The bill prohibits a person from submitting a citation with the box checked if the registration plates cited were issued for the vehicle described in the citation.

Fiscal Summary

State Effect: State expenditures increase in FY 2024 to reprint and/or modify parking citation materials. Additional costs may be incurred beginning in FY 2024 for State agencies that operate parking facilities, to the extent a high number of verifications are required. Revenues may be delayed but likely are not otherwise materially affected. MVA already has an interface in place that facilitates the verification of a vehicle make and model; thus, there is likely no material impact on MVA due to the bill's requirements.

Local Effect: Local government operations and expenditures are affected as for State agencies. Revenues may be delayed but likely are not otherwise materially affected. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Potential meaningful.

Analysis

Current Law: Generally, any State agency authorized by law and any political subdivision may adopt ordinances or regulations that:

- regulate the parking of vehicles;
- provide for the impounding of vehicles parked in violation of the ordinances or regulations;
- regulate the towing of vehicles from both public and private parking lots; and
- provide for the issuance of a citation by an officer for a violation of an ordinance or regulation adopted pursuant to the authorization noted above.

“Officer” means a police officer (or a person other than a police officer) who is authorized to issue a citation for a violation of an ordinance or regulation that is adopted under specified provisions of State law.

An officer who discovers a vehicle parked in violation of an ordinance or regulation must (1) deliver a citation to the driver or, if the vehicle is unattended, attach a citation to the vehicle in a conspicuous place and (2) keep a copy of the citation, bearing the officer’s certification under penalty of perjury that the facts stated in the citation are true. In the absence of the driver, the registered owner of the vehicle is presumed to be the person receiving the citation.

State/Local Expenditures: In fiscal 2024, the bill’s requirements likely result in additional expenditures for State agencies and local governments, as any existing citations must be reprinted and/or modified in order to comply with the bill. The exact cost for each entity likely varies, based on a variety of factors (*e.g.*, the size of the entity issuing citations and the number of citations issued annually) and, thus, cannot be reliably estimated by the Department of Legislative Services (DLS) at this time.

The bill’s requirement that a verification process be conducted by a State agency or local government is generally expected to apply only in limited circumstances, as the bill *explicitly* prohibits an individual from requesting a verification process unless there is a discrepancy with the cited registration plates. Nevertheless, should a high number of verifications be required, State agencies and local governments must be prepared to accommodate an influx of verification requests. DLS generally assumes the majority of entities subject to the bill’s requirements already have an appeals and/or verification process in place and that existing processes can be modified to comply with the bill. However, for entities without such processes already in place, the bill may have more significant operational impacts and require staff time to implement.

The bill is not anticipated to have any significant effect on the District Court, which only handles parking citations in contested cases. To the extent the verification process required by the bill results in more dismissed citations (*i.e.*, before they would otherwise be contested in District Court), fewer trials may be requested. Any impact is likely negligible.

Carroll, Harford, Queen Anne's, and St. Mary's counties advise the bill has no significant impact on county finances or operations.

Small Business Effect: Many third-party contractors authorized to conduct parking enforcement on behalf of political subdivisions or State agencies are assumed to be small businesses and, as a result, may be meaningfully affected under the bill. Any such businesses must comply with the verification procedures required by the bill, which may entail procedural changes and administrative costs. To the extent political subdivisions or State agencies conduct the required verification procedures on behalf of their respective third-party contractors, such businesses are likely only minimally affected.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Carroll, Harford, Queen Anne's, and St. Mary's counties; Maryland Association of Counties; Maryland Municipal League; Department of General Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2023
rh/ljm Third Reader - March 28, 2023
Revised - Amendment(s) - March 28, 2023

Analysis by: Eric F. Pierce

Direct Inquiries to:

(410) 946-5510

(301) 970-5510