

HOUSE BILL 107

R5
HB 1027/23 – ENT

(PRE-FILED)

4r0745
CF 4r1320

By: **Delegate R. Lewis**

Requested: September 28, 2023

Introduced and read first time: January 10, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Bus Lane Obstruction – Monitoring Systems Expansion and**
3 **Workgroup**
4 **(Better Bus Service Act of 2024)**

5 FOR the purpose of prohibiting a person from parking or standing certain vehicles in a
6 dedicated bus lane; making statewide the authority of a local jurisdiction to use, in
7 accordance with certain standards and procedures, a bus lane monitoring system to
8 enforce the prohibition against driving, standing, or parking a motor vehicle in a
9 designated bus lane; establishing the Workgroup on Curb Space Management; and
10 generally relating to bus lane monitoring systems.

11 BY repealing and reenacting, without amendments,
12 Article – Transportation
13 Section 21–101(a)
14 Annotated Code of Maryland
15 (2020 Replacement Volume and 2023 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 21–101(i–1), 21–1133, and 21–1134
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2023 Supplement)

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

23 **Article – Transportation**

24 21–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this title and Title 25 of this article the following words have the meanings
2 indicated.

3 (i-1) **(1)** “Dedicated bus lane” means a lane designated for use by mass transit
4 vehicles owned, operated, or contracted for by the Maryland Transit Administration or a
5 local department of transportation.

6 **(2) “DEDICATED BUS LANE” INCLUDES TRANSIT BUS STOPS.**

7 21-1133.

8 (a) Except as provided in subsection (b) of this section, a person may not drive,
9 **STAND, OR PARK** a vehicle in a dedicated bus lane unless authorized by the local
10 jurisdiction in which the dedicated bus lane is located.

11 (b) The following vehicles may be driven, **PARKED, OR ALLOWED TO STAND** in
12 a dedicated bus lane:

13 (1) A transit vehicle owned, operated, or contracted for by the Maryland
14 Transit Administration or a local department of transportation;

15 (2) A school bus;

16 (3) A bicycle;

17 (4) An emergency vehicle; and

18 (5) A vehicle making a right turn at the next immediate intersection.

19 21-1134.

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

21 (2) **“AGENCY” MEANS:**

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

25 **(II) FOR A MUNICIPAL CORPORATION THAT DOES NOT**
26 **MAINTAIN A POLICE FORCE, AN AGENCY ESTABLISHED OR DESIGNATED BY THE**
27 **MUNICIPAL CORPORATION TO USE BUS LANE MONITORING SYSTEMS IN**
28 **ACCORDANCE WITH THIS SECTION; OR**

29 **(III) A LOCAL OR MULTISTATE TRANSIT AGENCY OR AUTHORITY,**

1 INCLUDING THE MARYLAND TRANSIT ADMINISTRATION AND THE WASHINGTON
2 METROPOLITAN AREA TRANSIT AUTHORITY.

3 (3) “Bus lane monitoring system” means an enforcement system,
4 INCLUDING AN ONBOARD OR FIXED MONITORING SYSTEM, that is designed to capture
5 a recorded image [of a driver] of a motor vehicle [committing a violation] INVOLVED IN A
6 PARKING OR MOVING VIOLATION.

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

10 [(4)] (5) (i) “Owner” means the registered owner of a motor vehicle or
11 a lessee of a motor vehicle under a lease of 6 months or more.

12 (ii) “Owner” does not include:

13 1. A motor vehicle leasing company; or

14 2. A holder of a special registration plate issued under Title
15 13, Subtitle 9, Part III of this article.

16 [(5)] (6) “Recorded image” means an image recorded by a bus lane
17 monitoring system:

18 (i) On:

19 1. A photograph;

20 2. A microphotograph;

21 3. An electronic image;

22 4. Videotape; or

23 5. Any other visual medium; and

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

26 [(6)] (7) “Violation” means a violation of § 21–1133 of this subtitle.

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

28 [(c)] (B) (1) [Baltimore City] AN AGENCY may use a bus lane monitoring
29 system that meets the requirements of this subsection to record the images of motor

1 vehicles traveling, **STANDING, OR PARKED** in a bus lane.

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

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

4 (ii) If, in accordance with the Maryland Manual on Uniform Traffic
5 Control Devices^[a]:

6 1. A conspicuous road sign is placed at a reasonable distance
7 consistent with national guidelines [before the bus lane] alerting drivers that a bus lane
8 monitoring system may be in operation in the bus lane; **OR**

9 2. **A CONSPICUOUS SIGN IS AFFIXED TO THE TRANSIT**
10 **VEHICLE ALERTING DRIVERS THAT THE VEHICLE IS EQUIPPED WITH A BUS LANE**
11 **MONITORING SYSTEM;** and

12 (iii) If the system produces video for each alleged violation that allows
13 for the differentiation between a vehicle that is driven, **STANDING, OR PARKED** in a
14 dedicated bus lane in violation of § 21-1133 of this subtitle and a vehicle that is lawfully
15 stopped or moving in order to execute a right turn at an intersection.

16 (3) A bus lane monitoring system may [be used to record] **RETAIN** only the
17 images of vehicles that are traveling, **STANDING, OR PARKED** in a bus lane.

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

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

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

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

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

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

31 (iii) Shall be kept on file; and

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

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

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

7 (i) Shall be kept on file; and

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

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

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

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

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

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

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

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

25 (ii) The registration number of the motor vehicle involved in the
26 violation;

27 (iii) The violation charged;

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

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

30 (vi) A copy of the recorded image;

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

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

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

9 (x) Information advising the person alleged to be liable under this
10 section:

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

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

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

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

23 (3) (i) Before mailing a citation to a motor vehicle rental company liable
24 under subsection [(f)] **(E)** of this section, [the Baltimore City Police Department] **AN**
25 **AGENCY** shall mail a notice to the motor vehicle rental company stating that a citation will
26 be mailed to the motor vehicle rental company unless, within 45 days after receiving the
27 notice, the motor vehicle rental company provides the [Baltimore City Police Department]
28 **AGENCY** with:

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

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

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

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

4 (ii) [The Baltimore City Police Department] **AN AGENCY** may not
5 mail a citation to a motor vehicle rental company liable under subsection [(f)] **(E)** of this
6 section if the motor vehicle rental company complies with subparagraph (i) of this
7 paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

8 (iii) Any other issues and evidence that the District Court deems
9 relevant.

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

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

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

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

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

28 2. Provides the name, address, and driver's license
29 identification number of the person who was operating the vehicle at the time of the
30 violation.

31 (5) (i) If the District Court finds that the person named in the citation
32 was not operating the vehicle at the time of the violation or receives evidence under
33 paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at the time
34 of the violation, the clerk of the court shall provide to the [Baltimore City Police
35 Department] AGENCY a copy of any evidence substantiating who was operating the vehicle
36 at the time of the violation.

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

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

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

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

10 (1) Is not a moving violation for the purpose of assessing points under §
11 16–402 of this article and may not be recorded by the Administration on the driving record
12 of the owner or driver of the vehicle;

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

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

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

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That:

28 (a) There is a Workgroup on Curb Space Management.

29 (b) The Workgroup consists of the following members, appointed by the Governor:

30 (1) one representative of the Maryland Transit Administration;

31 (2) one representative of the Washington Metropolitan Area Transit
32 Authority;

- 1 (3) one representative of the Baltimore City Department of Transportation;
- 2 (4) one representative of the Office of Transportation for Baltimore County;
- 3 (5) one representative of the Office of Transportation for Anne Arundel
4 County;
- 5 (6) one representative of the Office of Transportation for Howard County;
- 6 (7) one representative of the Montgomery County Department of
7 Transportation;
- 8 (8) one representative of the Prince George's County Department of Public
9 Works and Transportation; and
- 10 (9) a representative of a nonprofit transportation advocacy organization
11 from each of the following jurisdictions:
- 12 (i) Baltimore City;
- 13 (ii) Baltimore County;
- 14 (iii) Anne Arundel County;
- 15 (iv) Howard County;
- 16 (v) Montgomery County; and
- 17 (vi) Prince George's County.
- 18 (c) The Governor shall designate the chair of the Workgroup.
- 19 (d) The Department of Transportation shall provide staff for the Workgroup.
- 20 (e) A member of the Workgroup:
- 21 (1) may not receive compensation as a member of the Workgroup; but
- 22 (2) is entitled to reimbursement for expenses under the Standard State
23 Travel Regulations, as provided in the State budget.
- 24 (f) The Workgroup shall:
- 25 (1) analyze curb space regulations within Baltimore City;
- 26 (2) provide recommendations on how to effectively manage curb space

1 changes on roadways with frequent bus service, dedicated lanes, and parking, loading, or
2 standing needs;

3 (3) examine strategies on obstruction enforcement at bus stops;

4 (4) provide recommendations for a public education campaign about
5 dedicated bus lanes and the enforcement of bus lane laws, including messaging and
6 potential signage; and

7 (5) analyze potential privacy concerns when onboard bus lane obstruction
8 monitoring cameras are used and provide recommendations on how to address these
9 concerns.

10 (g) On or before July 1, 2024, the Workgroup shall report its findings and
11 recommendations to the Governor and, in accordance with § 2–1257 of the State
12 Government Article, the General Assembly.

13 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
14 effect October 1, 2024.

15 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
16 3 of this Act, this Act shall take effect July 1, 2024. Section 2 of this Act shall remain
17 effective for a period of 2 years and, at the end of June 30, 2026, Section 2 of this Act, with
18 no further action required by the General Assembly, shall be abrogated and of no further
19 force and effect.