

Department of Legislative Services
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2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 681 (Baltimore City Delegation)
Environment and Transportation

Motor Vehicle Administration Records - Access to Digital Photographic Images
and Signatures - Baltimore City Agencies

This bill authorizes the Motor Vehicle Administration (MVA) to make certain records (*i.e.*, a digital photographic image or signature of an individual) available to the Baltimore City Department of Housing and Community Development (DHCD) and any other agency designated by the Mayor of Baltimore City to enforce specified provisions of State law relating to illegal dumping and litter control.

Fiscal Summary

State Effect: None. MVA already has procedures in place for providing access to digital photographic images and signatures.

Local Effect: The bill is not anticipated to materially affect Baltimore City finances or operations. However, the bill's changes may enable Baltimore City to more readily identify individuals who violate the State's Illegal Dumping and Litter Control Law; such enforcement actions may have a deterrent effect.

Small Business Effect: None.

Analysis

Current Law:

Motor Vehicle Administration Recordkeeping Requirements

MVA must keep a record of each application or other document filed with it and each certificate or other official document that it issues.

Generally, all records of MVA are public records and open to public inspection during office hours.

Subject to Maryland's Public Information Act (PIA), MVA may classify as confidential (and not open to public inspection) any record or record entry (1) that is more than five years old or (2) that relates to any happening that occurred more than five years earlier. However, a record or record entry of any age must be open to inspection by authorized representatives of any federal, State, or local governmental agency. Additionally, MVA may not open to public inspection any record or record entry that is (1) all or part of a licensed driver's public driving record and (2) more than three years old.

MVA may not permit public inspection of a digital photographic image or signature of an individual, or the actual stored data, recorded by MVA. However, MVA may make a digital photographic image or signature of an individual (or the actual stored data) available to (1) the courts; (2) criminal justice agencies; (3) driver license authorities; (4) the individual; (5) the individual's attorney; (6) third parties designated by the individual; and (7) the Maryland Child Support Administration within the Department of Human Services.

Except for records required by law to be kept in their original or other specified form, MVA may order any record to be kept on microfilm or in other microform, and the original to be destroyed. Likewise, except for records required by law to be kept longer, MVA may destroy any record that it has kept for three years or more and that it considers obsolete and unnecessary to its work.

Illegal Dumping in Baltimore City

Surveillance Systems: Section 10-112 of the Criminal Law Article authorizes the Baltimore City DHCD or another department designated by the Mayor of Baltimore City to place surveillance systems at dumping sites and use surveillance images to enforce the State Illegal Dumping and Litter Control Law (discussed below) or local laws relating to the unlawful disposal of litter. A "dumping site" is a location in Baltimore City that is (1) owned by Baltimore City or the State and (2) identified by the department as property that has been repeatedly used for the disposal of litter in violation of State law or a local law or ordinance.

A "surveillance system" is a collection of one or more cameras located at a dumping site that produces a surveillance image. A "surveillance image" means an image recorded by a surveillance system on a photograph, a micrograph, an electronic image, videotape, or any other medium showing (1) the front or rear of a motor vehicle and, on at least one image or portion of the tape, clearly identifying the registration plate number of the motor vehicle and (2) an individual committing a violation of the State Illegal Dumping and Litter Control Law or a local law or ordinance relating to the unlawful disposal of litter.

Enforcement/Penalties: A person who violates the State Illegal Dumping and Litter Control Law or a local law or ordinance relating to the unlawful disposal of litter that occurs at a dumping site monitored by a surveillance system is subject to a civil penalty of up to \$1,000. Unless the person committing a violation received a citation from a police officer at the time of the violation, the owner of the vehicle used to commit the violation is subject to the civil penalty.

The Baltimore City DHCD (or a designated department) must mail the owner a citation that includes the (1) name and address of the registered owner of the vehicle; (2) the registration number of the vehicle; (3) the violation charged; (4) the location where the violation occurred; (5) the date and time of the violation; (6) a copy of the surveillance image; (7) the amount of the civil penalty imposed and the date by which it must be paid; and (8) other specified information. The citation must be mailed no later than two weeks after the alleged violation occurred, except as specified. A person who receives a citation may pay the civil penalty directly to Baltimore City or elect to stand trial in the District Court for the alleged violation.

The District Court may consider in defense of a violation the fact that the vehicle or its registration plates were stolen prior to the violation and that they were not in the possession of the owner at the time of the violation. Additionally, the District Court may consider in defense of a violation evidence that the person named in the citation was not the person in the surveillance image committing the violation.

Failure to pay the civil penalty or contest liability in a timely manner is an admission of liability; MVA is required to suspend and refuse to transfer the registration of a vehicle involved in a violation under these circumstances if it receives the appropriate notification or if the District Court notifies MVA that the alleged violator elected to stand trial and failed to appear in court.

Inspections of Surveillance Images: Under PIA, in general, a custodian of a surveillance image must deny inspection of the surveillance image. However, a custodian must permit inspection of a surveillance image by (1) any person issued a citation under § 10-112 of the Criminal Law Article or by an attorney of record for the person; (2) by an employee or agent of the Baltimore City Department of Public Works in an investigation or a proceeding relating to the imposition or indemnification from civil liability under § 10-112; or (3) as otherwise required by § 10-112.

State Illegal Dumping and Litter Control Law – § 10-110 of the Criminal Law Article

Under § 10-110 of the Criminal Law Article, a person is prohibited from (1) disposing of litter on a highway or performing an act that violates the State Vehicle Laws regarding disposal of litter, glass, and other prohibited substances on highways or (2) disposing or

causing or allowing the disposal of litter on public or private property unless authorized or the litter is placed into a proper receptacle.

An individual who violates § 10-110 is guilty of a misdemeanor and subject to the following penalties, depending on the weight or volume of the disposed litter:

- up to 100 pounds or 27 cubic feet (not for commercial gain) – imprisonment for up to 30 days and/or a \$1,500 maximum fine;
- more than 100 pounds or 27 cubic feet and up to 500 pounds or 216 cubic feet (not for commercial gain) – imprisonment for up to one year and/or a \$12,500 maximum fine; and
- more than 500 pounds or 216 cubic feet (not for commercial gain) or any amount for commercial gain – imprisonment for up to five years and/or a \$30,000 maximum fine.

The court may also require cleanup of the disposed litter, repair or restoration of damaged property, payment of damages for the disposal of the litter, community service, or reimbursement of the appropriate governmental entity for specified costs incurred. If the violator used a motor vehicle to commit the violation, the court must notify MVA; violations are subject to the assessment of points. MVA is required to suspend and refuse to transfer the registration of a vehicle involved in a violation if it receives the appropriate notification that a person cited for a violation failed to pay the fine or elect to stand trial or if the District Court notifies MVA that the cited person elected to stand trial and failed to appear in court.

Fines collected for violations of the State Illegal Dumping and Litter Control Law must be disbursed to the county or municipality where the violation occurred or, under specified circumstances, to the Maryland-National Capital Park and Planning Commission or the Washington Suburban Sanitary Commission. Disbursed fines must be used for specified litter-related purposes.

Additional Information

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

Designated Cross File: None.

Information Source(s): Baltimore City; Maryland Department of Transportation; Department of Legislative Services

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