HOUSE BILL 206

R5 (PRE–FILED)

By: **Delegate R. Lewis** Requested: October 4, 2024

Introduced and read first time: January 8, 2025 Assigned to: Environment and Transportation

A BILL ENTITLED

| 4 | A TAT | AOM | • |
|---|-------|-----|------------|
| T | AN | ACT | concerning |

| Vehicle Laws | – Bus Obstruc | ction Monito | oring Syste | ms and Bus | Stop Zones |
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- FOR the purpose of replacing references to a bus lane monitoring system with references to a bus obstruction monitoring system; prohibiting a person from stopping, standing, or parking a vehicle in a bus stop zone; clarifying that a person may not stop a vehicle in a dedicated bus lane; and generally relating to bus stop zone enforcement.
- 8 BY repealing and reenacting, with amendments,
- 9 Article Courts and Judicial Proceedings
- 10 Section 7–302(e)(2) and 10–311(e) and (h)
- 11 Annotated Code of Maryland
- 12 (2020 Replacement Volume and 2024 Supplement)
- 13 BY repealing and reenacting, without amendments,
- 14 Article Transportation
- 15 Section 21–1003(a) and 21–1133(b)
- 16 Annotated Code of Maryland
- 17 (2020 Replacement Volume and 2024 Supplement)
- 18 BY adding to
- 19 Article Transportation
- 20 Section 21–1003(gg)
- 21 Annotated Code of Maryland
- 22 (2020 Replacement Volume and 2024 Supplement)
- 23 BY repealing and reenacting, with amendments,
- 24 Article Transportation
- 25 Section 21–1133(a) and 21–1134
- 26 Annotated Code of Maryland



1 (2020 Replacement Volume and 2024 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

3 That the Laws of Maryland read as follows:

Article - Courts and Judicial Proceedings

5 7-302.

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- (e) (2) (i) A citation issued as the result of a vehicle height monitoring system, a traffic control signal monitoring system, a speed monitoring system, a work zone speed control system or a stop sign monitoring system controlled by a political subdivision, a school bus monitoring camera, a bus [lane] **OBSTRUCTION** monitoring system, or a noise abatement monitoring system shall provide that, in an uncontested case, the penalty shall be paid directly to that political subdivision.
- 12 (ii) A citation issued as the result of a traffic control signal
 13 monitoring system or a work zone speed control system controlled by a State agency, or as
 14 a result of a vehicle height monitoring system, a traffic control signal monitoring system, a
 15 speed monitoring system, a stop sign monitoring system, a school bus monitoring camera,
 16 a bus [lane] OBSTRUCTION monitoring system, or a noise abatement monitoring system
 17 in a case contested in District Court, shall provide that the penalty shall be paid directly to
 18 the District Court.
- 19 10-311.

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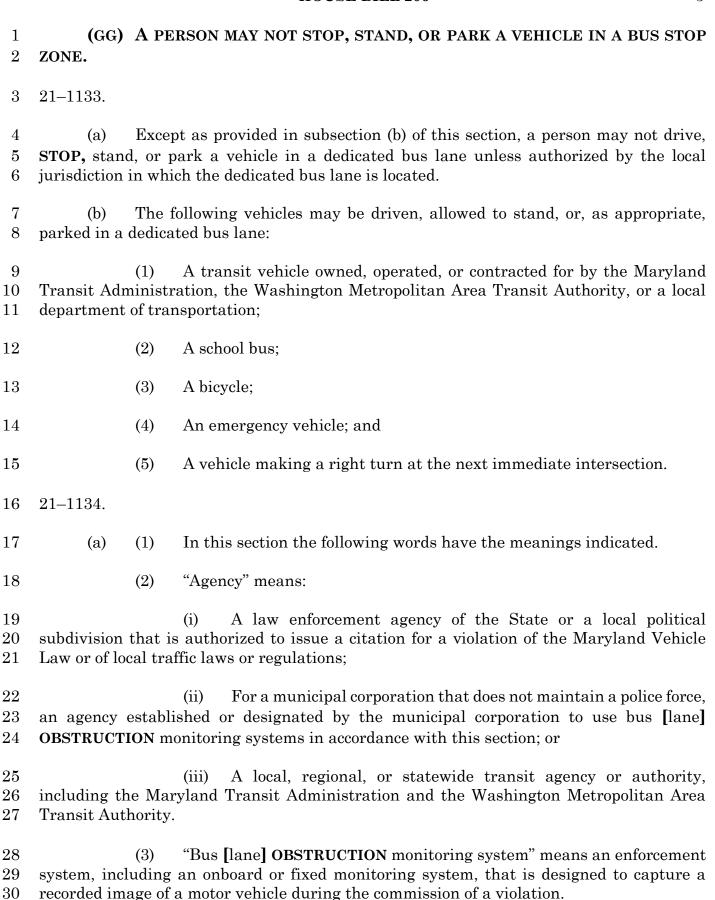
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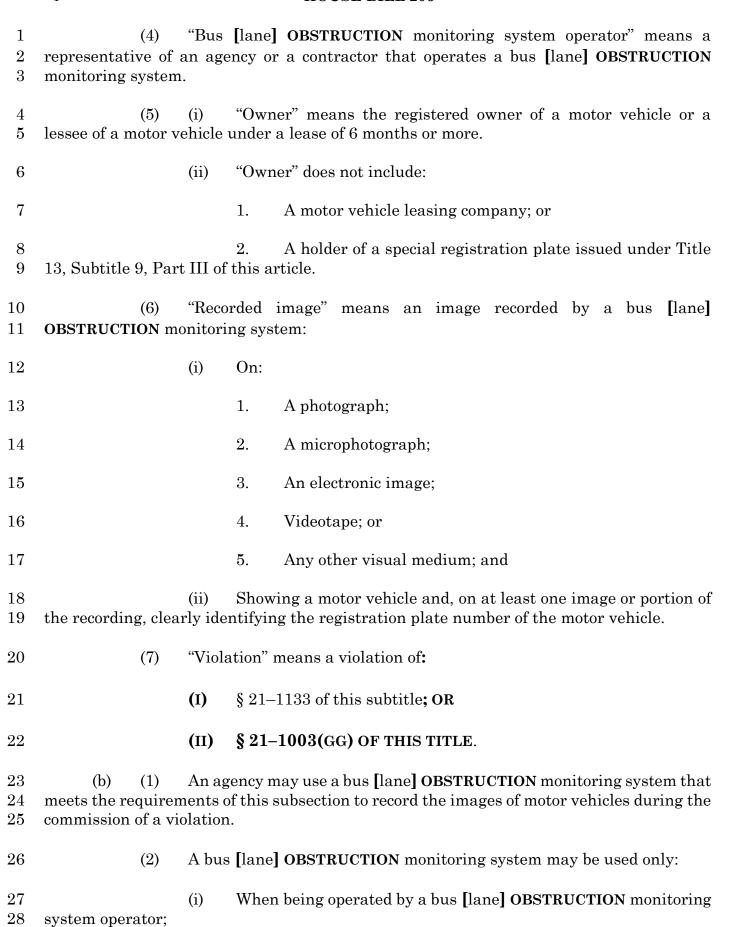
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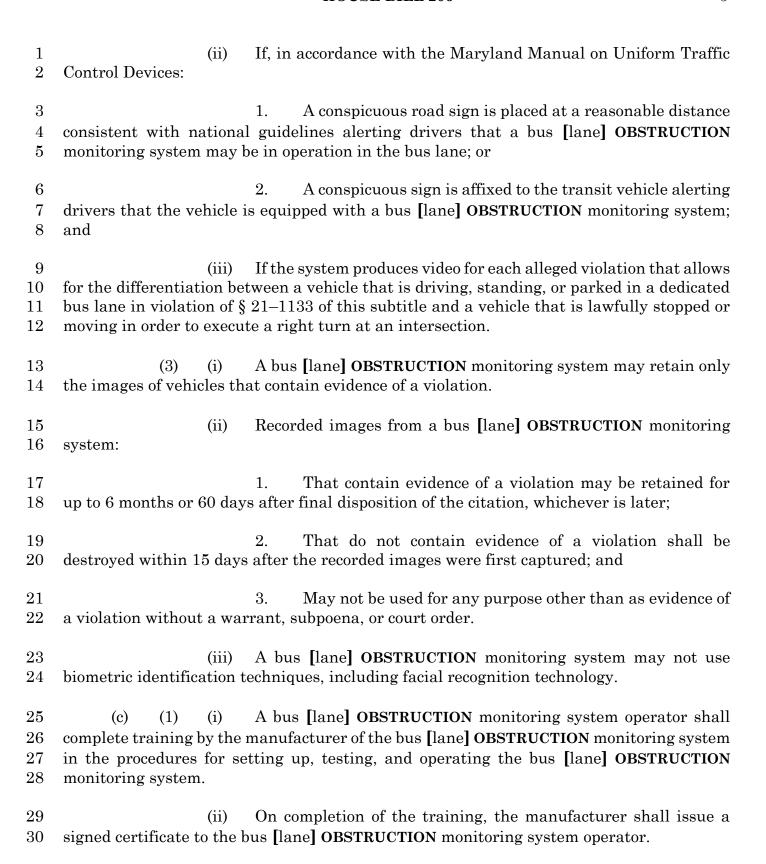
- 20 (e) A recorded image of a motor vehicle produced by a bus [lane] **OBSTRUCTION**21 monitoring system in accordance with § 21–1134 of the Transportation Article is admissible
 22 in a proceeding concerning a civil citation issued under that section for a violation of §
 23 21–1133 **OR** § 21–1003(GG) of the Transportation Article without authentication.
 - (h) In any other judicial proceeding, a recorded image produced by a vehicle height monitoring system, traffic control signal monitoring system, speed monitoring system, work zone speed control system, stop sign monitoring system, school bus monitoring camera, or bus [lane] OBSTRUCTION monitoring system or a recorded image and any relevant recorded audio produced by a noise abatement monitoring system in conjunction with a noise measuring device is admissible as otherwise provided by law.

Article – Transportation

- 31 21–1003.
- 32 (a) The provisions of this section apply except as necessary to avoid conflict with 33 other traffic or in compliance with law or the directions of a police officer or traffic control 34 device.

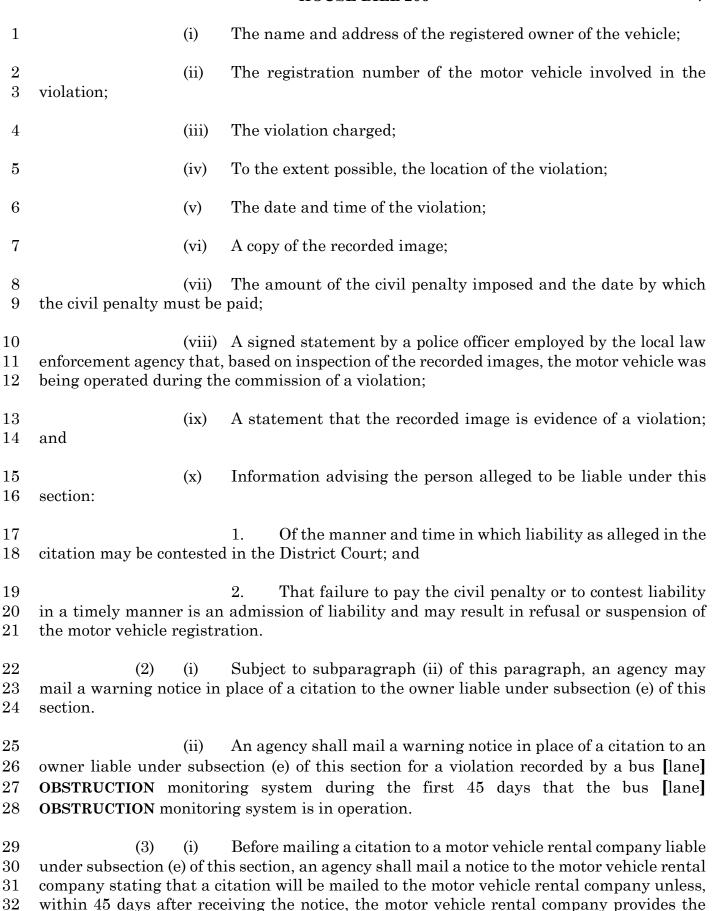






31 (iii) The certificate of training shall be admitted as evidence in any 32 court proceeding for a violation.

- 1 A bus [lane] OBSTRUCTION monitoring system operator shall fill out (2)2 and sign a daily set—up log for each bus [lane] **OBSTRUCTION** monitoring system that: 3 States the date and time when the system was set up; (i) 4 States that the bus [lane] **OBSTRUCTION** monitoring system (ii) operator successfully performed, and the device passed, the manufacturer-specified 5 self-tests of the bus [lane] OBSTRUCTION monitoring system before producing a recorded 6 7 image: 8 Shall be kept on file; and (iii) 9 (iv) Shall be admitted as evidence in any court proceeding for a 10 violation. 11 A bus [lane] OBSTRUCTION monitoring system shall undergo an (d) (1)12 annual calibration check performed by an independent calibration laboratory. 13 The independent calibration laboratory shall issue a signed certificate (2)14 of calibration after the annual calibration check that: Shall be kept on file; and 15 (i) 16 Shall be admitted as evidence in any court proceeding for a (ii) violation of § 21–1133 of this subtitle. 17 18 Unless the driver of the motor vehicle received a citation from a police (e) (1) 19 officer at the time of the violation, the owner or, in accordance with subsection (h)(5) of this 20 section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a bus [lane] OBSTRUCTION monitoring system during the commission of a 2122 violation. 23(2) A civil penalty under this section may not exceed \$75. 24For purposes of this section, the District Court shall prescribe: (3) 25A uniform citation form consistent with subsection (f)(1) of this section and § 7–302 of the Courts Article; and 26 27 A civil penalty, which shall be indicated on the citation, to be paid (ii) 28 by persons who choose to prepay the civil penalty without appearing in District Court. 29 Subject to the provisions of paragraphs (2) through (5) of this
- subsection, an agency or a contractor of the agency shall mail to the owner liable under subsection (e) of this section a citation that shall include:



agency with:

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| 1 2 3 | 1. A statement made under oath that states the name and last known mailing address of the individual driving or renting the motor vehicle when the violation occurred; |
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| $4\\5\\6\\7$ | 2. A. A statement made under oath that states that the motor vehicle rental company is unable to determine who was driving or renting the vehicle at the time the violation occurred because the motor vehicle was stolen at the time of the violation; and |
| 8 9 | B. A copy of the police report associated with the motor vehicle theft claimed under item A of this item; or |
| 10 | 3. Payment for the penalty associated with the violation. |
| 11 12 13 | (ii) An agency may not mail a citation to a motor vehicle rental company liable under subsection (e) of this section if the motor vehicle rental company complies with subparagraph (i) of this paragraph. |
| 14 15 16 | (4) Except as provided in paragraph (3) of this subsection and subsection (h)(5) of this section, a citation issued under this section shall be mailed not later than 2 weeks after the alleged violation. |
| 17 18 | (5) A person who receives a citation under paragraph (1) of this subsection may: |
| 19 20 | (i) Pay the civil penalty, in accordance with instructions on the citation, directly to the local jurisdiction; or |
| 21 | (ii) Elect to stand trial in the District Court for the alleged violation. |
| 22 23 | (6) To mail the citation or warning notice, the Baltimore City Police Department or a contractor of the police department shall use: |
| 24 | (i) The current mailing address on file with the Administration; or |
| 25 26 | (ii) If a mailing address is unavailable, the current residential address on file with the Administration. |
| 27 28 29 30 31 | (g) (1) (i) A certificate alleging that a violation occurred, sworn to or affirmed by a duly authorized law enforcement officer employed or under contract with an agency, based on inspection of a recorded image produced by a bus [lane] OBSTRUCTION monitoring system, shall be evidence of the facts contained in the certificate and shall be admissible in any proceeding concerning the alleged violation without the presence or |

testimony of the bus [lane] OBSTRUCTION monitoring system operator who performed the

requirements under subsection (c) of this section.

- 1 (ii) If a person who received a citation under this section desires a 2 bus [lane] **OBSTRUCTION** monitoring system operator to be present and testify at trial, 3 the person shall notify the court and the agency in writing not later than 20 days before 4 trial.
- 5 (iii) 1. On request of a person who received a citation under this 6 section, video of the alleged violation shall be made available to the person.
- 7 Video evidence made available under subsubparagraph 1 of this subparagraph shall be admitted as evidence in any court proceeding for a violation 9 of § 21–1133 of this subtitle.
- 10 (2) Adjudication of liability shall be based on a preponderance of evidence.
- 11 (h) (1) The District Court may consider in defense of an alleged violation:
- 12 (i) Subject to paragraph (2) of this subsection, that the motor vehicle 13 or registration plates of the motor vehicle were stolen before the violation occurred and 14 were not under the control or in the possession of the owner at the time of the violation;
- 15 (ii) Subject to paragraph (3) of this subsection, evidence that the person named in the citation was not operating the vehicle at the time of the violation; and
- 17 (iii) Any other issues and evidence that the District Court deems 18 relevant.
- 19 (2) To demonstrate that the motor vehicle or the registration plates were 20 stolen before the violation occurred and were not under the control or in the possession of 21 the owner at the time of the violation, the owner shall submit proof that a police report 22 about the stolen motor vehicle or registration plates was filed in a timely manner.

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- (3) To satisfy the evidentiary burden under paragraph (1)(ii) of this subsection, the person named in the citation shall provide to the District Court evidence to the satisfaction of the District Court of who was operating the vehicle at the time of the violation, including, at a minimum, the operator's name and current address.
- 27 (4) (i) This paragraph applies only to a citation that involves a Class E 28 (truck) vehicle with a registered gross weight of 26,001 pounds or more, a Class F (tractor) 29 vehicle, a Class G (trailer) vehicle operated in combination with a Class F (tractor) vehicle, 30 and a Class P (passenger bus) vehicle.
- 31 (ii) To satisfy the evidentiary burden under paragraph (1)(ii) of this 32 subsection, the person named in a citation described under subparagraph (i) of this 33 paragraph may provide to the District Court a letter, sworn to or affirmed by the person 34 and mailed by certified mail, return receipt requested, that:

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- 1 States that the person named in the citation was not 2 operating the vehicle at the time of the violation; and
- 2. Provides the name, address, and driver's license identification number of the person who was operating the vehicle at the time of the violation.
 - (5) (i) If the District Court finds that the person named in the citation was not operating the vehicle at the time of the violation or receives evidence under paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at the time of the violation, the clerk of the court shall provide to the agency a copy of any evidence substantiating who was operating the vehicle at the time of the violation.
- 11 (ii) On the receipt of substantiating evidence from the District Court 12 under subparagraph (i) of this paragraph, an agency may issue a new citation as provided 13 in subsection (f) of this section to the person that the evidence indicates was operating the 14 vehicle at the time of the violation.
- 15 (iii) A citation issued under subparagraph (ii) of this paragraph shall 16 be mailed not later than 2 weeks after receipt of the evidence from the District Court.
- 17 (i) If the civil penalty is not paid and the violation is not contested, the 18 Administration may refuse to register or reregister the motor vehicle.
- 19 (j) A violation for which a civil penalty is imposed under this section:
- 20 (1) Is not a moving violation for the purpose of assessing points under § 21 16–402 of this article and may not be recorded by the Administration on the driving record 22 of the owner or driver of the vehicle;
- 23 (2) May be treated as a parking violation for purposes of § 26–305 of this 24 article; and
- 25 (3) May not be considered in the provision of motor vehicle insurance 26 coverage.
- 27 (k) In consultation with the appropriate local government agencies, the Chief 28 Judge of the District Court shall adopt procedures for the issuance of citations, trials for 29 violations, and the collection of civil penalties imposed under this section.
- 30 (l) (1) An agency or a contractor designated by the agency shall administer and process civil citations issued under this section in coordination with the District Court.
- 32 (2) If a contractor provides, deploys, or operates a bus [lane] 33 **OBSTRUCTION** monitoring system for an agency, the contractor's fee may not be contingent on the number of citations issued or paid.

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- SECTION 2. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross—references and terminology rendered incorrect by this Act. The publisher shall adequately describe any correction that is made in an editor's note following the section affected.
- SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect 8 October 1, 2025.