

HOUSE BILL 206

R5

5lr1119

(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

1 AN ACT concerning

2 **Vehicle Laws – Bus Obstruction Monitoring Systems and Bus Stop Zones**

3 FOR the purpose of replacing references to a bus lane monitoring system with references
4 to a bus obstruction monitoring system; prohibiting a person from stopping,
5 standing, or parking a vehicle in a bus stop zone; clarifying that a person may not
6 stop a vehicle in a dedicated bus lane; and generally relating to bus stop zone
7 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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2020 Replacement Volume and 2024 Supplement)

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

Article – Courts and Judicial Proceedings

7–302.

(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.

(ii) A citation issued as the result of a traffic control signal monitoring system or a work zone speed control system controlled by a State agency, or as a result of a vehicle height monitoring system, a traffic control signal monitoring system, a speed monitoring system, a stop sign monitoring system, a school bus monitoring camera, a bus [lane] **OBSTRUCTION** monitoring system, or a noise abatement monitoring system in a case contested in District Court, shall provide that the penalty shall be paid directly to the District Court.

10–311.

(e) A recorded image of a motor vehicle produced by a bus [lane] **OBSTRUCTION** monitoring system in accordance with § 21–1134 of the Transportation Article is admissible in a proceeding concerning a civil citation issued under that section for a violation of § 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

21–1003.

(a) The provisions of this section apply except as necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device.

1 (GG) A PERSON MAY NOT STOP, STAND, OR PARK A VEHICLE IN A BUS STOP
2 ZONE.

3 21-1133.

4 (a) Except as provided in subsection (b) of this section, a person may not drive,
5 STOP, stand, or park a vehicle in a dedicated bus lane unless authorized by the local
6 jurisdiction in which the dedicated bus lane is located.

7 (b) The following vehicles may be driven, allowed to stand, or, as appropriate,
8 parked in a dedicated bus lane:

9 (1) A transit vehicle owned, operated, or contracted for by the Maryland
10 Transit Administration, the Washington Metropolitan Area Transit Authority, or a local
11 department of transportation;

12 (2) A school bus;

13 (3) A bicycle;

14 (4) An emergency vehicle; and

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

16 21-1134.

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

18 (2) "Agency" means:

19 (i) A law enforcement agency of the State or a local political
20 subdivision that is authorized to issue a citation for a violation of the Maryland Vehicle
21 Law or of local traffic laws or regulations;

22 (ii) For a municipal corporation that does not maintain a police force,
23 an agency established or designated by the municipal corporation to use bus [lane]
24 OBSTRUCTION monitoring systems in accordance with this section; or

25 (iii) A local, regional, or statewide transit agency or authority,
26 including the Maryland Transit Administration and the Washington Metropolitan Area
27 Transit Authority.

28 (3) "Bus [lane] OBSTRUCTION monitoring system" means an enforcement
29 system, including an onboard or fixed monitoring system, that is designed to capture a
30 recorded image of a motor vehicle during the commission of a violation.

1 (4) “Bus [lane] OBSTRUCTION monitoring system operator” means a
2 representative of an agency or a contractor that operates a bus [lane] OBSTRUCTION
3 monitoring system.

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

6 (ii) “Owner” does not include:

7 1. A motor vehicle leasing company; or

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

10 (6) “Recorded image” means an image recorded by a bus [lane]
11 OBSTRUCTION monitoring system:

12 (i) On:

13 1. A photograph;

14 2. A microphotograph;

15 3. An electronic image;

16 4. Videotape; or

17 5. Any other visual medium; and

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

20 (7) “Violation” means a violation of:

21 (I) § 21–1133 of this subtitle; OR

22 (II) § 21–1003(GG) OF THIS TITLE.

23 (b) (1) An agency may use a bus [lane] OBSTRUCTION monitoring system that
24 meets the requirements of this subsection to record the images of motor vehicles during the
25 commission of a violation.

26 (2) A bus [lane] OBSTRUCTION monitoring system may be used only:

27 (i) When being operated by a bus [lane] OBSTRUCTION monitoring
28 system operator;

1 (ii) If, in accordance with the Maryland Manual on Uniform Traffic
2 Control Devices:

3 1. A conspicuous road sign is placed at a reasonable distance
4 consistent with national guidelines alerting drivers that a bus [lane] **OBSTRUCTION**
5 monitoring system may be in operation in the bus lane; or

6 2. A conspicuous sign is affixed to the transit vehicle alerting
7 drivers that the vehicle is equipped with a bus [lane] **OBSTRUCTION** monitoring system;
8 and

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

13 (3) (i) A bus [lane] **OBSTRUCTION** monitoring system may retain only
14 the images of vehicles that contain evidence of a violation.

15 (ii) Recorded images from a bus [lane] **OBSTRUCTION** monitoring
16 system:

17 1. That contain evidence of a violation may be retained for
18 up to 6 months or 60 days after final disposition of the citation, whichever is later;

19 2. That do not contain evidence of a violation shall be
20 destroyed within 15 days after the recorded images were first captured; and

21 3. May not be used for any purpose other than as evidence of
22 a violation without a warrant, subpoena, or court order.

23 (iii) A bus [lane] **OBSTRUCTION** monitoring system may not use
24 biometric identification techniques, including facial recognition technology.

25 (c) (1) (i) A bus [lane] **OBSTRUCTION** monitoring system operator shall
26 complete training by the manufacturer of the bus [lane] **OBSTRUCTION** monitoring system
27 in the procedures for setting up, testing, and operating the bus [lane] **OBSTRUCTION**
28 monitoring system.

29 (ii) On completion of the training, the manufacturer shall issue a
30 signed certificate to the bus [lane] **OBSTRUCTION** monitoring system operator.

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

1 (2) A bus [lane] **OBSTRUCTION** monitoring system operator shall fill out
2 and sign a daily set-up log for each bus [lane] **OBSTRUCTION** monitoring system that:

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

4 (ii) States that the bus [lane] **OBSTRUCTION** monitoring system
5 operator successfully performed, and the device passed, the manufacturer-specified
6 self-tests of the bus [lane] **OBSTRUCTION** monitoring system before producing a recorded
7 image;

8 (iii) Shall be kept on file; and

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

11 (d) (1) A bus [lane] **OBSTRUCTION** monitoring system shall undergo an
12 annual calibration check performed by an independent calibration laboratory.

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

15 (i) Shall be kept on file; and

16 (ii) Shall be admitted as evidence in any court proceeding for a
17 violation of § 21-1133 of this subtitle.

18 (e) (1) Unless the driver of the motor vehicle received a citation from a police
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
21 recorded by a bus [lane] **OBSTRUCTION** monitoring system during the commission of a
22 violation.

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

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

25 (i) A uniform citation form consistent with subsection (f)(1) of this
26 section and § 7-302 of the Courts Article; and

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

29 (f) (1) Subject to the provisions of paragraphs (2) through (5) of this
30 subsection, an agency or a contractor of the agency shall mail to the owner liable under
31 subsection (e) of this section a citation that shall include:

- 1 (i) The name and address of the registered owner of the vehicle;
- 2 (ii) The registration number of the motor vehicle involved in the
3 violation;
- 4 (iii) The violation charged;
- 5 (iv) To the extent possible, the location of the violation;
- 6 (v) The date and time of the violation;
- 7 (vi) A copy of the recorded image;
- 8 (vii) The amount of the civil penalty imposed and the date by which
9 the civil penalty must be paid;
- 10 (viii) A signed statement by a police officer employed by the local law
11 enforcement agency that, based on inspection of the recorded images, the motor vehicle was
12 being operated during the commission of a violation;
- 13 (ix) A statement that the recorded image is evidence of a violation;
14 and
- 15 (x) Information advising the person alleged to be liable under this
16 section:
- 17 1. Of the manner and time in which liability as alleged in the
18 citation may be contested in the District Court; and
- 19 2. That failure to pay the civil penalty or to contest liability
20 in a timely manner is an admission of liability and may result in refusal or suspension of
21 the motor vehicle registration.
- 22 (2) (i) Subject to subparagraph (ii) of this paragraph, an agency may
23 mail a warning notice in place of a citation to the owner liable under subsection (e) of this
24 section.
- 25 (ii) An agency shall mail a warning notice in place of a citation to an
26 owner liable under subsection (e) of this section for a violation recorded by a bus [lane]
27 **OBSTRUCTION** monitoring system during the first 45 days that the bus [lane]
28 **OBSTRUCTION** monitoring system is in operation.
- 29 (3) (i) Before mailing a citation to a motor vehicle rental company liable
30 under subsection (e) of this section, an agency shall mail a notice to the motor vehicle rental
31 company stating that a citation will be mailed to the motor vehicle rental company unless,
32 within 45 days after receiving the notice, the motor vehicle rental company provides the
33 agency with:

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

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

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

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

11 (ii) An agency may not mail a citation to a motor vehicle rental
12 company liable under subsection (e) of this section if the motor vehicle rental company
13 complies with subparagraph (i) of this paragraph.

14 (4) Except as provided in paragraph (3) of this subsection and subsection
15 (h)(5) of this section, a citation issued under this section shall be mailed not later than 2
16 weeks after the alleged violation.

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

19 (i) Pay the civil penalty, in accordance with instructions on the
20 citation, directly to the local jurisdiction; or

21 (ii) Elect to stand trial in the District Court for the alleged violation.

22 (6) To mail the citation or warning notice, the Baltimore City Police
23 Department or a contractor of the police department shall use:

24 (i) The current mailing address on file with the Administration; or

25 (ii) If a mailing address is unavailable, the current residential
26 address on file with the Administration.

27 (g) (1) (i) A certificate alleging that a violation occurred, sworn to or
28 affirmed by a duly authorized law enforcement officer employed or under contract with an
29 agency, based on inspection of a recorded image produced by a bus [lane] **OBSTRUCTION**
30 monitoring system, shall be evidence of the facts contained in the certificate and shall be
31 admissible in any proceeding concerning the alleged violation without the presence or
32 testimony of the bus [lane] **OBSTRUCTION** monitoring system operator who performed the
33 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 2. Video evidence made available under subparagraph 1
8 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
16 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.

23 (3) To satisfy the evidentiary burden under paragraph (1)(ii) of this
24 subsection, the person named in the citation shall provide to the District Court evidence to
25 the satisfaction of the District Court of who was operating the vehicle at the time of the
26 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:

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

3 2. Provides the name, address, and driver's license
4 identification number of the person who was operating the vehicle at the time of the
5 violation.

6 (5) (i) If the District Court finds that the person named in the citation
7 was not operating the vehicle at the time of the violation or receives evidence under
8 paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at the time
9 of the violation, the clerk of the court shall provide to the agency a copy of any evidence
10 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
31 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
34 on the number of citations issued or paid.

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

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2025.