

**Department of Legislative Services**  
 Maryland General Assembly  
 2025 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 908 (Delegates Foley and Roberson)  
 Environment and Transportation

**Montgomery County and Prince George's County - Distracted Driving  
 Monitoring System Pilot Program**

This bill establishes a pilot program to authorize the use of distracted driving monitoring systems in Montgomery and Prince George’s counties to enforce prohibitions related to the use of wireless communication devices, text messaging devices, and handheld telephones while driving. Each of the two counties that uses the authorization must report – by December 1, 2027 – to the Governor and the General Assembly on the effectiveness of the implemented distracted driving monitoring systems, as specified. **The bill terminates September 30, 2028.**

**Fiscal Summary**

**State Effect:** Because the bill is authorizing in nature, the impact on State finances generally depends on the extent to which the systems are deployed. Nevertheless, the District Court must be prepared should any systems be deployed, with programming costs totaling approximately \$21,700 in FY 2026 only, as discussed below. The District Court can likely adopt procedures as required under the bill with existing resources.

(in dollars)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	21,700	0	0	0	0
Net Effect	(\$21,700)	\$0	\$0	\$0	\$0

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** The bill is authorizing in nature for the two counties; accordingly, the impact on county finances depends on the extent to which the systems are deployed, as discussed below. Further, any impact ends in FY 2029. The counties can provide the required report using existing budgeted resources.

**Small Business Effect:** None.

## Analysis

### Bill Summary:

#### *Definitions*

“Agency” means a county law enforcement agency that is authorized to issue a citation for a violation of the Maryland Vehicle Law or of local traffic laws or regulations.

“Distracted driver monitoring system” means a device with one or more motor vehicle sensors that automatically produces two or more photographs, two or more microphotographs, a videotape, or other recorded images of a motor vehicle at the time the motor vehicle is operated during the commission of a violation. “Violation,” as defined by the bill, means a violation of specified offenses under the Maryland Vehicle Law relating to the use of wireless communication devices, text messaging devices, and handheld telephones while driving.

“Owner” means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of six months or more. “Owner” does not include a motor vehicle rental or leasing company.

“Recorded image” means a black and white image recorded by a distracted driving monitoring system on a photograph, a microphotograph, an electronic image, videotape, or any other medium. Additionally, the image must show (1) the driver of the motor vehicle (with the driver’s face blurred) committing an alleged violation; (2) at least two time-stamped images of the motor vehicle, as specified; and (3) on at least one image or portion of tape, a clear and legible identification of the registration plate number of the motor vehicle.

#### *Issuance of Citations and Collection and Disposition of Fines*

The bill expands existing statutory provisions governing the issuance of citations and the collection and disposition of fines collected as a result of automated monitoring systems to apply to distracted driving monitoring systems. Accordingly, the District Court has exclusive original civil jurisdiction in a civil infraction under the bill. In consultation with the appropriate county agencies, the Chief Judge of the District Court must adopt procedures for the issuance of citations, trials for violations, and the collection of civil penalties imposed under the bill.

Further, a citation issued as a result of a distracted driving monitoring system controlled by a political subdivision (in this case, a county) must provide that, in an uncontested case, the penalty be paid directly to the political subdivision; a citation issued as a result of a

distracted driving monitoring system in a case contested in District Court must provide that the penalty be paid directly to the District Court. Civil penalties resulting from citations issued using a distracted driving monitoring system that are collected by the District Court must be collected and distributed in accordance with existing statutory provisions.

A political subdivision (in this case, a county) is authorized to recover the costs of implementing and administering distracted driving monitoring systems from fines collected by the political subdivision as a result of violations enforced by distracted driving monitoring systems. Additionally, a political subdivision may spend the remaining balance solely for public safety purposes, including pedestrian safety programs, as specified under existing statutory provisions.

#### *Admissibility of Recorded Images as Evidence*

Consistent with existing evidentiary provisions pertaining to images recorded by automated monitoring systems, a recorded image of a motor vehicle produced by a distracted driving monitoring system is admissible in a proceeding concerning a civil citation issued under the bill for a violation of specified offenses without authentication. In any other judicial proceeding, a recorded image produced by a distracted monitoring system is admissible as otherwise provided by law.

#### *Authorized Use and Operation of Distracted Driving Monitoring Systems*

The bill's authorization for the use of a distracted driving monitoring system only applies in Montgomery and Prince George's counties. A distracted driving monitoring system may only be used in a county if (1) its use is authorized by the county governing body by local law enacted after reasonable notice and a public hearing and (2) the county has determined that there is a need for a distracted driving monitoring system at the proposed location.

A county that establishes a distracted driving monitoring system program must bear the cost of implementing the program. The bill establishes the following processes, procedures, and requirements related to the use and operation of distracted driving monitoring systems:

- Before a county may use a distracted driving monitoring system on a State highway at a location within a municipal corporation, the county must obtain the approval of the State Highway Administration (SHA), notify the municipal corporation of SHA's approval, and grant the municipal corporation 60 days from the date of the county's notice to enact an ordinance authorizing the municipal corporation, instead of the county, to use a distracted driving monitoring system.

- Before activating a distracted driving monitoring system, a county must inform the general public that the systems are in use and where they are located in a specified manner.
- A county that authorizes a program of distracted driving monitoring systems must designate an official or employee to investigate and respond to questions or concerns about the program. The bill specifies the other responsibilities and duties of this individual.
- If a county moves or places a distracted driving monitoring system to or at a location where one had not previously existed, a citation for a violation recorded by that system may not be issued until signage is installed and for at least the first 15 calendar days after the signage is installed.
- A distracted driving monitoring system operator must complete training and be certified by the manufacturer of the system, as specified, and the certificate of training must be admitted as evidence in any court proceeding for a violation.
- A distracted driving monitoring system operator must fill out and sign a daily set-up log for a distracted driving monitoring system that includes specified information, must be kept on file, and must be admitted as evidence in any court proceeding for a violation.
- A distracted driving monitoring system must undergo an annual calibration check performed by an independent calibration laboratory, as specified, and the certificate of calibration must be kept on file and admitted as evidence in any court proceeding for a violation.

#### *Civil Penalty and Related Penalties*

Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or driver of a motor vehicle is subject to a civil penalty of up to \$40 if recorded by a distracted driving monitoring system during the commission of a violation.

The District Court must prescribe a uniform citation form, as specified, and a civil penalty, which must be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

If the citation is not paid and the violation is not contested, the Motor Vehicle Administration (MVA) may refuse to register or reregister the motor vehicle cited for the

violation. A violation for which a civil penalty is imposed is not a moving violation for the purpose of points assessment, may not be recorded on the driving record of the owner or driver of the vehicle, may be treated as a parking violation for certain enforcement purposes, and may not be considered in the provision of motor vehicle insurance.

#### *Requirements Related to Agency Issuance and Processing of Citations*

Any agency, or an agent or contractor designated by the agency, must administer and process civil citations issued under the bill in coordination with the District Court. A contractor's fee may not be contingent on a per-ticket basis on the number of citations issued or paid.

An agency generally must mail to the owner liable for a violation recorded by a distracted driving monitoring system a citation that includes specified information in accordance with the bill. An agency may not mail a citation to a person who is not an owner, as defined by the bill.

Generally, a citation must be issued within two weeks of the alleged violation (or 30 days after the alleged violation for vehicles registered in another state). A person who receives a citation may pay the civil penalty in accordance with the instructions on the citation or elect to stand trial.

#### *Certifications Alleging a Violation*

A certification alleging that a violation occurred, sworn to or affirmed by a duly authorized law enforcement officer employed by (or under contract with) an agency, based on the inspection of recorded images produced by a distracted driving monitoring system, is evidence of the facts contained in the certificate and is admissible in any proceeding concerning the alleged violation.

A person who receives a citation may request a system operator to be present and testify at trial but only if the person notifies the court within 20 days before the trial. Adjudication of liability must be based on a preponderance of the evidence.

#### *Defense of Violations*

The District Court may consider in defense of a violation (1) that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation; (2) that the distracted driving monitoring system was malfunctioning at the time of the violation; or (3) any other issues and evidence that the District Court considers pertinent.

## *Required Report*

By December 1, 2027, a county that authorizes a program of distracted driving monitoring systems must report to the Governor and General Assembly on (1) the effectiveness of distracted driving monitoring systems on improving public safety at the county level and in the specific areas where the systems were implemented and used and (2) using data collected through October 1, 2027.

## **Current Law:**

### *Prohibited Use of Wireless Communication and Text Messaging Devices While Driving*

No individual may, except to access a global positioning system or contact a 9-1-1 system, use a text messaging device to write, send, or read a text message or other electronic message while operating a motor vehicle on the roadway. In addition, an individual younger than age 18 may not, except to contact a 9-1-1 system, use a wireless communication device while operating a motor vehicle. A “wireless communication device” is a handheld or hands-free device used to access wireless telephone service.

A violation of these provisions is a misdemeanor, and a violator is subject to a maximum fine of \$500. MVA may suspend, for up to 90 days, the driver’s license of a minor who unlawfully uses a wireless communication or text messaging device while operating a motor vehicle, and MVA may issue a restricted license, as specified, for the period of suspension. The prepayment penalty established by the District Court for a violation of these provisions is \$70, and MVA must assess one point against the license. If the violation contributes to an accident, the prepayment penalty is \$110, and MVA must assess three points against the license.

### *Prohibited Use of Handheld Telephones While Driving*

The driver of a school vehicle that is carrying passengers and is in motion is prohibited from using a handheld telephone while operating a motor vehicle. The prohibition against using a handheld telephone while operating a motor vehicle also applies to the holder of a learner’s instructional permit or provisional driver’s license who is age 18 or older. Any other adult driver of a motor vehicle that is in motion may only use the driver’s hands to initiate or terminate a wireless telephone call or to turn the handheld telephone on or off; otherwise, the driver may not use a handheld telephone.

These prohibitions do not apply to the emergency use of a handheld telephone, including calls to a 9-1-1 system, hospital, ambulance service provider, fire department, law enforcement agency, or first aid squad. These prohibitions also do not apply to law enforcement or emergency personnel when acting within the scope of official duty or the

use of push-to-talk technology by a commercial operator. A court may waive the penalty for a first offender who provides proof that the person has acquired hands-free equipment to comply with State law.

A violation of the above provisions is a misdemeanor, subject to a maximum fine of \$175 for a third or subsequent offense; the maximum fines for a first and second offense are \$75 and \$125, respectively. The prepayment penalty established by the District Court is (1) \$83 for a first offense; (2) \$140 for a second offense; and (3) \$160 for a third or subsequent offense. MVA does not assess points for this offense unless the violation contributes to an accident, in which case three points are assessed against the violator's license.

### *Automated Monitoring Systems*

State law currently authorizes the use of various automated enforcement systems, including traffic control signal monitoring systems, automated railroad grade crossing enforcement systems, speed monitoring systems, school bus monitoring systems, stop sign monitoring systems, bus lane monitoring systems, noise abatement monitoring systems, vehicle height monitoring systems, and work zone speed control systems.

**State Revenues:** To the extent the District Court collects fines for citations issued under the bill, general fund revenues increase for an approximately three-year period. Any such impact depends on the extent to which the two counties elect to deploy distracted driving monitoring systems, the amount of the fine established for a violation, and whether citations are contested.

**State Expenditures:** General fund expenditures for the District Court increase for programming changes necessary to collect payments for citations that may be issued under the bill. Programming-related costs total as much as \$21,720 in fiscal 2026. This estimate includes about 168 hours of reprogramming.

**Local Fiscal Effect:** The two authorized counties may deploy distracted driving monitoring systems; to the extent they do so, county expenditures increase for start-up costs, ongoing implementation costs over, at most, three years, and public safety purposes. County revenues also increase to the extent an affected county collects penalties from citations issued by its distracted driving monitoring systems. Given the bill's termination date, it is unclear whether each county that implements a distracted driving monitoring system will fully offset its implementation costs.

## **Additional Information**

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

**Designated Cross File:** SB 613 (Senators Jackson and Waldstreicher) - Judicial Proceedings.

**Information Source(s):** Montgomery and Prince George's counties; Maryland Municipal League; Comptroller's Office; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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Analysis by: Eric F. Pierce

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510