

HB0516 Motor Vehicles - Automated Enforcement Prog

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Position: FAV



TESTIMONY FOR HB0516

Motor Vehicles - Automated Enforcement Programs - Privacy Protections

Bill Sponsor: Delegate Korman

Committee: Environment and Transportation

Organization Submitting: Maryland Legislative

Coalition **Person Submitting:** Aileen Alex, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of HB0516 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

Our members are deeply concerned about the possibility of federal immigration authorities accessing and misusing personal data collected by our state and local agencies, all funded by taxpayer dollars. This could happen without the protections offered by HB0516. This bill aims to address privacy concerns associated with automated enforcement systems, such as traffic cameras, ensuring that recorded images and data are protected and used appropriately.

HB0516 prohibits state and local agencies from using recorded images or associated data without a warrant, subpoena, or court order unless it's for legitimate traffic or law enforcement purposes. Moreover, the bill mandates the eventual removal and destruction of recorded images and data period to protect individual privacy.

The bill also enforces data minimization, purpose specification, data deletion, and auditing to ensure that only necessary information is collected and retained. This approach minimizes the risk of unrelated individuals being swept up a mass surveillance action. Additionally, the bill bans the use of facial recognition and biometric monitoring in automated cameras, further safeguarding privacy.

By addressing these privacy concerns, HB0516 can help restore and increase public trust in automated enforcement systems. The core premise is that data from traffic enforcement cameras should be used solely for traffic safety, not mass surveillance. Strong privacy protections are crucial to preventing data misuse and ensuring that these systems are used responsibly.

For Maryland residents, the benefits of HB0516 include enhanced privacy protections and clear guidelines on when and how recorded images and data can be accessed by authorities. By limiting access to personal data, the bill reduces the potential for misuse, particularly by federal immigration authorities, and provides an additional layer of protection for immigrant communities. In doing so,

HB0516 fosters trust in state and local agencies and aligns with Maryland's commitment to protecting the rights and dignity of its residents.

The Maryland Legislative Coalition steadfastly supports this bill and similar initiatives that protect all Marylanders' privacy and security.

HB_516_FAV_Korman

Uploaded by: Marc Korman

Position: FAV

MARC KORMAN
Legislative District 16
Montgomery County

Chair
Environment and Transportation
Committee

Rules and Executive
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Motor Vehicles – Automated Enforcement Programs – Privacy Protections (HB 516)

Testimony of Delegate Marc Korman - Favorable

Thank you, Madame Vice Chair and colleagues on the Environment and Transportation Committee. I come before you today to discuss the Automated Enforcement Privacy Act (HB 516). This legislation establishes a standard for the collection, use, auditing, and destruction of recorded images and associated data collected by automated enforcement programs. As we continue to use these automated enforcement programs for important safety goals, it is also critical that we maintain sensible guardrails. As you know, I am taking over this bill in the House from my now-Senate crossfire, Senator Sara Love. A version of this bill passed the House 105-32 last year.

Maryland currently has five different types of automated enforcement programs: school bus cameras, red light cameras, speed cameras, vehicle height monitoring cameras, and railroad grade crossing cameras. Additional systems, including work zone speed control systems, bus lane monitoring systems, noise abatement monitoring systems, and stop sign monitoring systems, have also been authorized in some jurisdictions. More automated enforcement programs are on the way as stop sign and noise cameras have previously been approved by the General Assembly for some pilot jurisdictions. Despite the extensive amount of data being collected by these programs around the state, there is no set standard for handling this data appropriately. This is further complicated by the fact that we do not have one centralized automated enforcement program. Instead, various law enforcement agencies at the state, county, and local level each have their own programs. With the increase in automated enforcement, the parameters outlined within this bill are necessary steps to protecting the privacy of citizens.

I have submitted a set of sponsor amendments reflecting bipartisan negotiations in the Senate. With these amendments, the chiefs and sheriffs are neutral on the legislation. The Automated Enforcement Privacy Act, with the amendments, would limit the use of images and recordings captured by automated enforcement programs to only traffic enforcement purposes except for certain circumstances. And these circumstances are important, as we have heard over the years compelling examples of where automated enforcement cameras have been used to investigate other, serious crimes. Specifically, an agency must request to use captured images and associated data through a formal documentation process subject to approval and limit usage to only the guideline of the request. In addition, the bill requires that agencies may only access recorded

images with a warrant, subpoena, or court order, unless they are being used for traffic enforcement or law enforcement purposes directly related to traffic safety.

The bill includes a specific definition of ‘law enforcement agency,’ as stated in § 3–201 of the Public Safety Article, to clarify which entities are permitted to access recorded images under the exceptions outlined in the legislation. Any captured images or recordings that do not show evidence of a violation must be deleted immediately, ensuring that individuals captured are not identities in the process. Captured data applicable to a traffic violation may only be kept until the earlier of (1) one year following the conclusion of any criminal investigation or the exhaustion of all the avenues of adjudication for the violation, or (2) five years after the day on which the recorded image or associated data was captured. The bill also standardizes data handling under § 12–113.1 of the Transportation Article, in order to provide uniform requirements for processing, retention, and disposal across all enforcement systems. The bill requires agencies to remain compliant by establishing employee training programs, designating auditors and standards, and following a formal destruction process for data. Automated enforcement systems may also not use biometric identifying technology such as facial recognition. It is important to set this framework in place to prevent the misuse and mismanagement of vital data.

To protect privacy and ensure oversight, the bill restricts public inspection of recorded images from automated enforcement systems, allowing access only in specific cases such as legal proceedings or review by cited individuals and their attorneys. It also requires local authorization and public hearings for certain programs, including stop sign and noise abatement monitoring systems, while limiting vehicle height monitoring systems to Baltimore City, Baltimore County, Harford County, and Prince George’s County, ensuring community input and proper oversight.

Regarding access by law enforcement, a law enforcement agency may access and use a recorded image or associated data already retained by the agency if (1) the agency documents a request that articulates a specific legitimate law enforcement purpose and (2) the custodian of the data maintains a written record of the request and whether it was granted. Once accessed, the agency may only use the recorded image or associate data for the purpose described in the request. Ultimately, any other law enforcement agency seeking access to the data must obtain an appropriate warrant, subpoena, or court order.

The Automated Enforcement Act will protect the privacy of citizens while ensuring our statewide systems can continue to protect and enforce necessary safety and traffic standards across the state. I urge a favorable report.

AAA Testimony in Support of Testimony in SUPPORT o

Uploaded by: Ragina Ali

Position: FAV



AAA Mid-Atlantic's Testimony in SUPPORT of HB 516 Motor Vehicles - Automated Enforcement Programs - Privacy Protections

Sponsor: Delegate Korman

- **AAA Mid-Atlantic supports HB 516 - Motor Vehicles - Automated Enforcement Programs - Privacy Protections** because it will protect the privacy of drivers, who are cited through an automated enforcement camera.
- HB 516 will prohibit "State and local agencies from using a recorded image or associated data from an automated enforcement system without a warrant, subpoena, or court order unless the use is for an appropriate traffic enforcement purpose."
- The bill further provides for proper disposal of the recorded images.
- AAA Mid-Atlantic has been supportive of Maryland's automated speed enforcement systems for two decades, working with the legislature in 2005 to launch Maryland's first pilot program for automated speed enforcement in residential areas and school zones in Montgomery County.
- AAA recognizes the role that automated enforcement can play in improving safety for motorists, pedestrians, and other road users by improving compliance with red lights, speed limits, and other traffic control devices.
- However, AAA believes that automated enforcement must be used as part of a comprehensive traffic safety strategy and that the legitimate privacy rights of individuals must be protected, including the destruction of photos as quickly as practical.
- Automated enforcement programs and the data contained from citations issued through those programs should be "for law enforcement use only" and not be subject to public or Freedom of Information Act (FOIA) requests in non-criminal cases.
- We support the use of automated enforcement systems that are fair and reasonable, don't undermine or violate the public trust, and are safety-based.
- AAA Mid-Atlantic remains committed to the safety of all road users and believe HB 516 will ensure that the privacy of drivers is protected.
- For these reasons, we respectfully urge the Committee to give **HB 516 a favorable report**.

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Maryland State Police Position Paper - House Bill

Uploaded by: Owen Traynor

Position: INFO



State of Maryland
Department of State Police
Government Affairs Unit
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: February 21, 2025

BILL NUMBER: House Bill 516 **POSITION:** Letter of Information

BILL TITLE: Motor Vehicles – Automated Enforcement Programs – Privacy Protections

REVIEW AND ANALYSIS

This legislation restricts the use of recorded images captured by automated enforcement systems to use only for an appropriate traffic enforcement purpose. Prohibits state and local agencies from using a recorded image or associated data from an automated enforcement system without a warrant, subpoena, or court order unless the use is for an appropriate traffic enforcement purpose. Furthermore, the bill requires an agency to immediately remove from its records and destroy any recorded image or associated data captured under the automated program that does not constitute evidence of a violation.

Currently, the Department of State Police (DSP) works with our partners at the Maryland Department of Transportation for the collection of images collected by a Work Zone Speed Camera System. DSP is responsible for the review and approval of civil citations issued for violations. Several counties have various automated enforcement programs such as speed enforcement, school bus violation enforcement and red-light enforcement.

In 2024, Governor Moore proposed the Maryland Road Worker Protection Act of 2024, HB 513, that passed and was signed into law. The bill provides for enhanced penalties for second or subsequent speeding violations within a work zone. House Bill 516 undoes what the bill had accomplished. This legislation requires a recorded image or associated data captured under a program that constitutes evidence of a violation may be retained only for up to 6 months or until the conclusion of any criminal investigation or criminal or civil court action involving the recorded image or associated data, which will remove the record of a previous violation for purposes of the enhanced penalty.

House Bill 516, mandates that images can only be used for traffic enforcement, thereby restricting a valid means used by law enforcement to identify vehicles used in crimes or other offenses. Operationally, these cameras capture vehicle make and tag information. It also captures the location of the violation. By restricting retention of the data, a person accused of a crime is prohibited from obtaining photos from any of these programs that could exonerate them at a later time.

The Maryland Department of State Police respectfully requests that the Committee consider this information when deliberating House Bill 516.

HB0516 - MVA - LOI - Motor Vehicles - Automated En

Uploaded by: Patricia Westervelt

Position: INFO

February 21, 2025

The Honorable Marc Korman
Chair, House Environment and Transportation Committee
250 Taylor House Office Building
Annapolis, MD 21401

RE: Letter of Information – HB 516 – Motor Vehicles – Automated Enforcement Programs – Privacy Protections

Dear Chair Korman and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on House Bill 516 but offers the following information for the Committee’s consideration.

HB 516 would enact privacy protections for motorists who are photographed or recorded via automated traffic enforcement (AE) systems, which includes speed and red-light running cameras. The legislation proposes conditions around the management, access to, use, and destruction of records for captured images and video from AE devices.

With the increasing reliance on AE systems to enforce vehicle laws, citations written by law enforcement have decreased significantly over the past several years. Vehicle records and traffic violations, such as captured vehicle speeds, are maintained by each jurisdiction or its vendor. While the State can track certain metrics with written citations, the State does not maintain an independent, single repository for AE citations. The only information submitted to the Maryland Motor Vehicle Administration (MVA) is unpaid citations to flag a vehicle’s registration, as Maryland’s privacy laws prohibits the sharing of AE data with the MVA and, consequently, the Maryland Highway Safety Office (MHSO).¹

HB 516 applies to recorded images captured by AE systems in work zones operated by the State Highway Administration (SHA). Currently, the SHA receives customer service requests beyond six months that require Work Zone AE citation information. Copies of outstanding citations are requested from individuals who lost the original citation and have now received a flag on their vehicle registration. Data is also requested to provide proof from the SHA that the AE citation has been paid. In addition, if the SHA determines that a refund is appropriate after payment, the citation data to support this would not be available if the SHA is required to purge the information in six months as required by HB 516.

Maryland law prohibits the renewal of vehicle registration with an outstanding traffic violation. Individuals renewing registration are often alerted to outstanding citations. Given that the MVA

¹ The MHSO oversees Vision Zero, the goal of zero roadway deaths in Maryland by 2030.

The Honorable Marc Korman
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offers a two-year registration option to make sure no necessary images are lost to resolve pending disputes, MDOT recommends a minimum period of two and a half years for record-keeping. Additionally, the bill text should accommodate for a timeline that supports the full resolution of violator debts.

The Maryland Department of Transportation respectfully requests that the Committee consider this information when deliberating House Bill 516.

Respectfully submitted,

Matthew Mickler
Director of Government Affairs
Maryland Department of Transportation
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