

# HOUSE BILL 1001

R5

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By: ~~Delegates Love, Baker, and Jacobs~~ Delegate Love

Introduced and read first time: February 5, 2024

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 5, 2024

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Motor Vehicles – Automated Enforcement Programs – Privacy Protections**

3 FOR the purpose of requiring a custodian of recorded images produced by certain  
4 automated enforcement systems to deny inspection of the recorded images, subject  
5 to certain exceptions; prohibiting certain State and local agencies from using a  
6 recorded image or associated data produced by an automated enforcement system  
7 without a warrant, subpoena, or court order unless the use is for an appropriate  
8 traffic enforcement purpose; establishing certain requirements and authorizations  
9 for the removal and destruction of recorded images and associated data produced  
10 by an automated enforcement system; establishing certain prohibitions and  
11 requirements for privacy protection under automated enforcement programs; and  
12 generally relating to privacy protections for automated enforcement programs.

13 BY repealing and reenacting, with amendments,  
14 Article – General Provisions  
15 Section 4–321  
16 Annotated Code of Maryland  
17 (2019 Replacement Volume and 2023 Supplement)

18 BY adding to  
19 Article – Transportation  
20 Section 12–113.1  
21 Annotated Code of Maryland  
22 (2020 Replacement Volume and 2023 Supplement)

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, without amendments,  
 2 Article – Transportation  
 3 Section 21–202.1(c), 21–704.1(b) and (e)(1), 21–706.1(c)(1), 21–809(b)(1)(i),  
 4 21–810(b)(1), 21–1134(c)(1), and 24–111.3(b) and (c)(1)  
 5 Annotated Code of Maryland  
 6 (2020 Replacement Volume and 2023 Supplement)

7 BY repealing and reenacting, with amendments,  
 8 Article – Transportation  
 9 Section 21–202.1(j), 21–704.1(k), 21–706.1(k), 21–809(i), 21–810(i), 21–1134(l), and  
 10 24–111.3(j)  
 11 Annotated Code of Maryland  
 12 (2020 Replacement Volume and 2023 Supplement)

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

15 **Article – General Provisions**

16 4–321.

17 (a) In this section, “**RECORDED IMAGE**” OR “recorded images” has the meaning  
 18 stated in § 21–202.1, **§ 21–706.1**, § 21–809, § 21–810, **§ 21–1134**, or § 24–111.3 of the  
 19 Transportation Article.

20 (b) Except as provided in subsection (c) of this section, a custodian shall deny  
 21 inspection of recorded images produced by:

22 (1) a traffic control signal monitoring system operated under § 21–202.1  
 23 of the Transportation Article;

24 **(2) AN AUTOMATED RAILROAD GRADE CROSSING ENFORCEMENT**  
 25 **SYSTEM OPERATED UNDER § 21–704.1 OF THE TRANSPORTATION ARTICLE;**

26 **(3) A SCHOOL BUS MONITORING CAMERA OPERATED UNDER §**  
 27 **21–706.1 OF THE TRANSPORTATION ARTICLE;**

28 ~~[(2)]~~ **(4)** a speed monitoring system operated under § 21–809 of the  
 29 Transportation Article;

30 ~~[(3)]~~ **(5)** a work zone speed control system operated under § 21–810 of  
 31 the Transportation Article; ~~or~~

32 ~~[(4)]~~ **(6) A BUS LANE MONITORING SYSTEM OPERATED UNDER §**  
 33 **21–1134 OF THE TRANSPORTATION ARTICLE; OR**



1           (7) “RECORDED IMAGE OR ASSOCIATED DATA” MEANS ANY IMAGE  
2 OR DATA RECORDED UNDER A PROGRAM BY ELECTRONIC OR DIGITAL MEANS, BY  
3 PHOTOGRAPHIC MEANS, OR BY WAY OF ANY OTHER MEDIUM THAT:

4           (I) SHOWS A MOTOR VEHICLE;

5           (II) CLEARLY IDENTIFIES THE ENTIRE REGISTRATION PLATE  
6 NUMBER OF THE MOTOR VEHICLE; AND

7           (III) MAY CONSTITUTE EVIDENCE OF A VIOLATION.

8           (8) “VIOLATION” MEANS A TRAFFIC VIOLATION THAT A PARTICULAR  
9 AUTOMATED ENFORCEMENT SYSTEM IS INTENDED TO CAPTURE.

10          (B) THIS SECTION APPLIES TO:

11           (1) TRAFFIC CONTROL SIGNAL MONITORING SYSTEMS UNDER §  
12 21-202.1 OF THIS ARTICLE;

13           (2) AUTOMATED RAILROAD GRADE CROSSING ENFORCEMENT  
14 SYSTEMS UNDER § 21-704.1 OF THIS ARTICLE;

15           (3) SCHOOL BUS MONITORING CAMERAS UNDER § 21-706.1 OF THIS  
16 ARTICLE;

17           (4) SPEED MONITORING SYSTEMS UNDER § 21-809 OF THIS  
18 ARTICLE;

19           (5) WORK ZONE SPEED CONTROL SYSTEMS UNDER § 21-810 OF THIS  
20 ARTICLE; ~~AND~~

21           (6) BUS LANE MONITORING SYSTEMS UNDER § 21-1134 OF THIS  
22 ARTICLE;

23           (7) VEHICLE HEIGHT MONITORING SYSTEMS UNDER § 24-111.3 OF  
24 THIS ARTICLE; AND

25           (8) ANY OTHER AUTOMATED TRAFFIC ENFORCEMENT SYSTEM  
26 AUTHORIZED UNDER STATE LAW.

27          (C) (1) ~~AN~~ EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS  
28 SUBSECTION, AN AGENCY MAY NOT ACCESS OR USE A RECORDED IMAGE OR

1 ASSOCIATED DATA WITHOUT A WARRANT, SUBPOENA, OR COURT ORDER UNLESS  
2 THE ACCESS OR USE IS FOR AN APPROPRIATE TRAFFIC ENFORCEMENT PURPOSE.

3 (2) AN AGENCY MAY ACCESS AND USE A RECORDED IMAGE AND  
4 ASSOCIATED DATA WITHOUT A WARRANT, SUBPOENA, OR COURT ORDER IN  
5 EXIGENT CIRCUMSTANCES.

6 (3) AN EMPLOYEE OR A CONTRACTOR OF AN AGENCY MAY ACCESS  
7 AND USE A RECORDED IMAGE AND ASSOCIATED DATA:

8 (I) TO AUDIT OR EVALUATE THE ACCURACY OF THE  
9 AUTOMATED ENFORCEMENT SYSTEM; AND

10 (II) IN A MANNER CONSISTENT WITH SUBSECTION (D) OF THIS  
11 SECTION.

12 (4) AN EMPLOYEE OF AN AGENCY WHO KNOWINGLY VIOLATES THIS  
13 SUBSECTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

14 (D) (1) AN AGENCY SHALL IMMEDIATELY REMOVE FROM ITS RECORDS  
15 AND DESTROY ANY RECORDED IMAGE OR ASSOCIATED DATA CAPTURED UNDER A  
16 PROGRAM THAT:

17 (I) DOES NOT CONSTITUTE EVIDENCE OF A VIOLATION; OR

18 (II) CONSTITUTES EVIDENCE OF A VIOLATION ONCE ALL THE  
19 AVENUES OF ADJUDICATION FOR THE VIOLATION HAVE BEEN EXHAUSTED.

20 (2) BEFORE AN AGENCY REMOVES AND DESTROYS A RECORDED  
21 IMAGE OR ASSOCIATED DATA, THE AGENCY MAY DISAGGREGATE THE DATA FOR  
22 ANALYSIS PURPOSES IN A MANNER THAT DOES NOT IDENTIFY ANY INDIVIDUAL.

23 (E) (1) AN AGENCY THAT IMPLEMENTS AND OPERATES A PROGRAM  
24 SHALL ADOPT PROCEDURES RELATING TO THE OPERATION OF THE PROGRAM AND  
25 THE USE OF AUTOMATED ENFORCEMENT SYSTEMS.

26 (2) THE PROCEDURES SHALL:

27 (I) IDENTIFY THE PERSONNEL IN THE AGENCY WHO ARE  
28 AUTHORIZED TO ACCESS OR USE RECORDED IMAGES AND ASSOCIATED DATA  
29 PRODUCED BY AN AUTOMATED ENFORCEMENT SYSTEM;

1 (II) ESTABLISH AN AUDIT PROCESS TO ENSURE THAT  
2 INFORMATION OBTAINED THROUGH THE USE OF AN AUTOMATED ENFORCEMENT  
3 SYSTEM IS USED ONLY FOR APPROPRIATE TRAFFIC ENFORCEMENT PURPOSES;

4 (III) ESTABLISH PROCEDURES AND SAFEGUARDS TO ENSURE  
5 THAT AGENCY PERSONNEL WITH ACCESS TO RECORDED IMAGES AND ASSOCIATED  
6 DATA ARE ADEQUATELY SCREENED AND TRAINED; ~~AND~~

7 (IV) ESTABLISH PROCEDURES AND SAFEGUARDS FOR THE  
8 SECURE STORAGE OF THE RECORDED IMAGES AND ASSOCIATED DATA BEFORE THE  
9 IMAGES AND DATA ARE REMOVED AND DESTROYED; AND

10 (V) ESTABLISH PROCEDURES FOR THE REMOVAL AND  
11 DESTRUCTION OF RECORDED IMAGES AND ASSOCIATED DATA.

12 (F) (1) RECORDED IMAGES AND ASSOCIATED DATA SHALL BE STORED  
13 USING SOFTWARE THAT:

14 ~~(I) IS IS~~ IS INDEPENDENT FROM AND INACCESSIBLE TO OTHER  
15 SYSTEMS AND NETWORKS; ~~AND~~

16 ~~(II) DOES NOT USE AND IS NOT ACCESSIBLE BY WIRELESS~~  
17 ~~NETWORKS.~~

18 (2) AN AUTOMATED ENFORCEMENT SYSTEM SHALL BE SITUATED  
19 AND FOCUSED IN A MANNER THAT:

20 (I) CAPTURES RECORDED IMAGES AND ASSOCIATED DATA OF  
21 VIOLATIONS; AND

22 (II) TO THE MAXIMUM EXTENT POSSIBLE, DOES NOT CAPTURE  
23 IDENTIFYING IMAGES OF THE DRIVER, OTHER DRIVERS OR VEHICLES, OR  
24 PEDESTRIANS.

25 (3) AN AUTOMATED ENFORCEMENT SYSTEM MAY NOT USE  
26 BIOMETRIC IDENTIFYING TECHNOLOGY, INCLUDING FACIAL RECOGNITION  
27 TECHNOLOGY.

28 (4) AN AGENCY OR A CONTRACTOR OF AN AGENCY MAY NOT SELL OR  
29 OTHERWISE TRANSFER OR SHARE RECORDED IMAGES AND ASSOCIATED DATA WITH  
30 ANOTHER PERSON OTHER THAN:

31 (I) A PERSON ALLEGED TO BE LIABLE FOR A CIVIL VIOLATION  
32 RECORDED BY AN AUTOMATED ENFORCEMENT SYSTEM; OR

1                   **(II) A COURT OF COMPETENT JURISDICTION WHEN**  
2 **ADJUDICATING LIABILITY.**

3 21-202.1.

4           (c) This section applies to a violation of § 21-202(h) of this subtitle at an  
5 intersection monitored by a traffic control signal monitoring system.

6           (j) **(1)** In consultation with local governments, the chief judge of the District  
7 Court shall adopt procedures for the issuance of citations, the trial of civil violations, and  
8 the collection of civil penalties under this section.

9                   **(2) THE STANDARDS AND REQUIREMENTS FOR THE USE,**  
10 **PROCESSING, AND DISPOSAL OF RECORDED IMAGES AND ASSOCIATED DATA**  
11 **ESTABLISHED UNDER § 12-113.1 OF THIS ARTICLE APPLY TO CITATIONS ISSUED**  
12 **UNDER THIS SECTION.**

13 21-704.1.

14           (b) This section applies only in Montgomery County and Prince George's  
15 County.

16           (e) **(1)** Unless the driver of the motor vehicle received a citation from a police  
17 officer at the time of the violation, the owner or, in accordance with subsection (h)(5) of  
18 this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is  
19 recorded by an automated railroad grade crossing enforcement system during the  
20 commission of a violation.

21           (k) **(1)** In consultation with local law enforcement agencies in Montgomery  
22 County and Prince George's County, the Chief Judge of the District Court shall adopt  
23 procedures for the issuance of citations, the trial of violations, and the collection of civil  
24 penalties under this section.

25                   **(2) THE STANDARDS AND REQUIREMENTS FOR THE USE,**  
26 **PROCESSING, AND DISPOSAL OF RECORDED IMAGES AND ASSOCIATED DATA**  
27 **ESTABLISHED UNDER § 12-113.1 OF THIS ARTICLE APPLY TO CITATIONS ISSUED**  
28 **UNDER THIS SECTION.**

29 21-706.1.

30           (c) **(1)** A school bus monitoring camera may not be used in a local jurisdiction  
31 under this section unless its use is authorized by the governing body of the local  
32 jurisdiction by local law enacted after reasonable notice and a public hearing.

1 (k) (1) In consultation with law enforcement agencies, the Chief Judge of the  
2 District Court shall adopt procedures for the issuance of citations, trials for violations,  
3 and the collection of civil penalties imposed under this section.

4 (2) THE STANDARDS AND REQUIREMENTS FOR THE USE,  
5 PROCESSING, AND DISPOSAL OF RECORDED IMAGES AND ASSOCIATED DATA  
6 ESTABLISHED UNDER § 12-113.1 OF THIS ARTICLE APPLY TO CITATIONS ISSUED  
7 UNDER THIS SECTION.

8 21-809.

9 (b) (1) (i) A speed monitoring system may not be used in a local  
10 jurisdiction under this section unless its use is authorized by the governing body of the  
11 local jurisdiction by local law enacted after reasonable notice and a public hearing.

12 (i) (1) In consultation with the appropriate local government agencies, the  
13 Chief Judge of the District Court shall adopt procedures for the issuance of citations, the  
14 trial of civil violations, and the collection of civil penalties under this section.

15 (2) THE STANDARDS AND REQUIREMENTS FOR THE USE,  
16 PROCESSING, AND DISPOSAL OF RECORDED IMAGES AND ASSOCIATED DATA  
17 ESTABLISHED UNDER § 12-113.1 OF THIS ARTICLE APPLY TO CITATIONS ISSUED  
18 UNDER THIS SECTION.

19 21-810.

20 (b) (1) A work zone speed control system that meets the requirements of this  
21 subsection may be used to record the images of motor vehicles traveling on a highway:

22 (i) Within a work zone;

23 (ii) That is an expressway or a controlled access highway as defined  
24 in § 21-101 of this title; and

25 (iii) On which the speed limit, established using generally accepted  
26 traffic engineering practices, is 45 miles per hour or greater.

27 (i) (1) In consultation with local police departments and State police  
28 departments, the Chief Judge of the District Court shall adopt procedures for the  
29 issuance of citations, the trial of civil violations, and the collection of civil penalties under  
30 this section.

31 (2) THE STANDARDS AND REQUIREMENTS FOR THE USE,  
32 PROCESSING, AND DISPOSAL OF RECORDED IMAGES AND ASSOCIATED DATA  
33 ESTABLISHED UNDER § 12-113.1 OF THIS ARTICLE APPLY TO CITATIONS ISSUED  
34 UNDER THIS SECTION.



1 21-1134.

2 (c) (1) Baltimore City may use a bus lane monitoring system that meets the  
3 requirements of this subsection to record the images of motor vehicles traveling in a bus  
4 lane.

5 (1) (1) In consultation with the Baltimore City Police Department, the Chief  
6 Judge of the District Court shall adopt procedures for the issuance of citations, trials for  
7 violations, and the collection of civil penalties imposed under this section.

8 (2) **THE STANDARDS AND REQUIREMENTS FOR THE USE,**  
9 **PROCESSING, AND DISPOSAL OF RECORDED IMAGES AND ASSOCIATED DATA**  
10 **ESTABLISHED UNDER § 12-113.1 OF THIS ARTICLE APPLY TO CITATIONS ISSUED**  
11 **UNDER THIS SECTION.**

12 24-111.3.

13 (b) This section applies only in Baltimore City, Baltimore County, Harford  
14 County, and Prince George's County.

15 (c) (1) A vehicle height monitoring system may be used to record images of  
16 vehicles traveling on a highway in a local jurisdiction under this section only if the use of  
17 vehicle height monitoring systems is authorized by local law adopted by the governing  
18 body of the local jurisdiction after reasonable notice and a public hearing.

19 (j) (1) In consultation with the appropriate local government agency, the  
20 Chief Judge of the District Court shall adopt procedures for the issuance of citations, the  
21 trial of civil violations, and the collection of civil penalties under this section.

22 (2) **THE STANDARDS AND REQUIREMENTS FOR THE USE,**  
23 **PROCESSING, AND DISPOSAL OF RECORDED IMAGES AND ASSOCIATED DATA**  
24 **ESTABLISHED UNDER § 12-113.1 OF THIS ARTICLE APPLY TO CITATIONS ISSUED**  
25 **UNDER THIS SECTION.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2024.