

# HOUSE BILL 1139

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By: **Delegates Lierman, Ali, Branch, Clippinger, Conaway, Gibson, Hayes,  
R. Lewis, McIntosh, Mosby, and Rosenberg**

Introduced and read first time: February 8, 2018

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Vehicle Height Monitoring Systems – Enforcement**

3 FOR the purpose of authorizing the Motor Vehicle Administration to refuse to register or  
4 reregister, or suspend the registration of, a motor vehicle for which the person liable  
5 for a violation recorded by a vehicle height monitoring system has failed to pay the  
6 civil penalty, contest liability, or appear for trial; altering the information that is  
7 required to be included in a citation issued based on a recorded image produced by a  
8 vehicle height monitoring system; requiring Baltimore City and the District Court  
9 to provide certain notice to the State Highway Administration regarding certain  
10 unsatisfied violations based on a recorded image produced by a vehicle height  
11 monitoring system; requiring the State Highway Administration to suspend certain  
12 permits and prohibiting the State Highway Administration from issuing certain  
13 permits for a certain time period on receipt of certain notice; making certain  
14 conforming changes; and generally relating to automated traffic enforcement in  
15 Baltimore City.

16 BY repealing and reenacting, with amendments,  
17 Article – Transportation  
18 Section 24–101, 24–111.3(e)(1) and (h), and 26–305  
19 Annotated Code of Maryland  
20 (2012 Replacement Volume and 2017 Supplement)

21 BY repealing and reenacting, without amendments,  
22 Article – Transportation  
23 Section 24–111.3(a)(1) and (4) and (b)(1)  
24 Annotated Code of Maryland  
25 (2012 Replacement Volume and 2017 Supplement)

26 BY adding to  
27 Article – Transportation

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 24–111.3(g–1)  
2 Annotated Code of Maryland  
3 (2012 Replacement Volume and 2017 Supplement)

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

6 **Article – Transportation**

7 24–101.

8 (a) The provisions of this subtitle governing size, weight, and load do not apply  
9 to:

10 (1) Emergency vehicles;

11 (2) Farm equipment temporarily moved on a highway;

12 (3) Vehicles owned by or under contract with the State or a political  
13 subdivision of the State when engaged in emergency operations or in snow or ice removal  
14 consistent with federal law; or

15 (4) Any other vehicle driven under the terms and conditions of a permit  
16 issued under this subtitle.

17 (b) A person may not drive on any publicly maintained highway any vehicle or  
18 combination of vehicles with a gross weight that exceeds:

19 (1) The maximum registered weight limit for which the vehicle or  
20 combination is registered under § 24–110 of this subtitle; or

21 (2) Any other weight limit established under the Maryland Vehicle Law.

22 (c) A person may not permit to be driven on any publicly maintained highway any  
23 vehicle or combination of vehicles with a gross weight that exceeds:

24 (1) The maximum registered weight limit for which the vehicle or  
25 combination is registered under § 24–110 of this subtitle; or

26 (2) Any other weight limit established under the Maryland Vehicle Law.

27 (d) A violation of the maximum weight provisions of this subtitle is not a moving  
28 violation for purposes of Title 16, Subtitle 4 of this article.

29 **(E) (1) THE STATE HIGHWAY ADMINISTRATION SHALL SUSPEND ANY**  
30 **PERMITS ISSUED UNDER THIS SUBTITLE AND MAY NOT ISSUE ANY NEW PERMITS**  
31 **UNDER THIS SUBTITLE TO THE REGISTERED OWNER OF A VEHICLE FOR WHICH THE**

1 STATE HIGHWAY ADMINISTRATION HAS RECEIVED:

2 (I) A DELINQUENCY NOTICE FROM BALTIMORE CITY UNDER §  
3 24-111.3(G-1)(2) OF THIS SUBTITLE FOR A VIOLATION RECORDED BY A VEHICLE  
4 HEIGHT MONITORING SYSTEM; OR

5 (II) NOTICE FROM THE DISTRICT COURT UNDER § 26-305(A-1)  
6 OF THIS ARTICLE THAT THE REGISTERED OWNER HAS FAILED TO APPEAR FOR TRIAL  
7 FOR A VIOLATION RECORDED BY A VEHICLE HEIGHT MONITORING SYSTEM.

8 (2) THE STATE HIGHWAY ADMINISTRATION SHALL CONTINUE THE  
9 SUSPENSION OF AND REFUSAL TO ISSUE PERMITS UNDER THIS SUBSECTION UNTIL:

10 (I) BALTIMORE CITY NOTIFIES THE STATE HIGHWAY  
11 ADMINISTRATION THAT THE DELINQUENCY HAS BEEN SATISFIED; OR

12 (II) THE DISTRICT COURT NOTIFIES THE STATE HIGHWAY  
13 ADMINISTRATION THAT THE REGISTERED OWNER HAS APPEARED FOR TRIAL OR  
14 HAS ADMITTED LIABILITY AND PAID THE FINE FOR THE VIOLATION.

15 24-111.3.

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

17 (4) "Vehicle height monitoring system" means a device with one or more  
18 motor vehicle sensors that is capable of producing recorded images of vehicles whose height  
19 exceeds a predetermined limit.

20 (b) (1) A vehicle height monitoring system may be used to record images of  
21 vehicles traveling on a highway in Baltimore City under this section only if the use of  
22 vehicle height monitoring systems is authorized by an ordinance adopted by the Baltimore  
23 City Council after reasonable notice and a public hearing.

24 (e) (1) Subject to the provisions of paragraphs (2) and (3) of this subsection,  
25 the Baltimore City Police Department or the Baltimore City Department of Transportation  
26 shall mail to an owner liable under this section a citation that shall include:

27 (i) The name and address of the registered owner of the motor  
28 vehicle;

29 (ii) The registration number of the motor vehicle involved in the  
30 violation;

31 (iii) The violation charged;

- 1 (iv) The location at which the violation occurred;
- 2 (v) The date and time of the violation;
- 3 (vi) A copy of the recorded image;
- 4 (vii) The amount of the civil penalty imposed and the date by which  
5 the civil penalty should be paid;
- 6 (viii) A signed statement by a duly authorized law enforcement officer  
7 commissioned by the Baltimore City Police Department that, based on inspection of the  
8 recorded image, the motor vehicle or combination of vehicles was being operated in violation  
9 of a State or local law restricting the presence of certain vehicles during certain times;
- 10 (ix) A statement that the recorded image is evidence of the violation;
- 11 (x) Information advising the owner alleged to be liable under this  
12 section of the manner and time in which liability as alleged in the citation may be contested  
13 in the District Court; and
- 14 (xi) Information advising the owner alleged to be liable under this  
15 section that failure to pay the civil penalty or to contest liability in a timely manner [is]:
- 16 1. IS an admission of liability;
- 17 2. MAY RESULT IN THE REFUSAL BY THE  
18 ADMINISTRATION TO REGISTER THE MOTOR VEHICLE; AND
- 19 3. MAY RESULT IN THE SUSPENSION OF THE MOTOR  
20 VEHICLE REGISTRATION.
- 21 (G-1) (1) IF AN OWNER LIABLE UNDER THIS SECTION DOES NOT PAY THE  
22 CIVIL PENALTY OR CONTEST THE VIOLATION, THE ADMINISTRATION:
- 23 (I) MAY REFUSE TO REGISTER OR REREGISTER THE MOTOR  
24 VEHICLE CITED FOR THE VIOLATION; OR
- 25 (II) MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE  
26 CITED FOR THE VIOLATION.
- 27 (2) (I) IF A MOTOR VEHICLE INVOLVED IN A VIOLATION THAT IS  
28 SUBJECT TO LIABILITY UNDER THIS SECTION IS REGISTERED OUTSIDE THE STATE  
29 AND THE PENALTY FOR THE VIOLATION IS NOT PAID AND THE VIOLATION IS NOT  
30 CONTESTED BY THE PRESCRIBED DUE DATE, BALTIMORE CITY SHALL:

1                   **1. PROVIDE A DELINQUENCY NOTICE TO THE STATE**  
2 **HIGHWAY ADMINISTRATION FOR THE FAILURE OF THE OWNER TO PAY THE CIVIL**  
3 **PENALTY OR CONTEST THE VIOLATION; AND**

4                   **2. NOTIFY THE STATE HIGHWAY ADMINISTRATION IF**  
5 **THE DELINQUENCY IS SATISFIED.**

6                   **(II) THE STATE HIGHWAY ADMINISTRATION SHALL SUSPEND**  
7 **ANY PERMITS ISSUED UNDER THIS SUBTITLE AND MAY NOT ISSUE ANY NEW PERMITS**  
8 **UNDER THIS SUBTITLE TO THE REGISTERED OWNER OF A VEHICLE FOR WHICH**  
9 **BALTIMORE CITY HAS PROVIDED A DELINQUENCY NOTICE UNTIL THE STATE**  
10 **HIGHWAY ADMINISTRATION RECEIVES NOTICE THAT THE DELINQUENCY IS**  
11 **SATISFIED.**

12           (h) A violation for which a civil penalty is imposed under this section:

13                   (1) Is not a moving violation for the purpose of assessing points under §  
14 16–402 of this article;

15                   (2) May not be recorded by the Administration on the driving record of the  
16 owner of the vehicle;

17                   (3) May [not] be treated as a parking violation for purposes of § 26–305 of  
18 this article; and

19                   (4) May not be considered in the provision of motor vehicle insurance  
20 coverage.

21 26–305.

22           (a) The Administration may not register or transfer the registration of any vehicle  
23 involved in a parking violation under this subtitle, a violation under any federal parking  
24 regulation that applies to property in this State under the jurisdiction of the U.S.  
25 government, a violation of § 21–202(h) of this article as determined under § 21–202.1 of this  
26 article or Title 21, Subtitle 8 of this article as determined under § 21–809 or § 21–810 of  
27 this article, **A VIOLATION RECORDED IN BALTIMORE CITY BY A VEHICLE HEIGHT**  
28 **MONITORING SYSTEM UNDER § 24–111.3 OF THIS ARTICLE**, or a violation of the Illegal  
29 Dumping and Litter Control Law under § 10–110 of the Criminal Law Article or a local law  
30 or ordinance adopted by Baltimore City relating to the unlawful disposal of litter as  
31 determined under § 10–112 of the Criminal Law Article, if:

32                   (1) It is notified by a political subdivision or authorized State agency that  
33 the person cited for the violation under this subtitle, § 21–202.1, § 21–809, [or] § 21–810,  
34 **OR § 24–111.3** of this article, or § 10–110 or § 10–112 of the Criminal Law Article has  
35 failed to either:

1 (i) Pay the fine for the violation by the date specified in the citation;  
2 or

3 (ii) File a notice of his intention to stand trial for the violation;

4 (2) It is notified by the District Court that a person who has elected to stand  
5 trial for the violation under this subtitle, under § 21–202.1, § 21–809, [or] § 21–810, **OR §**  
6 **24–111.3** of this article, or under § 10–110 or § 10–112 of the Criminal Law Article has  
7 failed to appear for trial; or

8 (3) It is notified by a U.S. District Court that a person cited for a violation  
9 under a federal parking regulation:

10 (i) Has failed to pay the fine for the violation by the date specified  
11 in the federal citation; or

12 (ii) Either has failed to file a notice of the person's intention to stand  
13 trial for the violation, or, if electing to stand trial, has failed to appear for trial.

14 **(A–1) THE DISTRICT COURT SHALL NOTIFY THE STATE HIGHWAY**  
15 **ADMINISTRATION IF AN OUT–OF–STATE REGISTERED OWNER THAT HAS ELECTED TO**  
16 **STAND TRIAL UNDER § 24–111.3 OF THIS ARTICLE HAS FAILED TO APPEAR FOR**  
17 **TRIAL.**

18 (b) (1) Notwithstanding the provisions of subsection (a) of this section, the  
19 Administration may suspend the registration of a vehicle involved in a parking violation  
20 under this subtitle or a violation under any federal parking regulation that applies to  
21 property in this State under the jurisdiction of the U.S. government if notified in accordance  
22 with subsection (a) of this section that the violator is a chronic offender.

23 (2) The Administration may adopt rules and regulations to define chronic  
24 offender and develop procedures to carry out the suspension of registration as authorized  
25 by this subsection.

26 (c) The Administration shall continue the suspension and refusal to register or  
27 transfer a registration of the vehicle until:

28 (1) If the suspension or refusal was required under subsection (a)(1) or  
29 (b)(1) of this section, the political subdivision or State agency notifies the Administration  
30 that the charge has been satisfied;

31 (2) If the suspension or refusal was required under subsection (a)(2) or  
32 (b)(1) of this section, the District Court notifies the Administration that the person cited  
33 has appeared for trial or has pleaded guilty and paid the fine for the violation; or

1           (3) If the suspension or refusal was required under subsection (a)(3) or  
2 (b)(1) of this section, the U.S. District Court notifies the Administration that the charge has  
3 been satisfied.

4           (d) If the registration of the vehicle has been suspended in accordance with  
5 subsection (b)(1) of this section, a person may not drive the vehicle on any highway in this  
6 State.

7           (e) The procedures specified in this section are in addition to any other penalty  
8 provided by law for the failure to pay a fine or stand trial for a parking violation.

9           (f) The Administration shall adopt procedures by which the political  
10 subdivisions, State agencies, the District Court, and the U.S. District Court shall notify it  
11 of any restrictions and any rescission of restrictions placed on the registration of vehicles  
12 under this section.

13           (g) (1) In addition to any other fee or penalty provided by law, an owner of a  
14 vehicle who is denied registration of the vehicle under the provisions of this section shall  
15 pay a fee established by the Administration before renewal of the registration of the vehicle.

16           (2) The fee described under paragraph (1) of this subsection:

17                   (i) May be distributed in part to a political subdivision acting as an  
18 agent of the Administration in the registration of a vehicle under § 13–404 of this article if,  
19 based upon information provided to the Administration by the political subdivision under  
20 this section, the vehicle’s prior registration was suspended or the vehicle’s registration  
21 renewal was denied; and

22                   (ii) Except as provided under item (i) of this paragraph, shall be  
23 retained by the Administration and may not be credited to the Gasoline and Motor Vehicle  
24 Revenue Account for distribution under § 8–403 or § 8–404 of this article.

25           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2018.