

# HOUSE BILL 1139

R5

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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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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2018

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

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; prohibiting a violation recorded by a vehicle height  
9 monitoring system from being recorded on the driving record of any person; altering  
10 the persons to which certain penalties apply; requiring Baltimore City and the  
11 District Court to provide certain notice to the State Highway Administration  
12 regarding certain unsatisfied violations based on a recorded image produced by a  
13 vehicle height monitoring system; requiring the State Highway Administration to  
14 suspend certain permits and prohibiting the State Highway Administration from  
15 issuing certain permits for a certain time period on receipt of certain notice;  
16 authorizing a person who has received a citation for a violation recorded by a vehicle  
17 height monitoring system to subrogate liability under certain circumstances;  
18 requiring Baltimore City to monitor and document for certain time periods the  
19 compliance rate for the appropriate satisfaction of citations issued based on recorded  
20 images made by a vehicle height monitoring system; providing for the effective date  
21 of certain provisions of this Act; providing for the termination of certain provisions  
22 of this Act under certain circumstances; providing for the application of certain  
23 provisions of this Act; making certain conforming changes; and generally relating to

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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 ~~automated traffic enforcement~~ enforcement related to vehicle height monitoring  
 2 systems in Baltimore City.

3 BY repealing and reenacting, with amendments,  
 4 Article – Transportation  
 5 Section 24–101, ~~24–111.3(e)(1)~~ 24–111.3(d)(2), (e)(1) and (3), and (h), and 26–305  
 6 Annotated Code of Maryland  
 7 (2012 Replacement Volume and 2017 Supplement)

8 BY repealing and reenacting, without amendments,  
 9 Article – Transportation  
 10 Section 24–111.3(a)(1) and (4) and (b)(1)  
 11 Annotated Code of Maryland  
 12 (2012 Replacement Volume and 2017 Supplement)

13 BY adding to  
 14 Article – Transportation  
 15 Section ~~24–111.3(g–1)~~ 24–111.3(f–1) and (g–1)  
 16 Annotated Code of Maryland  
 17 (2012 Replacement Volume and 2017 Supplement)

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

20 **Article – Transportation**

21 24–101.

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

24 (1) Emergency vehicles;

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

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

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

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

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

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

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

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

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

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

9 (E) (1) **THIS SUBSECTION APPLIES TO A VEHICLE OR COMBINATION OF**  
10 **VEHICLES REGISTERED OUTSIDE THE STATE.**

11 (2) **THE STATE HIGHWAY ADMINISTRATION SHALL SUSPEND ~~ANY~~**  
12 **~~PERMITS A PERMIT TO TRAVEL IN BALTIMORE CITY~~ ISSUED UNDER THIS SUBTITLE**  
13 **~~TO A VEHICLE OR COMBINATION OF VEHICLES~~ AND MAY NOT ISSUE ~~ANY~~ A NEW**  
14 **~~PERMITS PERMIT TO TRAVEL IN BALTIMORE CITY~~ UNDER THIS SUBTITLE TO ~~THE~~**  
15 **~~REGISTERED OWNER OF~~ A VEHICLE OR COMBINATION OF VEHICLES FOR WHICH THE**  
16 **STATE HIGHWAY ADMINISTRATION HAS RECEIVED:**

17 (I) **A DELINQUENCY NOTICE FROM BALTIMORE CITY UNDER §**  
18 **24-111.3(G-1)(2) OF THIS SUBTITLE FOR A VIOLATION RECORDED BY A VEHICLE**  
19 **HEIGHT MONITORING SYSTEM; OR**

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

23 ~~(2)~~ (3) **THE STATE HIGHWAY ADMINISTRATION SHALL CONTINUE**  
24 **THE SUSPENSION OF AND REFUSAL TO ISSUE PERMITS TO TRAVEL IN BALTIMORE**  
25 **CITY UNDER THIS SUBSECTION UNTIL:**

26 (I) **BALTIMORE CITY NOTIFIES THE STATE HIGHWAY**  
27 **ADMINISTRATION THAT THE DELINQUENCY HAS BEEN SATISFIED; OR**

28 (II) **THE DISTRICT COURT NOTIFIES THE STATE HIGHWAY**  
29 **ADMINISTRATION THAT THE REGISTERED OWNER HAS APPEARED FOR TRIAL OR**  
30 **HAS ADMITTED LIABILITY AND PAID THE FINE FOR THE VIOLATION.**

31 24-111.3.

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

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

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

9 (d) (2) A civil penalty under this subsection may not exceed:

10 (i) For a second violation by [the owner of the motor vehicle] A  
11 PERSON LIABLE UNDER THIS SECTION, \$250; and

12 (ii) For a third or subsequent violation by [the owner of the motor  
13 vehicle] A PERSON LIABLE UNDER THIS SECTION, \$500.

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

17 (i) The name and address of the registered owner of the motor  
18 vehicle;

19 (ii) The registration number of the motor vehicle involved in the  
20 violation;

21 (iii) The violation charged;

22 (iv) The location at which the violation occurred;

23 (v) The date and time of the violation;

24 (vi) A copy of the recorded image;

25 (vii) The amount of the civil penalty imposed and the date by which  
26 the civil penalty should be paid;

27 (viii) A signed statement by a duly authorized law enforcement officer  
28 commissioned by the Baltimore City Police Department that, based on inspection of the  
29 recorded image, the motor vehicle or combination of vehicles was being operated in violation  
30 of a State or local law restricting the presence of certain vehicles during certain times;

31 (ix) A statement that the recorded image is evidence of the violation;

1 (x) Information advising the ~~owner~~ **PERSON** alleged to be liable  
2 under this section of the manner and time in which liability as alleged in the citation may  
3 be contested in the District Court; and

4 (xi) Information advising the ~~owner~~ **PERSON** alleged to be liable  
5 under this section that failure to pay the civil penalty or to contest liability in a timely  
6 manner [is]:

7 1. IS an admission of liability;

8 2. MAY RESULT IN THE REFUSAL BY THE  
9 ADMINISTRATION TO REGISTER THE MOTOR VEHICLE; AND

10 3. MAY RESULT IN THE SUSPENSION OF THE MOTOR  
11 VEHICLE REGISTRATION.

12 (3) [A] EXCEPT AS PROVIDED IN SUBSECTION (F-1) OF THIS SECTION,  
13 A citation issued under this section shall be mailed no later than 30 days after the alleged  
14 violation.

15 (F-1) (1) IF AT THE TIME OF A VIOLATION UNDER THIS SECTION THE  
16 MOTOR VEHICLE INVOLVED WAS UNDER THE CUSTODY AND CONTROL OF, OR BEING  
17 OPERATED BY, A PERSON OTHER THAN THE OWNER, THAT PERSON AND NOT THE  
18 OWNER SHALL BE LIABLE FOR THE VIOLATION AND SENT A CITATION UNDER  
19 SUBSECTION (E) OF THIS SECTION IF, BEFORE THE DUE DATE TO PAY THE CITATION  
20 OR CONTEST LIABILITY, THE OWNER PROVIDES SUBSTANTIAL EVIDENCE IN THE  
21 REQUIRED FORM TO THE BALTIMORE POLICE DEPARTMENT OR THE BALTIMORE  
22 CITY DEPARTMENT OF TRANSPORTATION, AS APPROPRIATE, OF THE IDENTITY OF  
23 THE PERSON WHO HAD CUSTODY AND CONTROL OVER OR WAS OPERATING THE  
24 MOTOR VEHICLE AT THE TIME OF THE VIOLATION.

25 (2) A CITATION ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION  
26 SHALL BE MAILED NO LESS THAN 30 DAYS AFTER THE BALTIMORE POLICE  
27 DEPARTMENT OR THE BALTIMORE CITY DEPARTMENT OF TRANSPORTATION, AS  
28 APPROPRIATE, DETERMINES THAT SUBSTANTIAL EVIDENCE EXISTS THAT THE  
29 PERSON OTHER THAN THE OWNER COMMITTED THE VIOLATION.

30 (3) IF A PERSON IDENTIFIED UNDER PARAGRAPH (1) OF THIS  
31 SUBSECTION ADMITS TO OR IS ADJUDICATED LIABLE FOR THE VIOLATION, THE  
32 OWNER IS NOT LIABLE FOR THE VIOLATION.

33 (G-1) (1) IF AN OWNER LIABLE UNDER THIS SECTION DOES NOT PAY THE  
34 CIVIL PENALTY OR CONTEST THE VIOLATION, THE ADMINISTRATION:

1 (I) MAY REFUSE TO REGISTER OR REREGISTER THE MOTOR  
2 VEHICLE CITED FOR THE VIOLATION; OR

3 (II) MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE  
4 CITED FOR THE VIOLATION.

5 (2) (I) IF A MOTOR VEHICLE INVOLVED IN A VIOLATION THAT IS  
6 SUBJECT TO LIABILITY UNDER THIS SECTION IS REGISTERED OUTSIDE THE STATE  
7 AND THE PENALTY FOR THE VIOLATION IS NOT PAID AND THE VIOLATION IS NOT  
8 CONTESTED BY THE PRESCRIBED DUE DATE, BALTIMORE CITY SHALL:

9 1. PROVIDE A DELINQUENCY NOTICE TO THE STATE  
10 HIGHWAY ADMINISTRATION FOR THE FAILURE OF THE OWNER TO PAY THE CIVIL  
11 PENALTY OR CONTEST THE VIOLATION; AND

12 2. NOTIFY THE STATE HIGHWAY ADMINISTRATION IF  
13 THE DELINQUENCY IS SATISFIED.

14 (II) THE STATE HIGHWAY ADMINISTRATION SHALL SUSPEND  
15 ~~ANY PERMITS~~ A PERMIT TO TRAVEL IN BALTIMORE CITY ISSUED UNDER THIS  
16 SUBTITLE TO A VEHICLE OR COMBINATION OF VEHICLES AND MAY NOT ISSUE ~~ANY A~~  
17 ~~NEW PERMITS~~ PERMIT TO TRAVEL IN BALTIMORE CITY UNDER THIS SUBTITLE TO  
18 ~~THE REGISTERED OWNER OF A VEHICLE OR COMBINATION OF VEHICLES~~ FOR WHICH  
19 BALTIMORE CITY HAS PROVIDED A DELINQUENCY NOTICE UNTIL THE STATE  
20 HIGHWAY ADMINISTRATION RECEIVES NOTICE THAT THE DELINQUENCY IS  
21 SATISFIED.

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

23 (1) Is not a moving violation for the purpose of assessing points under §  
24 16-402 of this article;

25 (2) May not be recorded by the Administration on the driving record of ~~the~~  
26 ~~owner of the vehicle~~ ANY PERSON;

27 (3) May [not] be treated as a parking violation for purposes of § 26-305 of  
28 this article; and

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

31 26-305.

32 (a) The Administration may not register or transfer the registration of any vehicle  
33 involved in a parking violation under this subtitle, a violation under any federal parking

1 regulation that applies to property in this State under the jurisdiction of the U.S.  
2 government, a violation of § 21–202(h) of this article as determined under § 21–202.1 of this  
3 article or Title 21, Subtitle 8 of this article as determined under § 21–809 or § 21–810 of  
4 this article, **A VIOLATION RECORDED IN BALTIMORE CITY BY A VEHICLE HEIGHT**  
5 **MONITORING SYSTEM UNDER § 24–111.3 OF THIS ARTICLE**, or a violation of the Illegal  
6 Dumping and Litter Control Law under § 10–110 of the Criminal Law Article or a local law  
7 or ordinance adopted by Baltimore City relating to the unlawful disposal of litter as  
8 determined under § 10–112 of the Criminal Law Article, if:

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

13 (i) Pay the fine for the violation by the date specified in the citation;  
14 or

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

16 (2) It is notified by the District Court that a person who has elected to stand  
17 trial for the violation under this subtitle, under § 21–202.1, § 21–809, [or] § 21–810, **OR §**  
18 **24–111.3** of this article, or under § 10–110 or § 10–112 of the Criminal Law Article has  
19 failed to appear for trial; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28               (i)    May be distributed in part to a political subdivision acting as an  
29 agent of the Administration in the registration of a vehicle under § 13–404 of this article if,  
30 based upon information provided to the Administration by the political subdivision under  
31 this section, the vehicle's prior registration was suspended or the vehicle's registration  
32 renewal was denied; and

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



1        SECTION 2. AND BE IT FURTHER ENACTED, That Baltimore City shall monitor  
 2 and document from the date of the initial implementation and use of vehicle height  
 3 monitoring systems through December 1, 2018, December 1, 2019, and December 1, 2020,  
 4 respectively, the cumulative compliance rate for the payment of civil penalties assessed or  
 5 the appropriate contesting of liability for violations recorded in Baltimore City by vehicle  
 6 height monitoring systems.

7        SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take  
 8 effect December 1, 2018. On or before January 1, 2019, January 1, 2020, and January 1,  
 9 2021, respectively, Baltimore City shall notify the Department of Legislative Services of  
 10 the cumulative compliance rates determined under Section 2 of this Act through December  
 11 1, 2018, December 1, 2019, and December 1, 2020, respectively. If the Department of  
 12 Legislative Services does not receive notice on or before January 1, 2021, stating that the  
 13 compliance rate through December 1, 2020, determined under Section 2 of this Act does not  
 14 meet or exceed 80%, Section 1 of this Act shall be null and void without the necessity of  
 15 further action by the General Assembly.

16        SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this  
 17 Act, this Act shall take effect October 1, 2018.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.