

HOUSE BILL 1001

R5

4lr0604

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

Introduced and read first time: February 5, 2024

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 5, 2024

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)

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.



BY repealing and reenacting, without amendments,

Article – Transportation

Section 21–202.1(c), 21–704.1(b) and (e)(1), 21–706.1(c)(1), 21–809(b)(1)(i),
21–810(b)(1), 21–1134(c)(1), and 24–111.3(b) and (c)(1)

Annotated Code of Maryland

(2020 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 21–202.1(j), 21–704.1(k), 21–706.1(k), 21–809(i), 21–810(i), 21–1134(l), and
24–111.3(j)

Annotated Code of Maryland

(2020 Replacement Volume and 2023 Supplement)

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

Article – General Provisions

4–321.

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

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

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

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

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

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

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

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

(7) a vehicle height monitoring system operated under § 24–111.3 of the Transportation Article.

(c) A custodian shall allow inspection of recorded images:

(1) as required in § 12–113.1, § 21–202.1, § 21–704.1, § 21–706.1, § 21–809, § 21–810, § 21–1134, or § 24–111.3 of the Transportation Article;

(2) by any person issued a citation under § 21–202.1, § 21–704.1, § 21–706.1, § 21–809, § 21–810, § 21–1134, or § 24–111.3 of the Transportation Article, or by an attorney of record for the person; or

(3) by an employee or agent of an agency in an investigation or a proceeding relating to the imposition of or indemnification from civil liability under § 21–202.1, § 21–704.1, § 21–706.1, § 21–809, § 21–810, § 21–1134, or § 24–111.3 of the Transportation Article.

Article – Transportation

12–113.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “AGENCY” MEANS A STATE POLICE DEPARTMENT, THE STATE HIGHWAY ADMINISTRATION, A LOCAL POLICE DEPARTMENT, OR ANOTHER LOCAL AGENCY THAT IMPLEMENTS AND OPERATES AN AUTOMATED ENFORCEMENT PROGRAM.

(3) “APPROPRIATE TRAFFIC ENFORCEMENT PURPOSE” MEANS THE DETECTION, INVESTIGATION, OR ANALYSIS OF, OR ASSESSMENT OR ADJUDICATION OF LIABILITY FOR, A VIOLATION.

(4) “AUTOMATED ENFORCEMENT” MEANS THE USE OF CAMERAS, MONITORING DEVICES, AND OTHER TECHNOLOGY BY AN AGENCY TO CAPTURE RECORDED IMAGES OF A MOTOR VEHICLE BEING OPERATED IN VIOLATION OF A TRAFFIC LAW.

(5) “FACIAL RECOGNITION TECHNOLOGY” MEANS A BIOMETRIC SOFTWARE APPLICATION THAT IDENTIFIES OR VERIFIES THE IDENTITY OF AN INDIVIDUAL BY COMPARING AND ANALYZING PATTERNS BASED ON AN INDIVIDUAL’S FACIAL CONTOURS.

(6) “PROGRAM” MEANS AN AUTOMATED ENFORCEMENT PROGRAM IMPLEMENTED AND OPERATED BY AN AGENCY.

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

(I) SHOWS A MOTOR VEHICLE;

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

(III) MAY CONSTITUTE EVIDENCE OF A VIOLATION.

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

(B) THIS SECTION APPLIES TO:

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

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

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

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

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

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

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

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

(C) (1) ~~AN~~ EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS 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;

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

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

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

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

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

~~(H) IS IS~~ IS INDEPENDENT FROM AND INACCESSIBLE TO OTHER SYSTEMS AND NETWORKS; ~~AND~~

~~(H) DOES NOT USE AND IS NOT ACCESSIBLE BY WIRELESS NETWORKS.~~

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

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

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

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

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

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

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

21-202.1.

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

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

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

21-704.1.

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

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

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

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

21-706.1.

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

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

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

21-809.

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

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

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

21-810.

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

(i) Within a work zone;

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

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

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

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