

SENATE BILL 943

R5
HB 1027/23 – ENT

4lr1320

By: **Senators Kelly and Lam**

Introduced and read first time: February 2, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Bus Obstruction Monitoring Systems**
3 **(Better Bus Service Act of 2024)**

4 FOR the purpose of authorizing the use of automated bus obstruction monitoring systems
5 to enforce violations of certain parking–related prohibitions; making statewide the
6 authority of a local jurisdiction to use, in accordance with certain standards and
7 procedures, bus obstruction monitoring systems to enforce certain prohibited acts
8 related to dedicated areas near the edge of roadways; prohibiting a person from
9 stopping, standing, or parking a vehicle in certain areas of the roadway; establishing
10 the Workgroup on Curb Space Management; and generally relating to bus
11 obstruction monitoring systems.

12 BY repealing and reenacting, without amendments,
13 Article – Transportation
14 Section 21–101(a) and 21–1003(a), (j), (r), and (dd)
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2023 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Transportation
19 Section 21–101(i–1), 21–1133, and 21–1134
20 Annotated Code of Maryland
21 (2020 Replacement Volume and 2023 Supplement)

22 BY adding to
23 Article – Transportation
24 Section 21–1003(gg) and (hh)
25 Annotated Code of Maryland
26 (2020 Replacement Volume and 2023 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Transportation**

3 21–101.

4 (a) In this title and Title 25 of this article the following words have the meanings
5 indicated.

6 (i–1) **(1)** “Dedicated bus lane” means a lane designated for use by mass transit
7 vehicles owned, operated, or contracted for by the Maryland Transit Administration, **THE**
8 **WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**, or a local department of
9 transportation.

10 **(2) “DEDICATED BUS LANE” INCLUDES TRANSIT BUS STOPS.**

11 21–1003.

12 (a) The provisions of this section apply except as necessary to avoid conflict with
13 other traffic or in compliance with law or the directions of a police officer or traffic control
14 device.

15 (j) A person may not stop, stand, or park a vehicle at any place where stopping is
16 prohibited by an official sign.

17 (r) A person may not stand or park a vehicle on the roadway side of any other
18 vehicle that is stopped or parked at the edge or curb of a highway.

19 (dd) A person may not stop, stand, or park a vehicle in front of a curb ramp
20 designed for the use of individuals with disabilities.

21 **(GG) A PERSON MAY NOT STOP, STAND, OR PARK A VEHICLE IN A BUS STOP**
22 **ZONE.**

23 **(HH) A PERSON MAY NOT STOP, STAND, OR PARK A VEHICLE IN A BIKE LANE.**

24 21–1133.

25 (a) Except as provided in subsection (b) of this section, a person may not drive,
26 **STAND, OR PARK** a vehicle in a dedicated bus lane unless authorized by the local
27 jurisdiction in which the dedicated bus lane is located.

28 (b) The following vehicles may be driven, **ALLOWED TO STAND, OR PARKED** in
29 a dedicated bus lane:

30 (1) A transit vehicle owned, operated, or contracted for by the Maryland

Transit Administration, **THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**, or a local department of transportation;

(2) A school bus;

(3) A bicycle;

(4) An emergency vehicle; [and]

(5) A vehicle making a right turn at the next immediate intersection; **AND**

(6) A PRIVATELY OPERATED BUS WITH A SEATING CAPACITY GREATER THAN 16 PASSENGERS.

21-1134.

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

(2) **“AGENCY” MEANS:**

(I) A LAW ENFORCEMENT AGENCY OR PARKING ENFORCEMENT AGENCY OF A LOCAL POLITICAL SUBDIVISION THAT IS AUTHORIZED TO ISSUE A CITATION FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC AND PARKING LAWS OR REGULATIONS;

(II) FOR A MUNICIPAL CORPORATION THAT DOES NOT MAINTAIN A POLICE FORCE, AN AGENCY ESTABLISHED OR DESIGNATED BY THE MUNICIPAL CORPORATION TO USE BUS OBSTRUCTION MONITORING SYSTEMS IN ACCORDANCE WITH THIS SECTION; OR

(III) A LOCAL, REGIONAL, OR STATEWIDE TRANSIT AGENCY OR AUTHORITY, INCLUDING THE MARYLAND TRANSIT ADMINISTRATION AND THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

(3) “Bus [lane] OBSTRUCTION monitoring system” means an enforcement system, INCLUDING AN ONBOARD OR FIXED MONITORING SYSTEM, that is designed to capture a recorded image [of a driver] of a motor vehicle [committing] DURING THE COMMISSION OF a violation.

[(3)] (4) “Bus [lane] OBSTRUCTION monitoring system operator” means a representative of [the Baltimore City Police Department] AN AGENCY or a contractor that operates a bus [lane] OBSTRUCTION monitoring system.

[(4)] (5) (i) “Owner” means the registered owner of a motor vehicle or

a lessee of a motor vehicle under a lease of 6 months or more.

(ii) “Owner” does not include:

1. A motor vehicle leasing company; or

2. A holder of a special registration plate issued under Title 13, Subtitle 9, Part III of this article.

[(5)] (6) “Recorded image” means an image recorded by a bus **[lane]** **OBSTRUCTION** monitoring system:

(i) On:

1. A photograph;

2. A microphotograph;

3. An electronic image;

4. Videotape; or

5. Any other visual medium; and

(ii) Showing a motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate number of the motor vehicle.

[(6)] (7) “Violation” means a violation of:

(I) § 21–1133 of this subtitle; **OR**

(II) § 21–1003(J), (R), (DD), (GG), OR (HH) OF THIS TITLE.

(b) [This section applies only in Baltimore City.

(c) (1) **[Baltimore City]** **AN AGENCY** may use a bus **[lane]** **OBSTRUCTION** monitoring system that meets the requirements of this subsection to record the images of motor vehicles **[traveling in a bus lane]** **COMMITTING A VIOLATION**.

(2) A bus **[lane]** **OBSTRUCTION** monitoring system may be used only:

(i) When being operated by a bus **[lane]** **OBSTRUCTION** monitoring system operator;

(ii) If, in accordance with the Maryland Manual on Uniform Traffic Control Devices^[a]:

1 1. A conspicuous road sign is placed at a reasonable distance
2 consistent with national guidelines [before the bus lane] alerting drivers that a bus [lane]
3 **OBSTRUCTION** monitoring system may be in operation in the bus lane; **OR**

4 2. **A CONSPICUOUS SIGN IS AFFIXED TO THE TRANSIT**
5 **VEHICLE ALERTING DRIVERS THAT THE VEHICLE IS EQUIPPED WITH A BUS**
6 **OBSTRUCTION MONITORING SYSTEM;** and

7 (iii) If the system produces video for each alleged violation that allows
8 for the differentiation between a vehicle that is [driven] **DRIVING, STANDING, OR**
9 **PARKED** in a dedicated bus lane in violation of § 21–1133 of this subtitle and a vehicle that
10 is lawfully stopped or moving in order to execute a right turn at an intersection.

11 (3) **(I)** A bus [lane] **OBSTRUCTION** monitoring system may [be used to
12 record] **RETAIN** only the images of vehicles that [are traveling in a bus lane] **ARE**
13 **EVIDENCE OF A VIOLATION.**

14 **(II) RECORDED IMAGES FROM A BUS OBSTRUCTION**
15 **MONITORING SYSTEM:**

16 1. **THAT CONTAIN EVIDENCE OF A VIOLATION MAY BE**
17 **RETAINED FOR UP TO 6 MONTHS OR 60 DAYS AFTER FINAL DISPOSITION OF THE**
18 **CITATION, WHICHEVER IS LATER;**

19 2. **THAT DO NOT CONTAIN EVIDENCE OF VIOLATION**
20 **SHALL BE DESTROYED WITHIN 15 DAYS AFTER THE RECORDED IMAGE WAS FIRST**
21 **CAPTURED; AND**

22 3. **MAY NOT BE USED FOR ANY OTHER PURPOSE**
23 **WITHOUT A WARRANT, SUBPOENA, OR COURT ORDER.**

24 **(III) A BUS OBSTRUCTION MONITORING SYSTEM MAY NOT USE**
25 **BIOMETRIC IDENTIFICATION TECHNIQUES, INCLUDING FACIAL RECOGNITION**
26 **TECHNOLOGY.**

27 [(d)] **(C)** (1) (i) A bus [lane] **OBSTRUCTION** monitoring system operator
28 shall complete training by the manufacturer of the bus [lane] **OBSTRUCTION** monitoring
29 system in the procedures for setting up, testing, and operating the bus [lane]
30 **OBSTRUCTION** monitoring system.

31 (ii) On completion of the training, the manufacturer shall issue a
32 signed certificate to the bus [lane] **OBSTRUCTION** monitoring system operator.

(iii) The certificate of training shall be admitted as evidence in any court proceeding for a violation.

(2) A bus [lane] **OBSTRUCTION** monitoring system operator shall fill out and sign a daily set-up log for each bus [lane] **OBSTRUCTION** monitoring system that:

(i) States the date and time when the system was set up;

(ii) States that the bus [lane] **OBSTRUCTION** monitoring system operator successfully performed, and the device passed, the manufacturer-specified self-tests of the bus [lane] **OBSTRUCTION** monitoring system before producing a recorded image;

(iii) Shall be kept on file; and

(iv) Shall be admitted as evidence in any court proceeding for a violation.

[(e)] (D) (1) A bus [lane] **OBSTRUCTION** monitoring system shall undergo an annual calibration check performed by an independent calibration laboratory.

(2) The independent calibration laboratory shall issue a signed certificate of calibration after the annual calibration check that:

(i) Shall be kept on file; and

(ii) Shall be admitted as evidence in any court proceeding for a violation of § 21-1133 of this subtitle.

[(f)] (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 **[(i)(5)] (H)(5)** of this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a bus [lane] **OBSTRUCTION** monitoring system during the commission of a violation.

(2) A civil penalty under this section may not exceed \$75.

(3) For purposes of this section, the District Court shall prescribe:

(i) A uniform citation form consistent with subsection **[(g)(1)] (F)(1)** of this section and § 7-302 of the Courts Article; and

(ii) A civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

[(g)] (F) (1) Subject to the provisions of paragraphs (2) through (5) of this

subsection, [the Baltimore City Police Department] **AN AGENCY** or a contractor of the [police department] **AGENCY** shall mail to the owner liable under subsection [(f)] **(E)** of this section a citation that shall include:

- (i) The name and address of the registered owner of the vehicle;
- (ii) The registration number of the motor vehicle involved in the violation;
- (iii) The violation charged;
- (iv) To the extent possible, the location of the violation;
- (v) The date and time of the violation;
- (vi) A copy of the recorded image;
- (vii) The amount of the civil penalty imposed and the date by which the civil penalty must be paid;
- (viii) A signed statement by a police officer employed by [the Baltimore City Police Department] **A LOCAL LAW ENFORCEMENT AGENCY** that, based on inspection of the recorded images, the motor vehicle was being operated during the commission of a violation;
- (ix) A statement that the recorded image is evidence of a violation;
- and
- (x) Information advising the person alleged to be liable under this section:

1. Of the manner and time in which liability as alleged in the citation may be contested in the District Court; and

2. That failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in refusal or suspension of the motor vehicle registration.

(2) (i) Subject to subparagraph (ii) of this paragraph, [the Baltimore City Police Department] **AN AGENCY** may mail a warning notice in place of a citation to the owner liable under subsection [(f)] **(E)** of this section.

(ii) [The Baltimore City Police Department] **AN AGENCY** shall mail a warning notice in place of a citation to an owner liable under subsection [(f)] **(E)** of this section for a violation recorded by a bus [lane] **OBSTRUCTION** monitoring system during the first 45 days that the bus [lane] **OBSTRUCTION** monitoring system is in operation.

(3) (i) Before mailing a citation to a motor vehicle rental company liable under subsection [(f)] **(E)** of this section, [the Baltimore City Police Department] **AN AGENCY** shall mail a notice to the motor vehicle rental company stating that a citation will be mailed to the motor vehicle rental company unless, within 45 days after receiving the notice, the motor vehicle rental company provides the [Baltimore City Police Department] **AGENCY** with:

1. A statement made under oath that states the name and last known mailing address of the individual driving or renting the motor vehicle when the violation occurred;

2. A. A statement made under oath that states that the motor vehicle rental company is unable to determine who was driving or renting the vehicle at the time the violation occurred because the motor vehicle was stolen at the time of the violation; and

B. A copy of the police report associated with the motor vehicle theft claimed under item A of this item; or

3. Payment for the penalty associated with the violation.

(ii) [The Baltimore City Police Department] **AN AGENCY** may not mail a citation to a motor vehicle rental company liable under subsection [(f)] **(E)** of this section if the motor vehicle rental company complies with subparagraph (i) of this paragraph.

(4) Except as provided in paragraph (3) of this subsection and subsection [(i)(5)] **(H)(5)** of this section, a citation issued under this section shall be mailed not later than 2 weeks after the alleged violation.

(5) A person who receives a citation under paragraph (1) of this subsection may:

(i) Pay the civil penalty, in accordance with instructions on the citation, directly to [Baltimore City] **THE LOCAL JURISDICTION**; or

(ii) Elect to stand trial **IN THE DISTRICT COURT** for the alleged violation.

[(h)] **(G)** (1) (i) A certificate alleging that a violation occurred, sworn to or affirmed by a [Baltimore City police officer] **DULY AUTHORIZED LAW ENFORCEMENT OFFICER EMPLOYED OR UNDER CONTRACT WITH AN AGENCY**, based on inspection of a recorded image produced by a bus [lane] **OBSTRUCTION** monitoring system, shall be evidence of the facts contained in the certificate and shall be admissible in any proceeding concerning the alleged violation without the presence or testimony of the bus [lane]

1 **OBSTRUCTION** monitoring system operator who performed the requirements under
2 subsection [(d)] (C) of this section.

3 (ii) If a person who received a citation under this section desires a
4 bus [lane] **OBSTRUCTION** monitoring system operator to be present and testify at trial,
5 the person shall notify the court and the [Baltimore City Police Department] **AGENCY** in
6 writing not later than 20 days before trial.

7 (iii) 1. On request of a person who received a citation under this
8 section, video of the alleged violation shall be made available to the person.

9 2. Video evidence made available under subsubparagraph 1
10 of this subparagraph shall be admitted as evidence in any court proceeding for a violation
11 of § 21–1133 of this subtitle.

12 (2) Adjudication of liability shall be based on a preponderance of evidence.

13 [(i)] (H) (1) The District Court may consider in defense of an alleged
14 violation:

15 (i) Subject to paragraph (2) of this subsection, that the motor vehicle
16 or registration plates of the motor vehicle were stolen before the violation occurred and
17 were not under the control or in the possession of the owner at the time of the violation;

18 (ii) Subject to paragraph (3) of this subsection, evidence that the
19 person named in the citation was not operating the vehicle at the time of the violation; and

20 (iii) Any other issues and evidence that the District Court deems
21 relevant.

22 (2) To demonstrate that the motor vehicle or the registration plates were
23 stolen before the violation occurred and were not under the control or in the possession of
24 the owner at the time of the violation, the owner shall submit proof that a police report
25 about the stolen motor vehicle or registration plates was filed in a timely manner.

26 (3) To satisfy the evidentiary burden under paragraph (1)(ii) of this
27 subsection, the person named in the citation shall provide to the District Court evidence to
28 the satisfaction of the District Court of who was operating the vehicle at the time of the
29 violation, including, at a minimum, the operator's name and current address.

30 (4) (i) This paragraph applies only to a citation that involves a Class E
31 (truck) vehicle with a registered gross weight of 26,001 pounds or more, a Class F (tractor)
32 vehicle, a Class G (trailer) vehicle operated in combination with a Class F (tractor) vehicle,
33 and a Class P (passenger bus) vehicle.

34 (ii) To satisfy the evidentiary burden under paragraph (1)(ii) of this
35 subsection, the person named in a citation described under subparagraph (i) of this

paragraph may provide to the District Court a letter, sworn to or affirmed by the person and mailed by certified mail, return receipt requested, that:

1. States that the person named in the citation was not operating the vehicle at the time of the violation; and

2. Provides the name, address, and driver's license identification number of the person who was operating the vehicle at the time of the violation.

(5) (i) If the District Court finds that the person named in the citation was not operating the vehicle at the time of the violation or receives evidence under paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at the time of the violation, the clerk of the court shall provide to the [Baltimore City Police Department] **AGENCY** a copy of any evidence substantiating who was operating the vehicle at the time of the violation.

(ii) On the receipt of substantiating evidence from the District Court under subparagraph (i) of this paragraph, [the Baltimore City Police Department] **AN AGENCY** may issue a new citation as provided in subsection [(g)] **(F)** of this section to the person that the evidence indicates was operating the vehicle at the time of the violation.

(iii) A citation issued under subparagraph (ii) of this paragraph shall be mailed not later than 2 weeks after receipt of the evidence from the District Court.

[(j)] **(I)** If the civil penalty is not paid and the violation is not contested, the Administration may refuse to register or reregister the motor vehicle.

[(k)] **(J)** A violation for which a civil penalty is imposed under this section:

(1) Is not a moving violation for the purpose of assessing points under § 16–402 of this article and may not be recorded by the Administration on the driving record of the owner or driver of the vehicle;

(2) May be treated as a parking violation for purposes of § 26–305 of this article; and

(3) May not be considered in the provision of motor vehicle insurance coverage.

[(l)] **(K)** In consultation with the [Baltimore City Police Department] **APPROPRIATE LOCAL GOVERNMENT 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.

[(m)] **(L)** (1) [The Baltimore City Police Department] **AN AGENCY** or a

contractor designated by the [Baltimore City Police Department] AGENCY shall administer and process civil citations issued under this section in coordination with the District Court.

(2) If a contractor provides, deploys, or operates a bus [lane] OBSTRUCTION monitoring system for [the Baltimore City Police Department] AN AGENCY, the contractor's fee may not be contingent on the number of citations issued or paid.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Workgroup on Curb Space Management.

(b) The Workgroup consists of the following members, appointed by the Governor:

(1) one representative of the Maryland Transit Administration;

(2) one representative of the Washington Metropolitan Area Transit Authority;

(3) one representative of the Baltimore City Department of Transportation;

(4) one representative of the Baltimore County Department of Public Works and Transportation;

(5) one representative of the Office of Transportation for Anne Arundel County;

(6) one representative of the Office of Transportation for Howard County;

(7) one representative of the Montgomery County Department of Transportation;

(8) one representative of the Prince George's County Department of Public Works and Transportation; and

(9) a representative of a nonprofit transportation advocacy organization from each of the following jurisdictions:

(i) Baltimore City;

(ii) Baltimore County;

(iii) Anne Arundel County;

(iv) Howard County;

(v) Montgomery County; and

(vi) Prince George's County.

(c) The Governor shall designate the chair of the Workgroup.

(d) The Department of Transportation shall provide staff for the Workgroup.

(e) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Workgroup shall:

(1) analyze curb space regulations within transit-served areas of the State;

(2) provide recommendations on how to effectively manage curb space changes on roadways with frequent bus service, dedicated lanes, and parking, loading, or standing needs;

(3) examine strategies on obstruction enforcement at bus stops;

(4) provide recommendations for a public education campaign about dedicated bus lanes and the enforcement of bus lane laws, including messaging and potential signage; and

(5) analyze potential privacy concerns when onboard bus obstruction monitoring cameras are used and provide recommendations on how to address these concerns.

(g) On or before July 1, 2025, the Workgroup shall report its findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2024.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2024. Section 2 of this Act shall remain effective for a period of 2 years and, at the end of June 30, 2026, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.