

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2024

CHAPTER _____

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, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 7–302(e)(2) and 10–311(e) and (f)
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2023 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – State Finance and Procurement
19 Section 17–901
20 Annotated Code of Maryland
21 (2021 Replacement Volume and 2023 Supplement)

22 BY repealing and reenacting, without amendments,

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 Article – Transportation
 2 Section 21–101(a) and 21–1003(a), (j), (r), and (dd)
 3 Annotated Code of Maryland
 4 (2020 Replacement Volume and 2023 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article – Transportation
 7 Section 21–101(i–1), 21–1133, and 21–1134
 8 Annotated Code of Maryland
 9 (2020 Replacement Volume and 2023 Supplement)

10 BY adding to
 11 Article – Transportation
 12 Section 21–1003(gg) and (hh)
 13 Annotated Code of Maryland
 14 (2020 Replacement Volume and 2023 Supplement)

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

17 **Article – Courts and Judicial Proceedings**

18 7–302.

19 (e) (2) (i) A citation issued as the result of a vehicle height monitoring
 20 system, a traffic control signal monitoring system, or a speed monitoring system, including
 21 a work zone speed control system, controlled by a political subdivision, a school bus
 22 monitoring camera, or a bus [lane] OBSTRUCTION monitoring system shall provide that,
 23 in an uncontested case, the penalty shall be paid directly to that political subdivision.

24 (ii) A citation issued as the result of a traffic control signal
 25 monitoring system or a work zone speed control system controlled by a State agency, or as
 26 a result of a vehicle height monitoring system, a traffic control signal monitoring system, a
 27 speed monitoring system, a school bus monitoring camera, or a bus [lane] OBSTRUCTION
 28 monitoring system in a case contested in District Court, shall provide that the penalty shall
 29 be paid directly to the District Court.

30 10–311.

31 (e) A recorded image of a motor vehicle produced by a bus [lane] OBSTRUCTION
 32 monitoring system in accordance with § 21–1134 of the Transportation Article is admissible
 33 in a proceeding concerning a civil citation issued under that section for a violation of §
 34 21–1133 of the Transportation Article without authentication.

35 (f) In any other judicial proceeding, a recorded image produced by a vehicle
 36 height monitoring system, traffic control signal monitoring system, speed monitoring

1 system, work zone speed control system, school bus monitoring camera, or bus [lane]
2 OBSTRUCTION monitoring system is admissible as otherwise provided by law.

3 Article – State Finance and Procurement

4 17–901.

5 (a) In this section, “bus [lane] OBSTRUCTION MONITORING system operator”
6 has the meaning stated in [§ 21–1133] § 21–1134 of the Transportation Article.

7 (b) (1) If the City of Baltimore elects to designate a contractor to serve as the
8 bus [lane] OBSTRUCTION MONITORING system operator for the City of Baltimore, the
9 City of Baltimore shall issue a competitive request for proposals to select the contractor.

10 (2) If the Baltimore City Police Department elects to designate a contractor
11 to administer and process civil citations issued under § 21–1134 of the Transportation
12 Article, the City of Baltimore shall issue a competitive request for proposals to select the
13 contractor.

14 (c) If the City of Baltimore issues a request for proposals under subsection (b) of
15 this section, the City of Baltimore shall apply the relevant procurement preferences for
16 minority and women’s business enterprises and consider the procurement participation
17 goals regarding minority and women’s business enterprises in selecting a contractor.

18 Article – Transportation

19 21–101.

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

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

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

27 21–1003.

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

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

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

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

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

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

8 21-1133.

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

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

14 (1) A transit vehicle owned, operated, or contracted for by the Maryland
15 Transit Administration, **THE WASHINGTON METROPOLITAN AREA TRANSIT**
16 **AUTHORITY**, or a local department of transportation;

17 (2) A school bus;

18 (3) A bicycle;

19 (4) An emergency vehicle; [and]

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

21 **(6) A VEHICLE MAKING A BRIEF STOP FOR THE SOLE PURPOSE OF**
22 **DROPPING OFF OR PICKING UP A PASSENGER; AND**

23 ~~(6)~~ **(7) A PRIVATELY OPERATED BUS WITH A SEATING CAPACITY**
24 **GREATER THAN 16 PASSENGERS.**

25 21-1134.

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

27 (2) **“AGENCY” MEANS:**

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

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

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

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

16 **[(3)] (4) “Bus [lane] OBSTRUCTION monitoring system operator” means**
17 **a representative of [the Baltimore City Police Department] AN AGENCY or a contractor**
18 **that operates a bus [lane] OBSTRUCTION monitoring system.**

19 **[(4)] (5) (i) “Owner” means the registered owner of a motor vehicle or**
20 **a lessee of a motor vehicle under a lease of 6 months or more.**

21 (ii) “Owner” does not include:

- 22 1. A motor vehicle leasing company; or
- 23 2. A holder of a special registration plate issued under Title
- 24 13, Subtitle 9, Part III of this article.

25 **[(5)] (6) “Recorded image” means an image recorded by a bus [lane]**
26 **OBSTRUCTION monitoring system:**

27 (i) On:

- 28 1. A photograph;
- 29 2. A microphotograph;
- 30 3. An electronic image;
- 31 4. Videotape; or

1 5. Any other visual medium; and

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

4 **[(6)] (7)** “Violation” means a violation of:

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

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

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

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

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

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

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

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

19 2. **A CONSPICUOUS SIGN IS AFFIXED TO THE TRANSIT**
20 **VEHICLE ALERTING DRIVERS THAT THE VEHICLE IS EQUIPPED WITH A BUS**
21 **OBSTRUCTION MONITORING SYSTEM; and**

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

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

29 **(II)** **RECORDED IMAGES FROM A BUS OBSTRUCTION**
30 **MONITORING SYSTEM:**

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

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

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

9 **(III) A BUS OBSTRUCTION MONITORING SYSTEM MAY NOT USE**
10 **BIOMETRIC IDENTIFICATION TECHNIQUES, INCLUDING FACIAL RECOGNITION**
11 **TECHNOLOGY.**

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

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

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

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

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

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

27 (iii) Shall be kept on file; and

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

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

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

3 (i) Shall be kept on file; and

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

6 **[(f)] (E)** (1) Unless the driver of the motor vehicle received a citation from a
7 police officer at the time of the violation, the owner or, in accordance with subsection **[(i)(5)]**
8 **(H)(5)** of this section, the driver of a motor vehicle is subject to a civil penalty if the motor
9 vehicle is recorded by a bus **[lane] OBSTRUCTION** monitoring system during the
10 commission of a violation.

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

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

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

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

17 **[(g)] (F)** (1) Subject to the provisions of paragraphs (2) through (5) of this
18 subsection, **[the Baltimore City Police Department] AN AGENCY** or a contractor of the
19 **[police department] AGENCY** shall mail to the owner liable under subsection **[(f)] (E)** of
20 this section a citation that shall include:

21 (i) The name and address of the registered owner of the vehicle;

22 (ii) The registration number of the motor vehicle involved in the
23 violation;

24 (iii) The violation charged;

25 (iv) To the extent possible, the location of the violation;

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

27 (vi) A copy of the recorded image;

28 (vii) The amount of the civil penalty imposed and the date by which
29 the civil penalty must be paid;

1 (viii) A signed statement by a police officer employed by [the Baltimore
2 City Police Department] **A LOCAL LAW ENFORCEMENT AGENCY** that, based on inspection
3 of the recorded images, the motor vehicle was being operated during the commission of a
4 violation;

5 (ix) A statement that the recorded image is evidence of a violation;
6 and

7 (x) Information advising the person alleged to be liable under this
8 section:

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

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

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

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

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

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

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

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

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

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

6 (iii) Any other issues and evidence that the District Court deems
7 relevant.

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

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

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

20 (ii) To satisfy the evidentiary burden under paragraph (1)(ii) of this
21 subsection, the person named in a citation described under subparagraph (i) of this
22 paragraph may provide to the District Court a letter, sworn to or affirmed by the person
23 and mailed by certified mail, return receipt requested, that:

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

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

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

35 (ii) On the receipt of substantiating evidence from the District Court
36 under subparagraph (i) of this paragraph, [the Baltimore City Police Department] AN

1 **AGENCY** may issue a new citation as provided in subsection [(g)] **(F)** of this section to the
2 person that the evidence indicates was operating the vehicle at the time of the violation.

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

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

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

8 (1) Is not a moving violation for the purpose of assessing points under §
9 16–402 of this article and may not be recorded by the Administration on the driving record
10 of the owner or driver of the vehicle;

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

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

15 [(l)] **(K)** In consultation with the [Baltimore City Police Department]
16 **APPROPRIATE LOCAL GOVERNMENT AGENCIES**, the Chief Judge of the District Court
17 shall adopt procedures for the issuance of citations, trials for violations, and the collection
18 of civil penalties imposed under this section.

19 [(m)] **(L)** (1) [The Baltimore City Police Department] **AN AGENCY** or a
20 contractor designated by the [Baltimore City Police Department] **AGENCY** shall administer
21 and process civil citations issued under this section in coordination with the District Court.

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That:

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

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

29 (1) one representative of the Maryland Transit Administration;

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

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

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

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

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

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

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

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

13 (i) Baltimore City;

14 (ii) Baltimore County;

15 (iii) Anne Arundel County;

16 (iv) Howard County;

17 (v) Montgomery County; and

18 (vi) Prince George's County.

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

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

21 (e) A member of the Workgroup:

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

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

25 (f) The Workgroup shall:

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

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

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

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

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

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

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

16 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
17 3 of this Act, this Act shall take effect July 1, 2024. Section 2 of this Act shall remain
18 effective for a period of 2 years and, at the end of June 30, 2026, Section 2 of this Act, with
19 no further action required by the General Assembly, shall be abrogated and of no further
20 force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.