

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2023 Legislative Session

Reference No.: CB-037-2023

Draft No.: 1

Committee: TIEE

Date: 4/13/2023

Action: FAV

REPORT:

Committee Vote: Favorable, 5-0 (In Favor: Council Members Olson, Dernoga, Hawkins, Ivey, and Watson).

The Committee convened on April 13, 2023, to discuss this legislation, which would allow surveillance systems to provide evidence of illegal dumping to prosecute violators of the State's illegal dumping and litter control law or local law or ordinance. The Department of the Environment (DOE) may place surveillance systems at dumping sites and use images produced by these systems to enforce violations of illegal dumping and litter control. DOE Staff attended the meeting and indicated that this legislation is necessary to establish a photo enforcement program similar to the program used for motor vehicle violations. Currently, illegal dumping violations can only be cited and prosecuted when the violator is identified. CB-37 will allow enforcement action against the owner of a vehicle used to commit the violation.

The Bill outlines coordination between the District Court and DOE in the development of uniform citation forms and citations. Citations would include the identified owner of the vehicle from said images; the violation charged with its physical location, date, and time of the violation; the amount of the civil penalty; a signed statement by the authorized agent based on the image(s) inspection, and; information to the receiver of the citation. A certificate of the alleged violation based on the inspection of surveillance images would be used as admissible evidence. The legislation also provides possible defenses of the violation, including proof that the vehicle was stolen, the person in the surveillance image is identified as someone other than the vehicle owner, and other evidence related to the violation. Penalties for a violation under the legislation will not exceed \$1,000. If the fine is not paid, the Department may immobilize the vehicle with a parking boot if the person receives a third violation within six (6) months or may impound the vehicle after five (5) violations within twelve (12) months. The Bill also notes possible consequences involving the Maryland Motor Vehicle Administration (MVA) refusing or suspending vehicle registration. Legal staff was directed to clarify the impact of unpaid fines for violations of local laws on the MVA's registration of vehicles.

After discussion, the Committee voted favorably on CB-37-2023 by a vote of 5-0.