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THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401

Joint Committee on Federal Relations

December 10, 2018

The Honorable Thomas V. Mike Miller, Jr, Co-chair
The Honorable Michael E. Busch, Co-chair
Members of the Legislative Policy Committee

Ladies and Gentlemen:

The Joint Committee on Federal Relations respectfully submits the attached report on its activities during the 2018 interim. The committee's primary focus this interim was a briefing held on September 20, which focused on the interstate enforcement of driving and other vehicle-related laws. As in past years, the committee also conducted its annual review of interstate compacts.

In addition, continuing an effort begun last year to address contingent laws related to interstate compacts that have gone for a long period of time without taking effect, committee staff have identified one instance in which legislation repealing a contingency would help to clarify the code, without substantive effect. We, as chairs of the committee, have agreed to introduce that legislation in the 2019 session. Committee staff have also requested advice from the Office of the Attorney General regarding two other contingent laws. Pending receipt of that advice, similar action may be taken with respect to those laws, to clarify the code, either through introduction of nonsubstantive legislation or communication with the code publisher regarding the representation of those laws in the code as being in effect or not.

The committee looks forward to continuing its role as a forum for discussion of important issues in State-federal relations.

Sincerely,

Handwritten signature of Brian J. Feldman in black ink.

Brian J. Feldman
Senate Co-chair

Handwritten signature of Alfred C. Carr, Jr. in black ink.

Alfred C. Carr, Jr.
House Co-chair

BJF:ACC/SDK:MJM/sdb

Enclosure

cc: Ms. Victoria L. Gruber
Mr. Ryan Bishop

Joint Committee on Federal Relations

2018 Interim Report

Briefing on the Interstate Enforcement of Driving and Other Vehicle-related Laws

On September 20th, the committee held a briefing on the interstate enforcement of driving and other vehicle-related laws, with the intent of:

- gaining a better understanding of how the interstate enforcement system for driving and other vehicle-related laws works in Maryland; and
- determining whether there are any improvements that can be made in the system to ensure that (1) out-of-state drivers comply with Maryland citations and (2) Maryland drivers that are issued citations in other states are not subject to unreasonable penalties or other adverse effects resulting from inefficiencies in the system.

The participants in the briefing were (1) Christine Nizer, Administrator, Motor Vehicle Administration (MVA), and Region 1 President, American Association of Motor Vehicle Administrators (AAMVA); (2) Capt. Michael G. Yetter, Southern District Commander, Howard County Police Department (representing the Maryland Chiefs of Police Association); (3) Cpl. Brian Hirsh, Maryland State Police Trooper, Maryland Department of State Police; and (4) Kevin Reigrut, Executive Director, Maryland Transportation Authority (MDTA).

In advance of the briefing, committee staff prepared several documents, including (1) background research on the Driver License Compact and Nonresident Violator Compact, as well as a review of membership in the compacts and an analysis of why some states choose not to be members of the compacts, and (2) several maps showing the impact that failure to rectify six common nonmoving violations may have on an individual's vehicle registration in each of the fifty states and the District of Columbia. These documents are attached as **Appendix 1** and **Appendix 2**, respectively.

Participants' Initial Remarks

The main points made by the briefing participants in their initial remarks are described below. Questions and answers are summarized further below.

Christine Nizer – MVA Administrator, AAMVA Region 1 President

Background on AAMVA and Interstate Compacts: AAMVA is a nonprofit organization founded in 1933 which develops model programs for law enforcement and motor vehicle agencies. The organization provides a source for data exchange and uniformity amongst states, and it supports and provides staffing for two interstate compacts to which Maryland is a party. Those compacts are presented in detail below.

- *Driver License Compact (DLC)* – The DLC helps ensure reciprocal acceptance of driver licenses as individuals move between states. In addition, the DLC helps combat forum shopping by individuals facing the most serious moving violations who move between jurisdictions in an attempt to obtain a license. Obligations of member states can be broken into two sets of responsibilities: (1) those relating to out-of-state violations committed by licensees, and (2) those relating to new applicants for licenses. Driving offenses which occur in a member state, but not the home state of the licensee, are communicated to the home state for inclusion on the individual’s driving record. In addition, the following out-of-state offenses result in the application of points to a driver’s license, as well as additional lawful action: (1) manslaughter or negligent homicide; (2) driving while intoxicated; (3) conviction of a felony in which a motor vehicle is used; and (4) conviction of failure to stop and render aid in an accident resulting in death or personal injury. For new applicants, states contact the state of previous licensure and check an individual’s information against the National Driver Register and the Commercial Driver License Information System and include the available information from an applicant’s prior driving record as part of the applicant’s record in the new state. Certain limitations on eligibility in a new member state may apply, depending on the applicant’s driving status and actions taken against the applicant in the previous state of licensure. The new state of licensure must also manage the collection and disposition of old licenses from applicants who receive a new license. AAMVA currently lists 45 states and D.C. as members of the DLC.
- *Non-Resident Violator Compact (NRVC)* - The NRVC provides a mechanism to enforce a traffic citation issued for a moving violation which occurred in a member jurisdiction other than the driver’s home state and for which suspension or revocation of the driver’s license is not a consequence of the violation. The jurisdiction where the moving violation occurred notifies the driver’s home state, and the home state provides notice to the driver, along with violation information and contact information for the appropriate entity to contact in the non-home state. The driver must resolve the violation with the state where the violation occurred and provide evidence of this to the home state within 45 days of notice from the home state to avoid suspension of that individual’s license. Nonmoving violations (including but not limited to parking, speed and red light camera, toll, and inspection violations), violations which alone carry suspension or revocation consequences, and offenses which mandate a personal appearance are not covered by the NRVC. AAMVA currently lists 44 states and D.C. as members of the NRVC.

A separate compact – the Driver License Agreement – was intended to replace the DLC and NRVC by combining and updating the terms of these compacts; however, this has not been adopted by the jurisdictions.

Manual Processes May Result in Inaccuracy, Inefficiency: The processes for data exchange and driver record management under the compacts are handled manually by the member states. For example, under the NRVC, if a Maryland driver commits a moving violation eligible for enforcement under the compact in Virginia, Virginia would have to send notice to Maryland of the violation. Then, Maryland would require the driver to provide documentation from Virginia

proving that the violation has been resolved to clear or not issue a suspension of the Maryland driver's license. Such an exchange leads to the possibility that data may not be updated in a timely manner, or may be inaccurate when updated. Ms. Nizer suggested that an automated system for data exchange could result in improvements for the State, drivers, and MVA. To this end, Ms. Nizer briefed the committee on AAMVA's State-to-State (S2S) system. Currently, 18 states, including Maryland, are participating in S2S, which allows digital exchange of driver records, but which is not currently able to support the transfer of data on unsatisfied convictions and citations between member-participants. AAMVA plans to include this feature, but there is no implementation plan at this time.

Future/Best Practices for Interstate Regulation of Drivers: AAMVA recognized that the compacts need to be updated and established a workgroup to determine what must be done to improve the compacts and best meet the needs of drivers and member jurisdictions. Since its formation, the group has met once. Ms. Nizer serves as the representative from AAMVA Region 1 and can continue to provide updates on the meetings. Additionally, Ms. Nizer briefly discussed AAMVA's "Best Practices Guide to Reduce Suspended Drivers." The guide recommends eliminating the use of driver license suspensions and revocations for issues of social nonconformance, such as consumption or possession of alcohol by a minor, truancy, fuel theft, and other non-highway safety violations with no relation to an individual's driving history, which can create an undue burden on the drivers, government, and the community at-large.

Capt. Michael Yetter – Southern District Commander, Howard County Police Department (representing the Maryland Chiefs of Police Association)

Variations in Different Jurisdictions' Automated Enforcement: Each jurisdiction which uses automated enforcement handles it slightly differently. They enact their own programs under State enabling legislation. In Howard County, the enforcement processes for speed camera violations and red light camera violations are somewhat different, but include mailing of four, successive notices if noncompliance continues. And, in the case of Maryland-registered vehicles, corresponding with the third or fourth notice (depending on whether it is a speed camera or red light violation), a flag is put on the vehicle registration, preventing registration renewal unless the citation is complied with. Howard County also handles parking violations in a similar manner.

Compliance by In-state vs. Out-of-state Drivers: Compliance (payment of citation amount) data was compiled for Howard County speed camera and red light camera violations, Regional Automated Enforcement Center red light camera violations (a regional collaboration of mostly smaller jurisdictions, which is run out Howard County), and Montgomery County speed camera and red light camera violations.

Howard County

Speed Cameras (4 cameras, limited to school zones)

- 2013-2017 average citation compliance rates: 91.68% (in-state drivers) vs. 82.41% (out-of-state drivers)

- Value of unpaid citations (5 year total, 2013-2017): \$427,840 (in-state drivers); \$59,560 (out-of-state drivers)

Red Light Cameras (26 cameras)

- 2013-2017 average citation compliance rates: 91.70% (in-state drivers) vs. 77.67% (out-of-state drivers)
- Value of unpaid citations (5 year total, 2013-2017): \$945,525 (in-state drivers); \$225,225 (out-of-state drivers)

Regional Automated Enforcement Center (11 partner agencies spanning 6 counties)

Red Light Cameras (74 total cameras)

- 2013-2017 average citation compliance rates: 89.64% (in-state drivers) vs. 66.74% (out-of-state drivers)
- Value of unpaid citations (5 year total, 2013-2017): \$3.4 million (in-state drivers); \$1.6 million (out-of-state drivers)

Montgomery County

Speed Cameras (authorized in residential areas; 77 total cameras)

- 2010-2018 average citation compliance rates: 96.08% (in-state drivers) vs. 86.33% (out-of-state drivers)
- Value of unpaid citations (9 year total, 2010-2018): \$5.8 million (in-state drivers); \$6.0 million (out-of-state drivers)

Red Light Cameras (51 cameras)

- 2010-2018 average citation compliance rates: 94.43% (in-state drivers) vs. 81.08% (out-of-state drivers)
- Value of unpaid citations (9 year total, 2010-2018): \$3.7 million (in-state drivers); \$2.7 million (out-of-state drivers)

Support of Potential Reciprocity Arrangements with Regional States: The Maryland Chiefs of Police Association would support any efforts to establish reciprocity agreements with regional states regarding automated enforcement violations (similar in nature to the Nonresident Violator Compact for moving violations). Most unpaid citations issued to out-of-state vehicle owners are for vehicles registered in surrounding jurisdictions, largely in the District of Columbia,

Pennsylvania and, Virginia. Maryland jurisdictions currently have limited ability to collect fines from out-of-state vehicle owners who choose not to pay. For in-state vehicle owners, the flagging of vehicle registrations, preventing renewal, is believed to be a significant reason why unpaid citations are eventually paid. That enforcement mechanism, however, is not currently available with respect to out-of-state vehicle owners.

Cpl. Brian Hirsch – State Police Trooper, Maryland Department of State Police

Driver/Vehicle Information Available to Law Enforcement in the Field:

In-state Drivers/Vehicles

At the time of a traffic stop and running a driver's license (either through the police vehicle or a dispatcher), the information available to an officer includes (1) the driver's full driving history (past violations and point balances) and (2) information on all vehicles registered to that person. The information available to an officer when running a license plate number includes (1) any flags preventing renewal of the vehicle registration (*e.g.*, for emissions inspection noncompliance or automated enforcement noncompliance) and (2) if the vehicle registration is suspended for emissions inspection noncompliance, the date the first warning letter was sent by MVA and the date of the suspension.

Out-of-state Drivers/Vehicles

For out-of-state drivers, the information available to an officer when running a driver's license varies depending on the state in which the driver is licensed. Some states provide a driving record while others just provide a points balance, which can be of limited value without a working knowledge of the structure of the state's point system. For states that do provide driving record information, there is variation, from state to state, in the extent of information provided. Similarly, when running an out-of-state license plate number, each state is different in the extent of information made available to out-of-state law enforcement.

Law Enforcement's Ability to Pursue Drivers Beyond State Boundaries: If a violation occurs in Maryland, Maryland law enforcement can pursue the driver into another state in order to effect a traffic stop, but can only take enforcement action for violations occurring in Maryland.

Kevin Reigrut – Executive Director, Maryland Transportation Authority

MDTA Background: MDTA is responsible for constructing, managing, operating, and improving the State's tolling facilities, which include high-volume bridges and tunnels and major highways. MDTA is an independent State agency and is self-sustaining (via tolls and other related income), receiving no funding from the general fund or Transportation Trust Fund.

Interoperability: E-ZPass customers can seamlessly use facilities of the 38 different toll agencies in 17 states and Canada that currently use the E-ZPass system, the largest tolling system in the world.

Reciprocal Agreements: To date no reciprocal agreements for enforcement of toll violations have been finalized under the statutory authority under §21-1415(a) of the Transportation Article, but MDTA continues to actively work with E-ZPass network partners to improve on the collection of out-of-state tolls. Maryland has adopted the most customer-friendly toll collection practices in the region, including the ability to pay post-usage (of the toll facility) without penalty. Because reciprocal enforcement agreements would subject Marylanders to processes used in other states, MDTA is taking a cautious and thorough approach to the issue.

Examples of Other States' Treatment of Toll Non-payment at a Facility:

Delaware

A person is immediately deemed a toll violator and charged \$50 in addition to the toll, as well as an additional \$37.50 upon a final notice.

Pennsylvania

A person is immediately deemed a toll violator and charged \$25 and can be charged with felony theft of service when the amount of toll debt exceeds \$5,000. The names of people with significant overdue toll debt are publicly disclosed.

Virginia

A court summons can be issued and fines ranging from \$50 for a first offense to \$500 for a fourth and subsequent offense can be assessed.

New York and New Jersey

Charges range between \$50 and \$100 in civil penalties. In New York, a violator has been pulled off an airplane and arrested for overdue toll debt.

Florida

Points can be assessed and result in driver's license suspension.

Massachusetts

Both the vehicle registration and driver's license can be flagged for nonrenewal.

MD's Toll Options: MDTA uses three toll collection methods – E-ZPass, cash, and video tolling – with new payment options coming soon under the recently-approved third-generation tolling contract. Cash payment is available at all MDTA facilities except for the Inter-County Connector and I-95 Express Toll Lanes. Video tolling (available at all MDTA facilities) is used when a customer does not pay via E-ZPass or cash at the time that they use the toll facility.

An image of the license plate is captured, and the customer is invoiced by mail. The driver is not considered to be a toll violator, as this is simply an alternative payment method.

Advantages of the E-ZPass Payment Method: E-ZPass is regarded as the preferred way to pay tolls for several reasons: (1) E-ZPass account holders receive a 25% discount on tolls when they use the transponder; (2) users are less likely to have unpaid toll issues from overlooked or misplaced video toll notices since the billing is done at the time of travel; (3) fees associated with the service have been eliminated; and (4) users experience fewer delays, help to mitigate safety risks at or near toll plazas, and provide meaningful vehicle emissions reductions by avoiding idling. MDTA wants to encourage as much E-ZPass usage as possible, including for the reason of reducing video tolling usage and the corresponding civil citation process. With fees associated with E-ZPass having been eliminated, there is nothing standing in the way of drivers taking advantage of its benefits.

Improvements in Customer Service Backlog: From January 2017 to August 2018, there has been a 95% decrease in the outstanding customer service backlog. There has also been a significant concurrent reduction in customer complaints. MDTA is in the customer service business and does not want to be in the collections business. MDTA is focused on working with customers to find solutions to debt-related problems, including by (1) increasing the amount of time before cases are referred to the Central Collections Unit (CCU), giving MDTA and customers more time and ability to resolve issues; (2) increasing email communication with customers to avoid incurrence of toll debt; and (3) putting in place new customer service guidelines to help resolve issues.

Reduction in Civil Penalties: From fiscal 2016 to fiscal 2018, the number of civil penalties assessed has decreased by 18.3% and is still falling as MDTA works with customers who have made honest mistakes. The third-generation contract will help in reducing civil penalties assessed by offering more options for payment and communication, allowing MDTA to serve customers on their own terms. This system is on schedule for full implementation in early 2020.

All-electronic Tolling: MDTA's next generation tolling system (under the third-generation contract) will make available the option to use all-electronic tolling (AET) at MDTA facilities, which has been an MDTA strategic priority since at least 2004. However, to date, there is no specific budget or timetable for AET to be implemented.

Questions and Answers

The following questions were asked by the committee members, and are followed by the briefing participants' answers. The questions and answers have been paraphrased and summarized.

Christine Nizer – MVA Administrator, AAMVA Region 1 President

Question: What are examples of issues, unrelated to driving, for which suspension or revocation of a license may be the sanction?

Answer: Ms. Nizer identified several social nonconformance issues which states attempt to address by placing sanctions on an individual's license, including being in a casino before being of legal age and having a certain level of library fines, among others. Ms. Nizer stated that this has been done for policy and enforcement reasons, as most people possess a license to drive.

Question: But in Maryland, we have tried to keep it to driving offenses?

Answer: Ms. Nizer acknowledged that there are some offenses in Maryland for social nonconformance issues which can impact an individual's driver license status, and that she can provide a list of those.

Question: Is there any plan to update the manual processes mentioned in the presentation?

Answer: Ms. Nizer mentioned that this is the goal moving forward with the implementation of S2S; however, right now, it is only for the exchange of licensing data, not for the exchange of violations as they occur.

Question: Because these are interstate compacts, the General Assembly cannot act unilaterally to amend or alter the language; is that correct?

Answer: Ms. Nizer confirmed that was correct.

Question: Are automated enforcement violations, such as speed cameras, or toll violations, covered by the compacts?

Answer: Ms. Nizer informed the committee that only moving violations are covered by the compacts. A useful distinction is whether a law enforcement officer issues a ticket for the violation during a traffic stop – those violations are covered by the compacts.

Question: Is there any work group that has been established to try to deal with such issues as speed cameras, tolls, etc.?

Answer: Ms. Nizer informed the committee that there are no committees or workgroups specifically established for this purpose, but it is an issue that has been discussed.

Question: Regarding the DLA, what were the issues between the states which prevented adoption of the revised compact?

Answer: Ms. Nizer informed the committee, generally, that the members could not agree to specific nuances of the DLA. Further, the development of the DLA was ongoing when the events of September 11th, 2001 occurred. This prompted new security concerns regarding forms of identification, and states were reluctant to adopt new measures that may be overturned. Ms. Nizer informed the committee that the DLA is being revisited.

Question: Could the State of Maryland enter into bilateral agreements with neighboring states to address some of the violations which are not covered by the compacts?

Answer: Ms. Nizer informed the committee that MVA does have general authority under its authorizing statutes to come to agreements with other jurisdictions for these matters, but that MVA would need to ensure, with the assistance of the Attorney General's office, that the compacts it would enter into are within its grant of authority.

Question: Are there things we can do to improve the systems used in managing these compacts so that people do not "fall through the cracks" and end up with an extreme consequence, such as a charge for driving on a suspended license or registration, which started out with a minor or nonmoving violation? [Note: This question was accompanied by an anecdote of such a scenario involving a Maryland resident whose failure to timely complete an emissions inspection led to a series of events that ended with the individual being arrested for driving on a suspended license (unknowingly). It was also noted that Maryland is one of three states that will suspend a registration for failure to timely complete an emissions inspection.]

Answer: Ms. Nizer informed the committee that, specific to the question of emissions testing, most states tie testing to the process of registering a vehicle, such that to get the registration, the vehicle must be proven to be emissions compliant. Because Maryland does not link the events, the suspension provision is used to ensure emissions compliance. Ms. Nizer acknowledged the difficulties of the manual process and reinforced that the goal is to move towards electronic processes.

Capt. Michael Yetter and Cpl. Brian Hirsch

Question: Can Maryland law enforcement see the motor vehicle agency photo for an out-of-state driver in their police vehicle system?

Answer: Cpl. Hirsch indicated that it varies by state – some will provide a photo and some will not.

Question: How is additional information (address, etc.) obtained in order to take enforcement action based solely on a license plate number (such as for speed cameras, parking violations, etc.)?

Answer: Capt. Yetter indicated that, similar to running a driver's license, there are systems that allow for additional vehicle registration information (including the registered owner and their home address) to be obtained based on a license plate number.

Question: Why are there still some relatively significant amounts of unpaid citations by Maryland drivers if Maryland drivers are subject to the consequence of vehicle registration nonrenewal? How often does a person have to renew their registration, is it every couple years?

Answer: Capt. Yetter indicated that was his understanding, that it is every two years. Often, outstanding payments that are received are received at the time that the person is trying to renew their registration, or when they are stopped for a moving violation and the flag for nonrenewal is brought to their attention. Information is not readily available regarding what happens to vehicles for which outstanding violations are never paid (there is no mechanism currently in place to identify that). It may be that the vehicle is salvaged, scrapped, or otherwise not renewed.

Question: [directed to Capt. Yetter] You mentioned earlier that collections is not pursued until a person accumulates a certain number of violations. For clarification, in the case of automated enforcement violations, when are letters sent, for each violation, or after an accumulation of a certain amount of violations?

Answer: Capt. Yetter indicated that notices go out for every violation, but there is a point where an unpaid citation reaches a “pre-collections” or “collections” status and separate and distinct correspondence is sent out by a jurisdictions’ office of law or finance department.

Question: Why does collections need to be pursued if there is the consequence of registration nonrenewal?

Answer: Capt. Yetter indicated that despite the consequence of registration nonrenewal, there is still a percentage of citations that go unpaid (where the vehicle’s registration is just not renewed).

Question: It sounds like the consequence of registration nonrenewal has been an effective incentive to get people to pay outstanding automated enforcement citations, is that a correct statement?

Answer: Capt. Yetter indicated that, yes, it is believed that the consequence of registration nonrenewal does have a significant impact on compliance by those who do not initially pay.

Question: Is the Regional Automated Enforcement Center a unit of Howard County government?

Answer: Capt. Yetter indicated that it is not a unit of Howard County government, but it is a cooperative agreement amongst Howard County and 10 other jurisdictions, allowing the jurisdictions to enter into a single, negotiated contract with a vendor to reduce overhead costs. Howard County is simply the host agency.

Question: How do we sell to the public a reciprocity arrangement with a neighboring jurisdiction that imposes much higher automated enforcement fines that may be seen as aimed at revenue-raising and not just traffic safety?

Answer: Capt. Yetter suggested that it could be looked at as a similar circumstance as reciprocity for moving violations, where penalties can differ between states. Reciprocity arrangements would simply be giving jurisdictions, including Maryland, better capability to enforce their laws, irrespective of what those laws are.

Question: Is there a regional forum where law enforcement from maybe D.C., Maryland, Virginia, and other states, could discuss reciprocity for automated enforcement violations and come up with recommendations?

Answer: Capt. Yetter indicated that there is regional cooperation on specific issues, such as aggressive driving, and the Maryland Chiefs of Police Association would strongly support any similar effort with respect to reciprocity for automated enforcement violations.

Question: How do automated enforcement violations affect insurance policies/rates and how does that information get to insurance companies?

Answer: Capt. Yetter indicated that, unlike a moving violation, no points are associated with an automated enforcement violation, but if a vehicle's registration is flagged for nonrenewal and that leads to a change in status of the registration, that could affect the insurance on the vehicle.

Question: Is it known what percentage of overall violations are associated with rental cars?

Answer: Capt. Yetter indicated that that information is available and that he could follow-up to provide the information.

Kevin Reigrut – Executive Director, Maryland Transportation Authority

Question: There are press reports about efforts to create a regional system of tolling, specifically concerning express toll lanes around the Capital Beltway, which Virginia currently has, and which have been proposed in Maryland. Because different states operate their respective toll systems in ways which may be inconsistent with their neighboring states, is there an effort to make the toll systems work the same way?

Answer: Mr. Reigrut explained that, historically, regional tolling networks operate differently from how a conceptual, fully-integrated, multistate toll system might. A national capital region tolling system is expected to have enough common customers that using a common framework may be appropriate versus coordinating transactions between independent systems. Mr. Reigrut identified that the Nice Bridge and Tydings Bridge are other toll facilities where expanded collaboration may make sense. Finally, Mr. Reigrut noted that the federal government does not regulate tolling, except in limited circumstances, and mostly to define limitations on tolling. This places a significant amount of the responsibility on states to manage toll processes.

Question: There have been many horror stories about people with sizable – multi-thousand dollar – toll penalties. The data you presented suggests that the instances of these stories may be on the decline. Is the problem less pronounced now than it was in 2017 when stories about this were first identified?

Answer: Mr. Reigrut acknowledged that customers seem to understand that failure to pay toll violations will have consequences, and that MDTA will aggressively pursue amounts associated with video tolls and subsequent penalties. Further, Mr. Reigrut informed the committee that the data suggests that MDTA is doing a better job of addressing customer complaints.

Mr. Reigrut informed the committee that a single toll violation cannot result in a penalty of the size identified. Using the Tydings Bridge as an example, Mr. Reigrut explained that an individual using the Tydings Bridge, who does not pay their toll in cash (\$8) or using an E-ZPass (\$6) at the time they pass through the toll facility, will be assessed a video toll at 150% of the cash toll rate. If this is not paid within 45 days after notice from MDTA, an additional \$50 civil citation will be assessed. The value of this civil citation is set under COMAR 11.07.07.09. At this stage, there is no further accrual on this particular toll until and unless the account is referred to the Central Collection Unit (CCU), at which point a 17% surcharge is applied to the account for the costs of collection. Mr. Reigrut noted that, once the account is referred to CCU, MDTA is limited in its ability to work with the customer to resolve the matter. This process holds true for all tolls.

Mr. Reigrut informed the committee that the total value of toll violations owed to MDTA, not including additional civil citations or collection charges, is approximately \$49 million. Mr. Reigrut stated that the terms of the trust agreement governing the operation of MDTA require it to collect tolls owed to MDTA. Finally, while customer service has improved at MDTA, Mr. Reigrut could not say there will not be those individuals who disregard notices and fail to pay the debt which is owed.

Question: In referencing what some other states do to enforce toll violations, was your point that we need to be careful entering into reciprocal agreements with other states because that could expose our citizens to more aggressive types of enforcement in those states?

Answer: Mr. Reigrut stated that that is a possible outcome of reciprocal tolling agreements.

Question: Is there the possibility that an agreement for managing toll violations between states may be devised so as to not apply the intrastate enforcement measure to out-of-state violators, and yet still be effective for the enforcement of toll violations by out-of-state violators?

Answer: Mr. Reigrut informed the committee that this is an issue being discussed with other states. Mr. Reigrut also mentioned that, for enforcement, 94 to 95% of drivers pay as soon as they go through an MDTA toll facility or upon receiving the first notice that a toll

is due. An additional 4% of drivers pay when the civil citation phase is initiated. Mr. Reigrut suggested that the current Maryland toll enforcement process, which provides for the flagging or, for more substantial debts owed, the suspension of an owner's vehicle registration, helps to facilitate enforcement.

Question: What should a constituent who receives what they believe to be an excessively large or incorrect fine do?

Answer: Mr. Reigrut stated that anyone who has an issue with the use of MDTA facilities and services should call MDTA directly.

Question: What are the collection rates for individuals who pay on time or in the first notice period at facilities where there are no toll booths?

Answer: Mr. Reigrut informed the committee that he would have to get back to them with exact numbers, but that these should not vary much from the numbers quoted earlier, as the expectation is that cash users would switch to E-ZPass service. This is supported by good penetration rates for E-ZPass on the I-95 Electronic Toll Lanes (ETL). Mr. Reigrut informed the committee that E-ZPass penetration rates on the Inter-County Connector (ICC) lag behind those on the ETL.

Question: What is the collection speed for E-ZPass?

Answer: Mr. Reigrut stated that speed of collection is no longer a factor, and that the systems can collect at highway speeds (55 miles per hour). However, Mr. Reigrut informed the committee that the reduced speeds experienced in the State are due to certain sites not being engineered for high speed tolling, which could put toll worker and driver safety at risk. Mr. Reigrut mentioned that MDTA assesses the ratio of E-ZPass to cash lanes at its facilities and makes changes based on customer requirements and usage.

Question: Is there any new technology which can improve tolling in the State?

Answer: Mr. Reigrut reviewed some of the new advances in tolling technology which would be available under MDTA's third-generation tolling contract.

Question: What is the status of all-electronic tolling (AET) in Maryland?

Answer: Mr. Reigrut acknowledged that AET is the goal in Maryland and is in line with national trends, but could not say when AET will begin in the State.

Question: The toll lanes around the Capital Beltway have been proposed as a public-private partnership (P3). How would that work under the law? Would the P3 private contractor have authority to act as MDTA does? Would the contractor operate under the umbrella of MDTA? Or would the General Assembly be asked to consider new enabling legislation regarding the authority of members under a potential P3 agreement?

Answer: Mr. Reigrut informed the committee that any entity which performs tolling in MD which is not MDTA would still be subject to existing statute, which provides the MDTA Board the authority to set toll rates. Other aspects of a potential P3 would depend on the agreement negotiated between the parties. Mr. Reigrut recommended that any group in such a situation look to the MDTA model, as consistency is good for Marylanders, but could not say how a P3 arrangement for tolling on the Capital Beltway would work, specifically.

Question: Do individuals who receive a video toll citation have the ability to go to court and contest their citation?

Answer: Mr. Reigrut affirmed that individuals can contest toll violations in court.

Question: What other states have gone to AET?

Answer: Mr. Reigrut informed the committee that Massachusetts currently functions using AET, and that other states (mostly on the East coast) are working to implement AET. Mr. Reigrut mentioned that he could provide further information on all E-ZPass coalition partners and their status in terms of AET.

Interstate Compacts

Annual Interstate Compact Review

The committee annually conducts a review of Maryland's membership in various interstate compacts, covering compacts over a four-year cycle. The review focuses on whether Maryland's membership in the compacts continues to serve the interests of the State and/or whether any legislative modifications are needed. Committee staff sent questionnaires to the State agencies involved and prepared summaries of the agencies' responses for review by the committee members for the following interstate compacts:

- Chesapeake Bay Commission Agreement;
- Interstate Commission on the Potomac River Basin;
- Interstate Mining Compact;
- Interstate Oil and Gas Compact;
- Maryland-Virginia Potomac River Compact of 1958;
- Southern States Energy Compact; and
- Susquehanna River Basin Compact.

The State agencies involved with each of these compacts indicated that Maryland's membership in the compacts continues to serve the interests of the State. The agencies indicated that no legislative modifications are needed, with the exception of the Potomac River Compact, which the Department of Natural Resources indicated may need to be adjusted in the future to allow for aquaculture and leasing for oysters and clams.

Interstate Compact-Related Contingent Laws

Each interim, Department of Legislative Services (DLS) staff review changes to State law that were made contingent on some other action(s) occurring before the changes take effect, to determine whether those action(s) have occurred. During the 2017 interim, DLS staff approached the chairs of the Joint Committee on Federal Relations about potentially introducing legislation to repeal or modify certain contingent changes relating to interstate compacts (given the committee's traditional role of reviewing interstate compacts) that had gone a long period of time without taking effect and were potentially obsolete.

With the chairs' agreement, DLS staff further researched the contingent changes, relating to five separate interstate compacts, including contacting the relevant State agency that handles each applicable interstate compact to get the agency's view on whether the changes are obsolete and appropriate for nonsubstantive, code revision-type legislative action to repeal or modify the changes. Action was taken on changes relating to two of the compacts during the 2018 session, through legislation sponsored by the chairs: (1) Chapters 291 and 292 (Northeast Interstate Dairy

Compact – Repeal) and (2) Chapters 355 and 356 (Washington Metropolitan Area Transit Authority Compact – Department of Planning – Name Correction).

One of the remaining contingent changes, relating to a compact handled by the Department of Natural Resources (DNR), the Jennings Randolph Lake Project Compact, still has the potential to be fulfilled and is not appropriate for nonsubstantive, code revision-type legislative action.

The remaining contingent changes relate to the Atlantic States Marine Fisheries Compact and the Potomac River Compact. DNR also handles those compacts and indicated last year that it did not support action on those changes at the time, but that the changes could be revisited.

Committee staff revisited those changes this interim and DNR has indicated it does not see any problem with pursuing legislative action to repeal the contingent language at issue relating to a change to the Atlantic States Marine Fisheries Compact (discussed further, below). The chairs have agreed to introduce such legislation during the 2019 session.

Committee staff also asked, on behalf of the committee, for advice from the Office of the Attorney General regarding whether or not contingent language relating to certain changes to the Potomac River Compact has been fulfilled or not. When the advice is received, action may be able to be taken to clarify, in the Maryland Annotated Code, whether or not those changes are in effect (likely either through introduction of nonsubstantive legislation or by communicating with the code publishers regarding the representation of the changes in the annotated code as being in effect or not). This issue is described further, below. The advice from the Office of the Attorney General is currently pending.

Atlantic States Marine Fisheries Compact (Natural Resources Article, § 4-301 [subject to contingent amendment])

Proposed Action

Replace the contingent language in Chapter 123 of 1978, which enacts Amendment I (an amendment to the compact), with language enacted by a number of other compact member states that allows for the amendment to take effect in the states which have adopted it. Amendment I allows two or more states that have consented to it to designate the Atlantic States Marine Fisheries Commission (ASMFC) as a joint regulatory agency to regulate specific fisheries in which the states have a common interest.

Contingency

Chapter 123 was made contingent on a similar act being passed by the states participating in the compact. Of the member states, Delaware, South Carolina, Georgia, and Florida have not enacted the amendment and, as a result, Chapter 123 has not taken effect.

Background and Rationale for the Proposed Action

DNR has indicated that the State does not currently have a need to utilize the authority provided under Amendment I, but that it could possibly have a need at some point in the future.

While Chapter 123 requires the other member states to pass a similar act before it can take effect, at least six other states have instead included language in their laws enacting Amendment I that states, with some variation in the language used: “The state of _____ hereby enters into an amendment of [the compact] with any one or more of [the compact states] or such other states as may become party to that compact for the purpose of permitting the states that ratify this amendment to establish joint regulation of specific fisheries common to those states” (General Statutes of Connecticut, Sec. 26-296; Maine Revised Statutes, Title 12, Sec. 4613; New Hampshire Statutes, Title XVIII, Section 213:2; North Carolina General Statutes, Sec. 113-253; Pennsylvania Statutes, Title 30, Sec. 7106; Rhode Island General Laws, Sec. 20-8-2.)

ASMFC information indicates that there are two “sections” that have been created pursuant to Amendment I: (1) the Northern Shrimp Section (formed in 1974, and comprised of Maine, New Hampshire, and Massachusetts) and (2) the Atlantic Herring Section (formed in 1993, and appearing to also consist of Northeast states).

Committee staff looked at the committee bill file for HB 423 of 1978 (which was enacted as Chapter 123) and it is not clear whether it was known during the bill’s consideration that other states that previously enacted the amendment had not made it contingent on all compact states ratifying it. It appears that there may have been an expectation at the time that all compact states would eventually adopt the amendment. A DNR bill report in the committee bill file mentioned that only four other states had not yet adopted the amendment and that legislation to adopt it was pending in those states. Department of Legislative Services staff spoke with an ASMFC staff person in June who indicated that Delaware, South Carolina, Georgia, and Florida had not enacted the amendment and were unlikely to do so since it is not relevant to their fisheries management programs.

Irrespective of whether the authority under Amendment I will ever need to be used by Maryland, the proposed action would clarify the code and allow the statute to function effectively. It appears that if no action is taken, Chapter 123 may indefinitely remain in Maryland law without ever taking effect.

Potomac River Compact (Natural Resources Article, § 4-306 [subject to contingent amendment])

There are inconsistencies between Maryland’s and Virginia’s annotated codes with regard to whether provisions in the Potomac River Compact enacted in 2007 and 2013 by Maryland and Virginia are being considered as in effect or not. The relevant Maryland laws are Chapter 144 of 2007 and Chapters 234 and 235 of 2013.

Chapter 144 increases the compensation of the commissioners on the Potomac River Fisheries Commission from \$25 per day to up to \$250 per day, but not more than \$1,500 per year.

Chapters 234 and 235 (1) change the allowable oyster inspection tax the commission may impose to up to \$2.00 per bushel; (2) require the proceeds from the tax to be used solely for planting seed or shell oyster on working bottom; and (3) increase the maximum allowable fine for a violation of any regulation of the commission from \$1,000 to \$3,000.

Chapter 144 and Chapters 234 and 235 are each contingent on a similar act being enacted by Virginia. In the Maryland Annotated Code, Chapter 144 is being shown as not in effect, while Chapters 234 and 235 are being shown as having taken effect. However, as mentioned above, there are inconsistencies between Maryland's and Virginia's annotated codes with regard to whether the policy changes enacted under Chapter 144 and Chapters 234 and 235 are represented as having taken effect and there is also some inconsistency between the Maryland Annotated Code and proclamations of the Maryland Governor declaring provisions to be in effect.

Committee staff has asked, on behalf of the committee, for advice from the Office of the Attorney General on whether the contingent language in Chapter 144 and Chapters 234 and 235 has been fulfilled, in order to confirm whether the policy changes contained in those chapter laws are in effect. Once the advice has been received, if needed, action may be taken to clarify in the Maryland Annotated Code whether or not those changes are in effect (likely either through introduction of nonsubstantive legislation or by communicating with the code publishers regarding the representation of the changes in the annotated code as being in effect or not).

Appendix 1: Interstate Regulation of Driver Licenses and Moving Violations through the Driver License Compact (DLC) and Nonresident Violator Compact (NRVC)

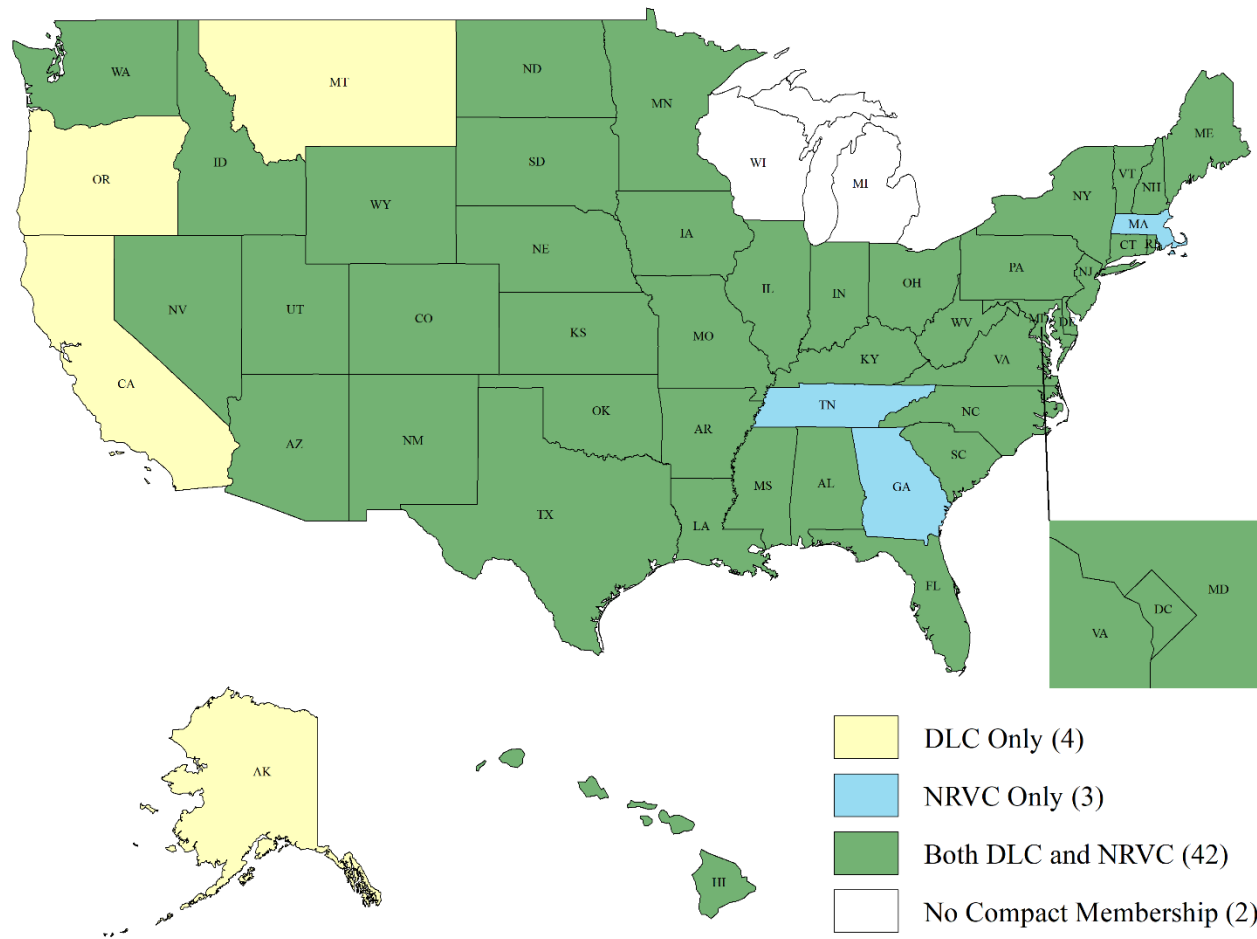
**Under Maryland law, moving violations are defined as motor vehicle violations for which points are assessed against a driver for purposes of point accumulation toward license suspension or revocation; toll, parking, and automated enforcement violations are exempted in statute from being considered moving violations for purposes of point assessment.*

Basic Description of the Compacts

	<u>Driver License Compact</u>	<u>Nonresident Violator Compact</u>
Manner of entry into compact	<ul style="list-style-type: none"> • Legislative adoption of the compact 	<ul style="list-style-type: none"> • Legislative adoption of compact; or • General or specific legislative authority or direction given to motor vehicle administrator to enter the state into the compact
Member states	<ul style="list-style-type: none"> • All (including DC) except Georgia, Massachusetts, Michigan, Tennessee, and Wisconsin 	<ul style="list-style-type: none"> • All (including DC) except Alaska, California, Michigan, Montana, Oregon, and Wisconsin
Obligations of member states with respect to new licensees	<ul style="list-style-type: none"> • Ensure that new licensees in the state are eligible to be licensed, based on driving history in other states • Require the new licensee to surrender any previous license • Collect prior driving history of new licensees and include in driving record 	<ul style="list-style-type: none"> • N/A
Obligations of member states with respect to out-of-state violations by state's licensees	<ul style="list-style-type: none"> • Exchange information with other states to ensure drivers' records reflect all in-state and out-of-state violations (both lesser and serious) • Treat certain serious out-of-state violations* by their licensees as though they occurred in-state for purposes of license suspension or revocation 	<ul style="list-style-type: none"> • For moving violations which do not alone carry a suspension or revocation (i.e., lesser offenses), when a driver's home state receives a notice of noncompliance from another member state, after notice to the driver, suspend the driver's license until the driver provides proof of compliance with the out-of-state citation

*The serious violations are (1) manslaughter or negligent homicide resulting from the operation of a motor vehicle; (2) driving a motor vehicle while under the influence [of alcohol or drugs] to a degree which renders the driver incapable of safely driving a motor vehicle; (3) any felony in the commission of which a motor vehicle is used; and (4) failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

DLC and NRVC Membership



Source: Department of Legislative Services

Research on States that are not Members of One or Both of the Compacts

For states that are not a member of one or both of the compacts, DLS Library staff researched three questions with respect to each of those states: (1) Have there been any efforts by nonmember states to join the compact(s) in the last 20 years? (2) Are there specific reasons why the nonmember states are not members? (3) What methods or processes do the nonmember states use in place of the compact(s)?

DLS library staff researched the three questions by reaching out to relevant state officials and/or legislative library staff in the nonmember states. The questions were not able to be fully answered for all of the states, but further below are summaries of the information that was able to be gathered.

(***An additional question researched by DLS library staff was whether there had been efforts in any of the member states to withdraw from either of the compacts in the last 20 years. From searching national databases of introduced state legislation and databases of news articles, as well as reaching out to a network of legislative librarians, no efforts were found.)

Nonmember States

States that are not a member of the Driver License Compact

Georgia
Massachusetts
Michigan
Tennessee
Wisconsin

States that are not a member of the Nonresident Violator Compact

Alaska
California
Michigan
Montana
Oregon
Wisconsin

Note: A 2007 law repealed the DLC from Nevada law, with the law indicating that the repeal of the compact was in anticipation of the state adopting the Driver License Agreement. American Association of Motor Vehicle Administrators information, however, lists Nevada as a member of the compact.

Have there been any efforts by nonmember states to join the compacts in the last 20 years?

The only efforts found were in Michigan, where bills ([HB 6011](#), [HB 6012](#), and [HB 5542](#)) have been introduced in 2018 (and reported out of committee in June) that, collectively, would authorize the governor to enter the state into the DLC and would modify state law in ways that allow the state to carry out the functions of the NRVC.

Are there specific reasons why the nonmember states are not members?

From limited information that was able to be gathered, one reason appears to be that the states have processes and systems in place (described below) that have been sufficient for the states' purposes and there has not been a significant need to join the compacts. In the case of the DLC, it appears that a state can more or less still accomplish the functions of the DLC without officially being a member.

In Michigan, for example, despite legislation now being considered to allow the state to join the compacts, the Michigan Department of State indicated that their current policies have made it unnecessary to join the compacts up to this point. They referred to (1) the Problem Driver Pointer System (mentioned below); (2) the Commercial Driver's License Information System (mentioned below); (3) other exchange of information with states; and (4) taking action on out-of-state violations that correspond to Michigan law, as if the violation occurred in the state.

With respect to the NRVC, Oregon Driver and Motor Vehicle Services (DMV) indicated that joining the NRVC is not feasible for them because it is a manual and labor intensive process and they also indicated that there was not a demonstrated benefit to transportation safety from the NRVC process. Oregon DMV, however, mentioned entering into a similar, but bilateral, agreement with Washington in 1986 (though it is not clear whether the agreement is still in effect).

What methods or processes do the nonmember states use in place of membership in the compacts?

- *Ensuring compliance with out-of-state citations (the primary function of the NRVC):*

The Problem Driver Pointer System (PDPS) is one method that a few of the states mentioned as helping to ensure compliance (by its resident drivers) with out-of-state citations in the absence of NRVC membership. When processing a new or renewed license, a state can use PDPS to search the National Driver Register (NDR), which is a repository of information on problem drivers provided by all 51 U.S. jurisdictions. If a driver, for example, has failed to pay an out-of-state citation, that other state may revoke the driver's driving privileges in the other state (meaning if pulled over in that state, the driver can be penalized in a manner similar to driving without a license) and that revocation of driving privileges would be reported to NDR. The home state then would decline – when the driver's license comes up for renewal and they query PDPS and find the suspension of driving privileges – to renew the license until the driver's driving privileges had been restored in the other state.

Since the enforcement in that case occurs upon the processing of a new or renewed license for a driver, however, it is less immediate than enforcement under the NRVC.

(Alaska and Michigan also mentioned participating in the Commercial Driver's License Information System (CDLIS), though the DLC and NRVC do not appear to be as relevant, if relevant at all, in the context of commercial driver's licenses, since states' cooperative interstate regulation of commercial driver's licenses is governed by federal law and regulations.)

With respect to how nonmember states ensure compliance with their citations, by nonresident drivers, relatively little information was obtained from DLS' research, but it appears that methods used may include: (1) revoking a driver's driving privileges in the state if they fail to comply with a citation or (2) requiring further processing/adjudication at the time of the citation in order to ensure or secure compliance.

- *Ensuring that drivers applying for a new license in a state are eligible for a new license based on driving history in other states (a function of the DLC):*

PDPS allows states, whether or not they are members of the DLC, to check whether applicants for new licenses are listed as problem drivers in NDR and, if so, to gather information on the driver's driving history from the relevant state(s).

Michigan also indicated that it exchanges information with other states for every new driver's license applicant in the state, to get the applicant's previous driving record. This may also be the case with some or all of the other states that are not members of the DLC.

- *Ensuring that drivers applying for a new license have only one valid license (a function of the DLC):*

The State-to-State (S2S) Verification Service allows participating states to electronically check with all other participating states to determine if an applicant holds a driver's license or identification card in another state. The platform for the service was implemented in July 2015 and so far (1) 19 states are using the service (including Maryland, which is a member of the DLC, and Massachusetts, Tennessee, and Wisconsin, which are not members of the DLC) and (2) 17 more have indicated timelines for implementation within roughly the next couple of years (including Georgia, which is not a member of the DLC).

- *Treating serious out-of-state violations as though they occurred in the home state for license suspension/revocation purposes (a function of the DLC):*

Michigan law allows for a resident's license to be suspended or revoked for a conviction or determination of responsibility in another state for an offense that, if committed in Michigan, would be grounds for suspension or revocation. Wisconsin has a similar law and indicates that it shares conviction information with other states in more or less the same way that the compact states share information.

Appendix 2: Nonmoving Violations and the Potential for a Violation to Impact Vehicle Registration

The following maps show the impact that six common nonmoving violations may have on an individual's vehicle registration in each of the fifty states and the District of Columbia. The nonmoving violations selected for review include:

- Failure to Comply with Emissions Inspection Requirements;
- Unpaid Tolls;
- Unpaid Parking Tickets;
- Speed Camera Violations;
- Red Light Camera Violations; and
- School Bus Camera Violations.

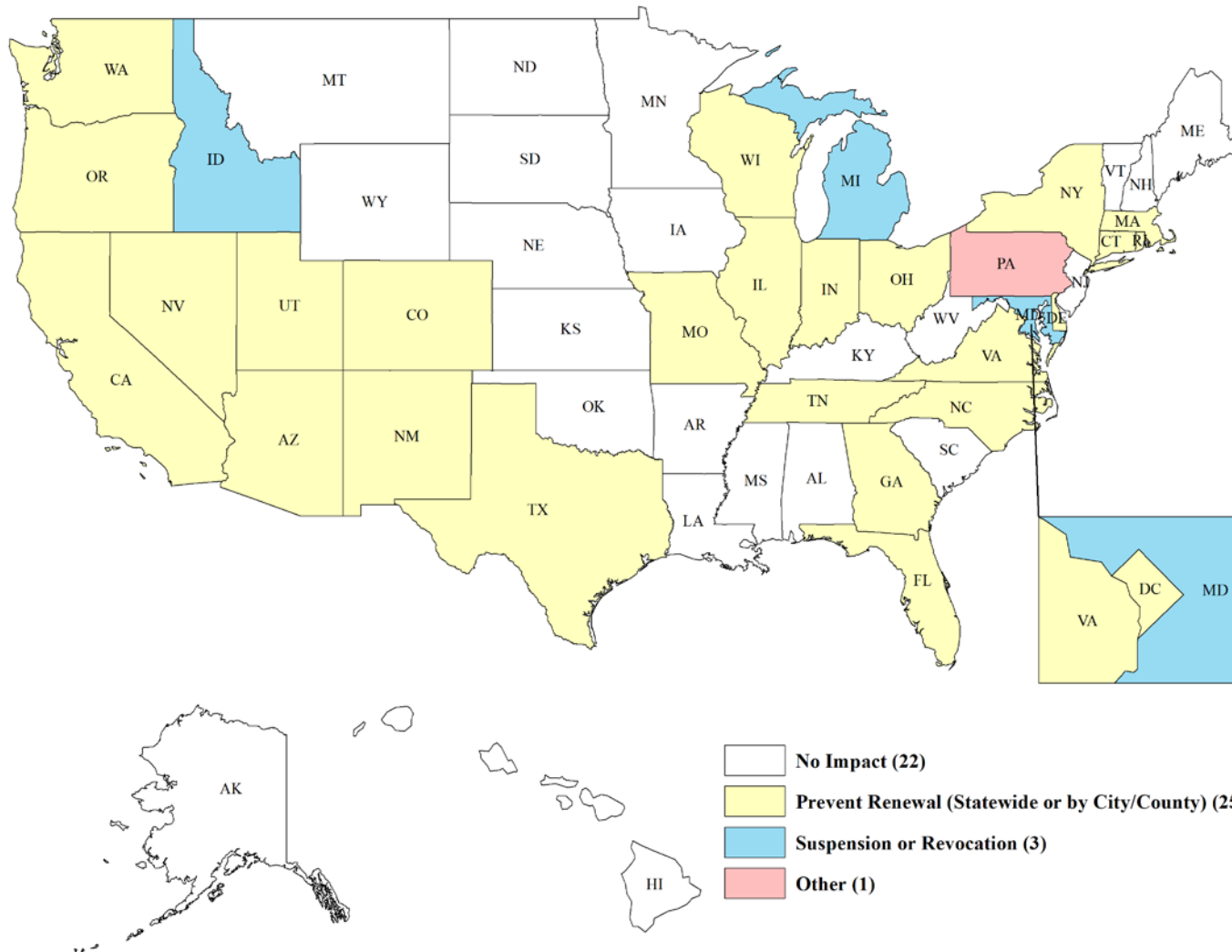
There is one map for each of the six violations. The states and the District of Columbia are classified under one of five conditions: (1) no impact on vehicle registration; (2) failure to comply can prevent renewal of vehicle registration; (3) failure to comply can result in suspension or revocation of vehicle registration; (4) failure to comply can prevent renewal of *or* result in suspension of or revocation of vehicle registration, depending on the circumstances of the violation; and (5) "Other." "Other" is a catch-all classification used in only two of the maps where the consequences of a violation, if any, could not be accurately determined.

It is important to note that, in developing these maps, several assumptions were made. The original research data on which these maps are based is available by request made to Matthew Mickler (matthew.mickler@mlis.state.md.us) or Scott Kennedy (scott.kennedy@mlis.state.md.us).

First, it is not guaranteed that a violation will automatically result in the identified consequence; rather, the maps should be understood to show those states in which these conditions are a possible consequence of a particular violation, should the vehicle owner not comply with the standard processes to resolve the matter at hand. Consequences other than the potential impact on vehicle registration were outside the scope of the research request. Also, it is important to note that, for the "No Impact" condition, it is possible that the violation is not applicable to the state. For example, DLS research found that Hawaii has no toll roads or speed cameras. Because there can be no violation, there is no impact on vehicle registration; as such, Hawaii is included in the "No Impact" condition for these items for tracking purposes. Other assumptions are outlined below.

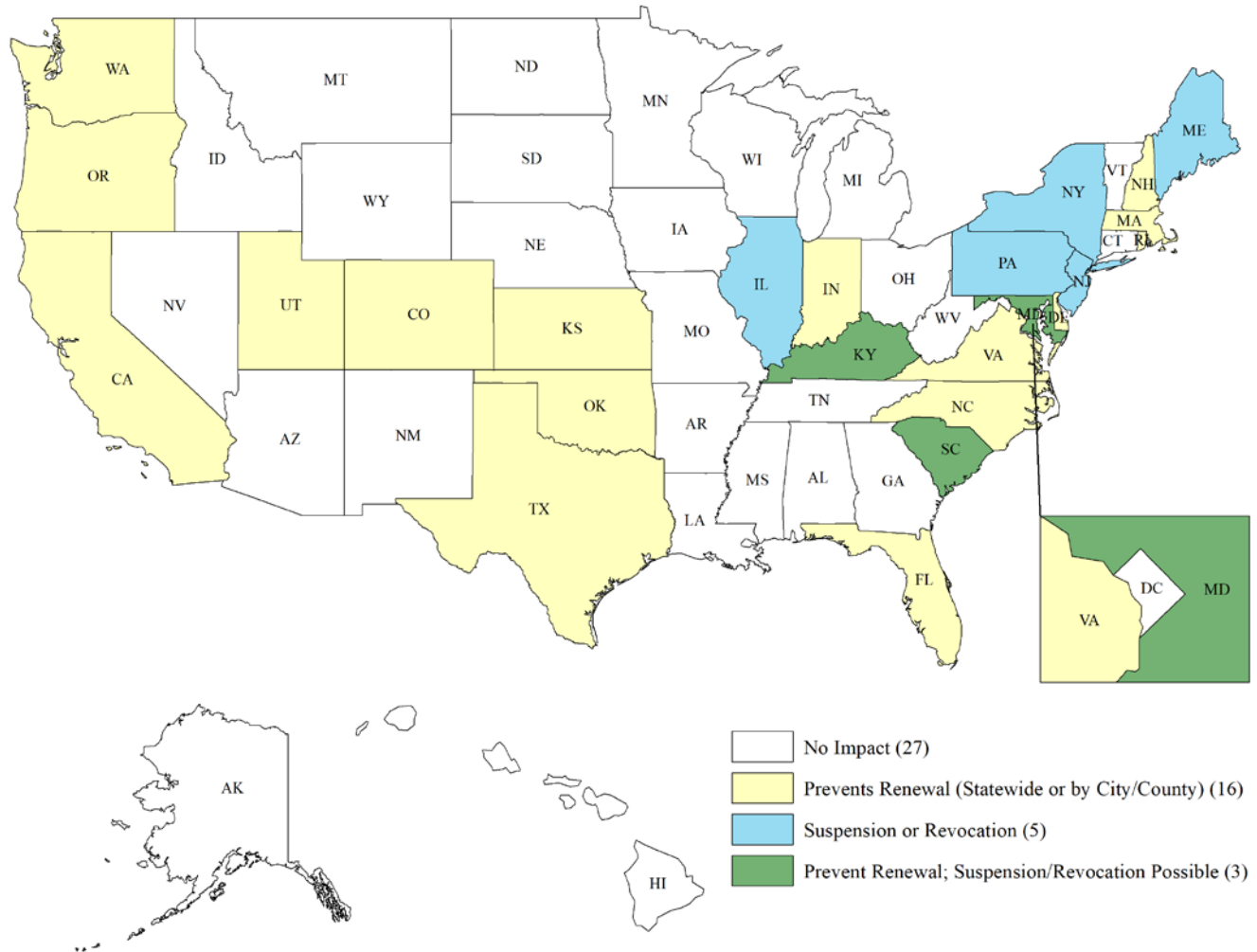
- Certain conditions may only be applicable to particular counties or cities within a state; however, because the condition impacting registration was a potential consequence for the violation somewhere within the state, the state was classified as the appropriate condition.
- Certain conditions require a court to take action for the consequence to apply to a violation.
- Conditions 2 and 3 above may only apply once fines reach a certain level.

Emissions Inspection Violation and Potential Impact on Vehicle Registration By State and in the District of Columbia



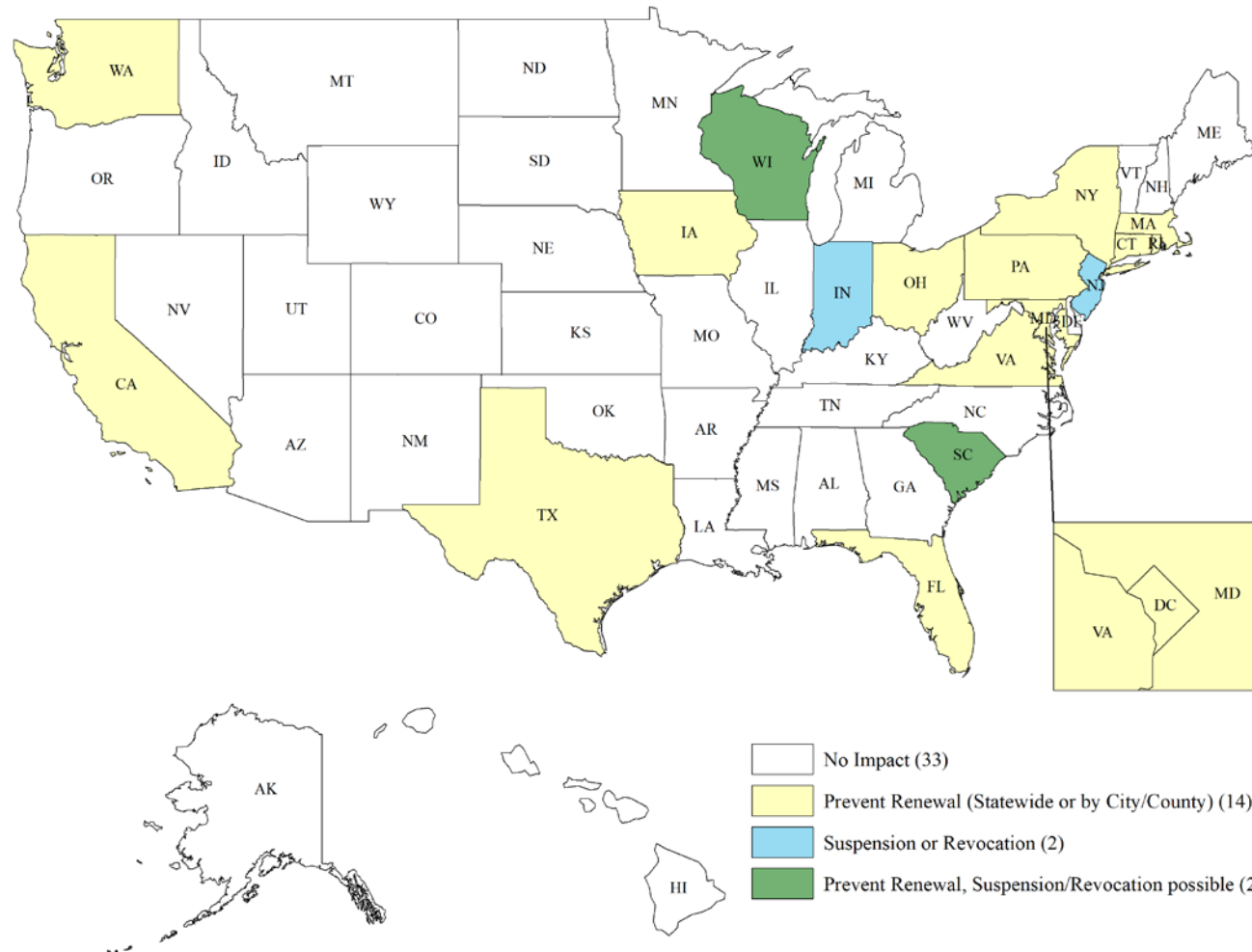
Source: Department of Legislative Services

**Unpaid Tolls and Potential Impact on Vehicle Registration
By State and in the District of Columbia**



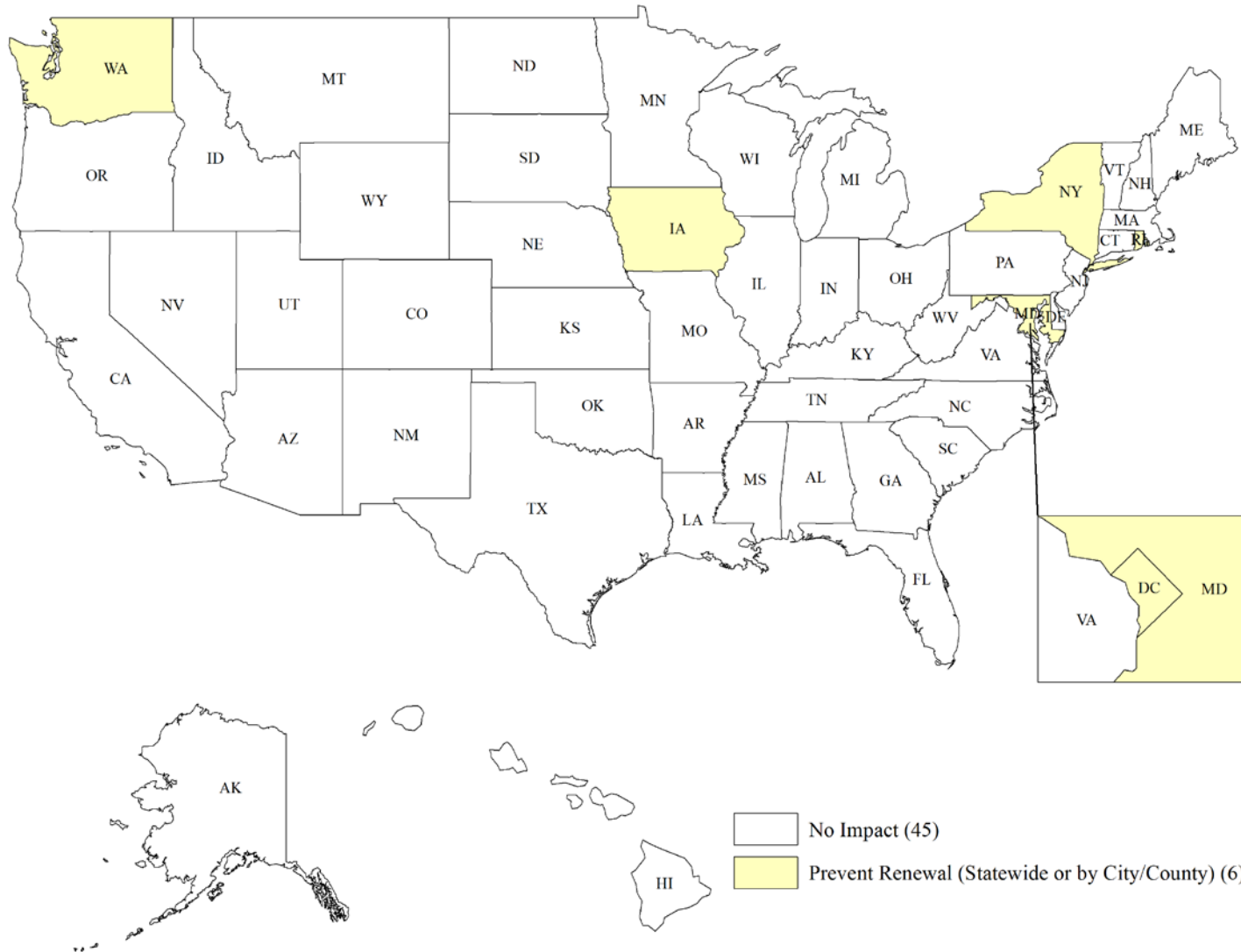
Source: Department of Legislative Services

Unpaid Parking Tickets and Potential Impact on Vehicle Registration By State and in the District of Columbia



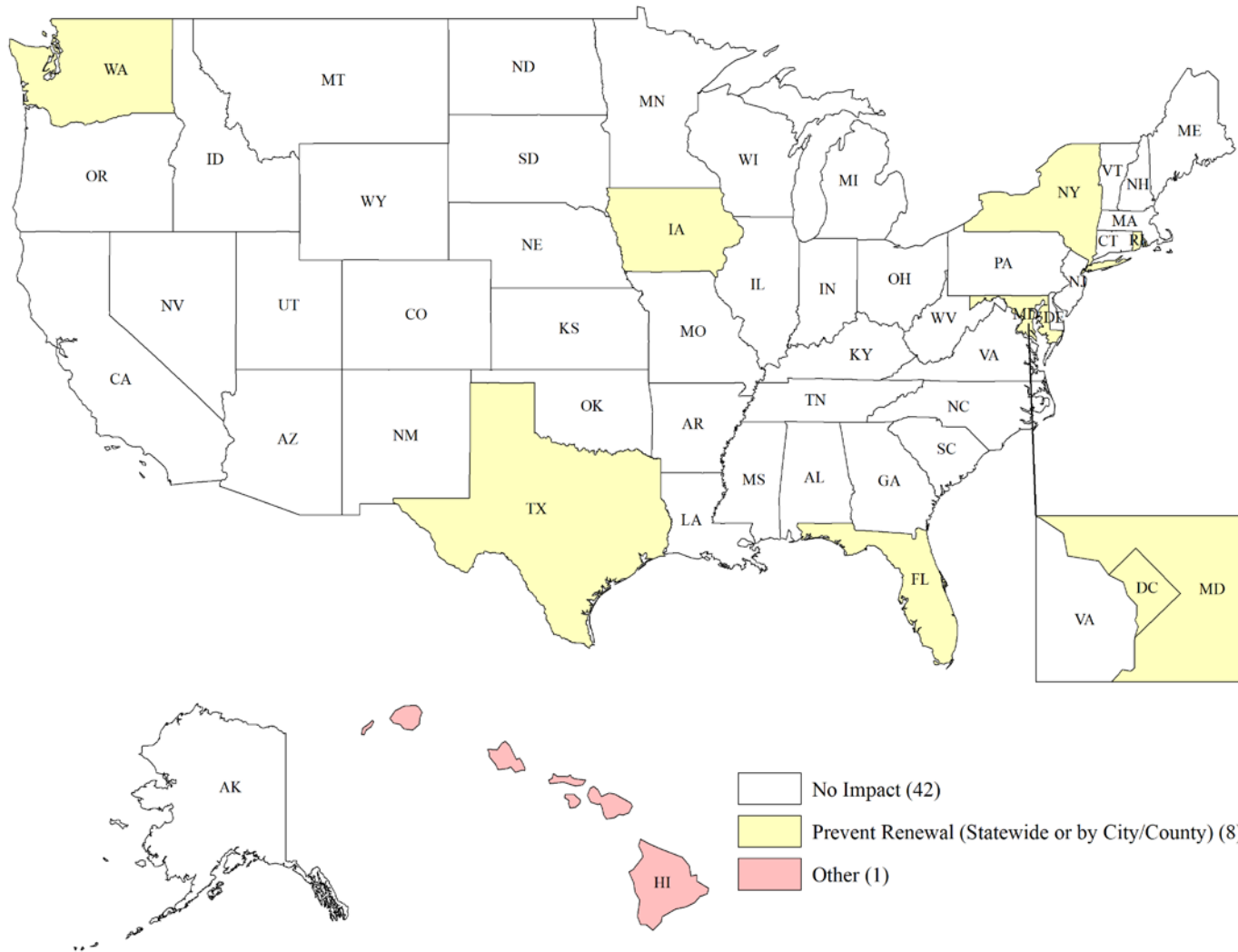
Source: Department of Legislative Services

Speed Camera Violations and Potential Impact on Vehicle Registration By State and in the District of Columbia



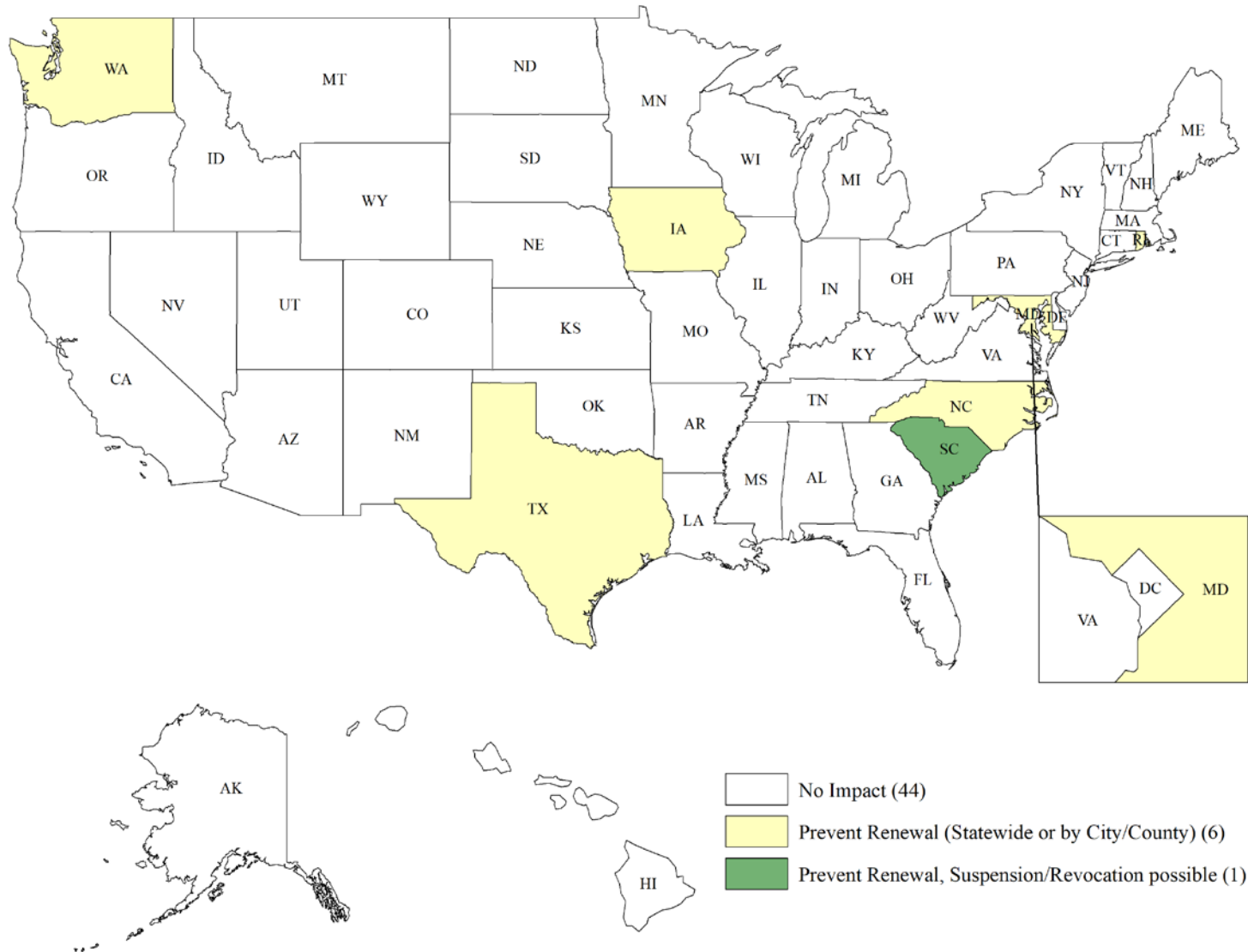
Source: Department of Legislative Services

Red Light Camera Violations and Potential Impact on Vehicle Registration By State and in the District of Columbia



Source: Department of Legislative Services

School Bus Camera Violations and Potential Impact on Vehicle Registration By State and in the District of Columbia



Source: Department of Legislative Services