

HB0929/603623/1

BY: Senator Pipkin

AMENDMENTS TO HOUSE BILL 929, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

Strike in their entirety the Judicial Proceedings Committee Amendments (HB0929/638777/1).

AMENDMENT NO. 2

On page 1 of the bill, in line 2, strike “Motor Vehicles – Speed Monitoring Systems – Local Jurisdictions” and substitute “Vehicle Laws – Speed Monitoring and Work Zone Speed Control Systems”; strike beginning with “standards” in line 5 down through “jurisdictions” in line 24 and substitute “definition of “recorded image” for purposes of provisions related to speed monitoring systems and work zone speed control systems; requiring that certain time-stamped images of a motor vehicle provide sufficient information to show the progression of the motor vehicle; establishing that a speed monitoring system placed in a school zone may be placed in a school zone established only for an elementary or a secondary school; requiring a certain calibration check to be performed quarterly rather than annually; prohibiting the quarterly calibration check of a speed monitoring system or a work zone speed control system from being performed by certain persons; altering certain prohibitions to provide that the fee of a contractor that administers and processes civil citations issued as a result of violations recorded by a speed monitoring system or a work zone speed control system may not be contingent on the number of citations issued or paid; and generally relating to speed monitoring systems and work zone speed control systems”.

On page 2 of the bill, in line 3, after “21-809” insert “(a)(4), (b)(1)(vi) and (4), and (j) and 21-810(a)(4), (b)(6), and (j)”.

AMENDMENT NO. 3

(Over)

On pages 2 through 13 of the bill, strike in their entirety the lines beginning with line 10 on page 2 through line 25 on page 13, inclusive, and substitute:

“(a) (4) “Recorded image” means an image recorded by a speed monitoring system:

(i) On:

1. A photograph;
2. A microphotograph;
3. An electronic image;
4. Videotape; or
5. Any other medium; and

(ii) Showing:

1. The rear of a motor vehicle;
2. At least two time-stamped images of the motor vehicle that [include]:
 - A. INCLUDE the same stationary object near the motor vehicle; and
 - B. PROVIDE SUFFICIENT INFORMATION TO SHOW THE PROGRESSION OF THE MOTOR VEHICLE; AND

3. On at least one image or portion of tape, a clear and legible identification of the entire registration plate number of the motor vehicle.

(b) (1) (vi) This section applies to a violation of this subtitle recorded by a speed monitoring system that meets the requirements of this subsection and has been placed:

1. In Montgomery County, on a highway in a residential district, as defined in § 21–101 of this title, with a maximum posted speed limit of 35 miles per hour, which speed limit was established using generally accepted traffic engineering practices;

2. In a school zone established **FOR AN ELEMENTARY OR A SECONDARY SCHOOL** under § 21–803.1 of this subtitle; or

3. In Prince George’s County, on that part of a highway located within the grounds of an institution of higher education as defined in § 10–101(h) of the Education Article, or within one-half mile of the grounds of a building or property used by the institution of higher education where generally accepted traffic and engineering practices indicate that motor vehicle, pedestrian, or bicycle traffic is substantially generated or influenced by the institution of higher education.

(4) (i) A speed monitoring system shall undergo [an annual] A **QUARTERLY** calibration check performed by [an independent] A calibration laboratory **THAT IS INDEPENDENT FROM AND NOT OTHERWISE AFFILIATED WITH:**

1. **THE MANUFACTURER OF THE SPEED MONITORING SYSTEM;**

2. THE VENDOR OF THE SPEED MONITORING SYSTEM;

3. ANY PERSON WHO OPERATES, PROVIDES, OR DEPLOYS THE SPEED MONITORING SYSTEM;

4. ANY PERSON WHO ADMINISTERS AND PROCESSES CIVIL CITATIONS ARISING OUT OF RECORDED IMAGES PRODUCED BY THE SPEED MONITORING SYSTEM; OR

5. THE LOCAL JURISDICTION THAT CONTROLS THE SPEED MONITORING SYSTEM.

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

1. Shall be kept on file; and
2. Shall be admitted as evidence in any court proceeding for a violation of this section.

(j) (1) An agency or an agent or contractor designated by the agency shall administer and process civil citations issued under this section in coordination with the District Court.

(2) If a contractor, ON BEHALF OF A LOCAL JURISDICTION, PROVIDES, DEPLOYS, OR operates a speed monitoring system, OR ADMINISTERS AND PROCESSES CIVIL CITATIONS ISSUED UNDER THIS SECTION, the contractor's fee may not be contingent on the number of citations issued or paid.

(a) (4) “Recorded image” means an image recorded by a work zone speed control system:

(i) On:

1. A photograph;
2. A microphotograph;
3. An electronic image;
4. Videotape; or
5. Any other medium; and

(ii) Showing:

1. The rear of a motor vehicle;
2. At least two time-stamped images of the motor vehicle that [include]:

A. INCLUDE the same stationary object near the motor vehicle; and

B. PROVIDE SUFFICIENT INFORMATION TO SHOW THE PROGRESSION OF THE MOTOR VEHICLE; AND

3. On at least one image or portion of tape, a clear and legible identification of the entire registration plate number of the motor vehicle.

(Over)

(b) (6) (i) A work zone speed control system shall undergo [an annual] A QUARTERLY calibration check performed by [an independent] A calibration laboratory THAT IS INDEPENDENT FROM AND NOT OTHERWISE AFFILIATED WITH:

1. THE MANUFACTURER OF THE WORK ZONE SPEED CONTROL SYSTEM;

2. THE VENDOR OF THE WORK ZONE SPEED CONTROL SYSTEM;

3. ANY PERSON WHO OPERATES, PROVIDES, OR DEPLOYS THE WORK ZONE SPEED CONTROL SYSTEM;

4. ANY PERSON WHO ADMINISTERS AND PROCESSES CIVIL CITATIONS ARISING OUT OF RECORDED IMAGES PRODUCED BY THE WORK ZONE SPEED CONTROL SYSTEM; OR

5. THE LOCAL JURISDICTION THAT CONTROLS THE WORK ZONE SPEED CONTROL SYSTEM.

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

1. Shall be kept on file; and

2. Shall be admitted as evidence in any court proceeding for a violation of this section.

(j) (1) The Department of State Police or a contractor designated by the Department of State Police shall administer and process civil citations issued under this section in coordination with the District Court.

(2) If a contractor, ON BEHALF OF A POLICE DEPARTMENT, provides, deploys, or operates a work zone speed control system, OR ADMINISTERS AND PROCESSES CIVIL CITATIONS ISSUED UNDER THIS SECTION [for a police department], the contractor's fee may not be contingent on the number of citations issued or paid.

On page 13 of the bill, in line 26, strike "4." and substitute "2.".