

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 271 (Delegate W. Miller, *et al.*)
Environment and Transportation

Vehicle Laws - Speed Monitoring Systems - Quarterly Audits

This bill requires a local jurisdiction to obtain a quarterly audit of its speed monitoring systems conducted by a qualified independent person. The results of the audit must be kept on file and admitted as evidence in any court proceeding regarding a speed monitoring system citation.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: Local government expenditures and workloads increase, potentially significantly, for jurisdictions that operate speed monitoring systems to obtain quarterly audits. Revenues are not directly affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Potential meaningful. A small business that may be selected to conduct quarterly audits benefits under the bill.

Analysis

Current Law: A speed monitoring system operator must fill out and sign a daily set-up log that states that the operator successfully performed or reviewed and evaluated the manufacturer-specified self-tests of the system before producing a recorded image. These logs must be kept on file and admitted as evidence in any court proceeding for a violation. A speed monitoring system must also undergo an annual calibration check performed by an independent calibration laboratory, which must be unaffiliated with the manufacturer of

the speed monitoring system. The laboratory must issue a signed certificate of calibration that must be kept on file and admitted as evidence in any court proceeding for a violation.

Background: Chapter 15 of 2006 authorized the first use of speed monitoring systems in the State, but it only applied to highways in school zones and residential districts in Montgomery County. Chapter 500 of 2009 expanded statewide the authorization for the use of speed monitoring systems in school zones only. Chapter 474 of 2010 authorized the use of speed monitoring systems in Prince George's County on a highway located within the grounds of an institution of higher education or on nearby highways under certain circumstances.

Unless the driver of a motor vehicle received a citation from a police officer at the time of the violation, the owner or driver of the vehicle is subject to a civil penalty if the vehicle is recorded speeding at least 12 miles per hour above the posted speed limit by a speed monitoring system in violation of specified speed restrictions in the Maryland Vehicle Law. The maximum fine for a citation issued by a speed monitoring system operator is \$40. However, a local law enforcement or other designated agency operating the speed monitoring system may mail a warning notice instead of a citation.

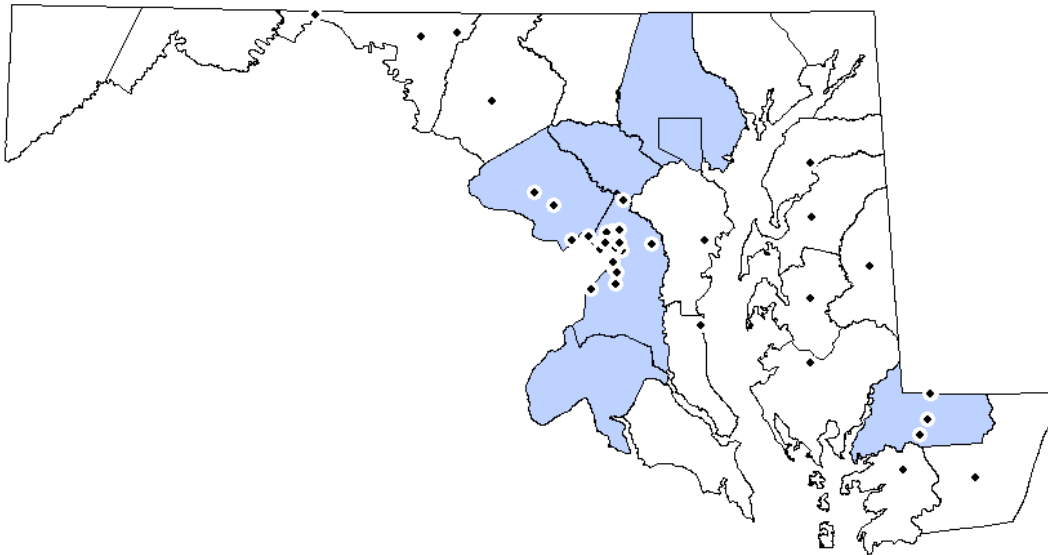
A speed monitoring system may be placed in a school zone for operation between 6:00 a.m. and 8:00 p.m., Monday through Friday. Before a speed monitoring system may be used in a local jurisdiction, its use must be authorized by the governing body by ordinance or resolution adopted after reasonable notice and a public hearing and its location must be published on the jurisdiction's website and in a newspaper of general circulation in the jurisdiction.

As shown in **Exhibit 1**, a number of counties and municipal corporations currently implement speed monitoring systems. The Department of Legislative Services advises that the map only reflects jurisdictions that have reported revenues to the Comptroller in fiscal 2014 and, therefore, may not include all jurisdictions that *currently* implement speed monitoring systems. Further, additional jurisdictions may be considering the use of (or discontinuance of the use of) speed monitoring systems at this time.

From the fines generated by a speed monitoring system, the relevant jurisdiction may recover the costs of implementing the system and may spend any remaining balance solely for public safety purposes, including for pedestrian safety programs. However, if the balance of revenues after cost recovery for any fiscal year is greater than 10% of the jurisdiction's total revenues, the excess must be remitted to the Comptroller. According to data from the Comptroller, about \$2.2 million was remitted in fiscal 2011 from five municipal corporations, but no money has been remitted in the three years since.

In fiscal 2014, the Comptroller reports that 46 local jurisdictions generated speed monitoring system fine revenues of about \$51.5 million, of which about \$19.7 million (38%) was retained by local jurisdictions for public safety programs after recovery of the costs of implementing the systems. The total revenues, expenditures, and net revenues retained for public safety declined significantly between fiscal 2013 and 2014, although most of the decrease in total and net revenues was due to the temporary cessation of speed monitoring in Baltimore City. Nevertheless, nearly two-thirds of the jurisdictions that reported revenues to the Comptroller in both fiscal 2013 and 2014 reported a decrease in revenues for fiscal 2014.

Exhibit 1
Local Speed Monitoring System Enforcement



Note: ● represents municipal corporations that operate speed monitoring systems;
■ represents counties that operate speed monitoring systems

Source: Comptroller's Office; Department of Legislative Services

Speed Monitoring System Reform – Chapter 491 of 2014

The General Assembly passed House Bill 929 of 2014 (enacted as Chapter 491) in response to significant concerns from the public and media scrutiny of speed cameras in Baltimore City and several other jurisdictions. These concerns centered around two common criticisms of speed cameras: (1) that technical issues and insufficient review of recorded images result in erroneously generated citations; and (2) that the contracts with vendors are

structured in such a manner as to establish an incentive to generate more citations and revenues, thereby casting doubt on the integrity or purpose of speed monitoring programs. Thus, Chapter 491 required jurisdictions to impose new restrictions and requirements on their contracts with speed monitoring vendors and established numerous additional requirements and restrictions pertaining to the issuance of citations, the calibration and self-testing of systems, the review of erroneous citations, and the use and placement of systems in school zones.

Local Expenditures: Expenditures and/or workloads increase, potentially significantly, beginning in fiscal 2016 for each jurisdiction that operates speed monitoring systems to contract with a firm that is deemed a qualified independent person under the bill. For example, Montgomery County advises that a previous independent audit conducted in Baltimore City cost about \$278,000 and that a quarterly audit requirement could, therefore, cost the county more than \$1.1 million annually if the same rates were charged. However, in response to similar legislation introduced in 2014, Baltimore City had previously estimated the cost of an audit at \$100,000, while Baltimore County estimated the cost of one audit to be between \$5,000 and \$10,000 each. Additionally, jurisdictions may incur a significant increase in workloads for local police departments. For example, Wicomico County estimates that a quarterly audit requires the involvement of one captain, two corporals, and one first sergeant over a five-day audit period, four times per year to work with the independent auditor.

Additional Information

Prior Introductions: HB 1288 of 2014 received an unfavorable report from the House Environmental Matters Committee.

Cross File: None.

Information Source(s): Baltimore, Harford, Montgomery, Talbot, and Wicomico counties; the cities of Baltimore and Rockville; Judiciary (Administrative Office of the Courts); Maryland Municipal League; Maryland Department of Transportation; Department of Legislative Services

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md/ljm

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