R5 6lr3207 CF SB 961

By: Delegates Lam, Beidle, Fraser-Hidalgo, Kipke, Krebs, McCray, and B. Wilson Introduced and read first time: February 11, 2016
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

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Motor Vehicles - Speed Monitoring Systems - Automated Audits

FOR the purpose of requiring that a speed monitoring system be subject to an automated, real—time audit; prohibiting an audit from being conducted by an employee or representative of the speed monitoring system contractor; requiring that the results of the audit remain in the custody and be the property of the local jurisdiction that authorized the speed monitoring system and be admitted as evidence in any court proceeding for certain violations; and generally relating to automated audits for speed monitoring systems.

- 10 BY repealing and reenacting, without amendments,
- 11 Article Transportation
- 12 Section 21–809(b)(1)(i), (2), (3), and (4)
- 13 Annotated Code of Maryland
- 14 (2012 Replacement Volume and 2015 Supplement)
- 15 BY repealing and reenacting, with amendments,
- 16 Article Transportation
- 17 Section 21–809(b)(5) and (6)
- 18 Annotated Code of Maryland
- 19 (2012 Replacement Volume and 2015 Supplement)
- 20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 21 That the Laws of Maryland read as follows:
- 22 Article Transportation
- 23 21–809.

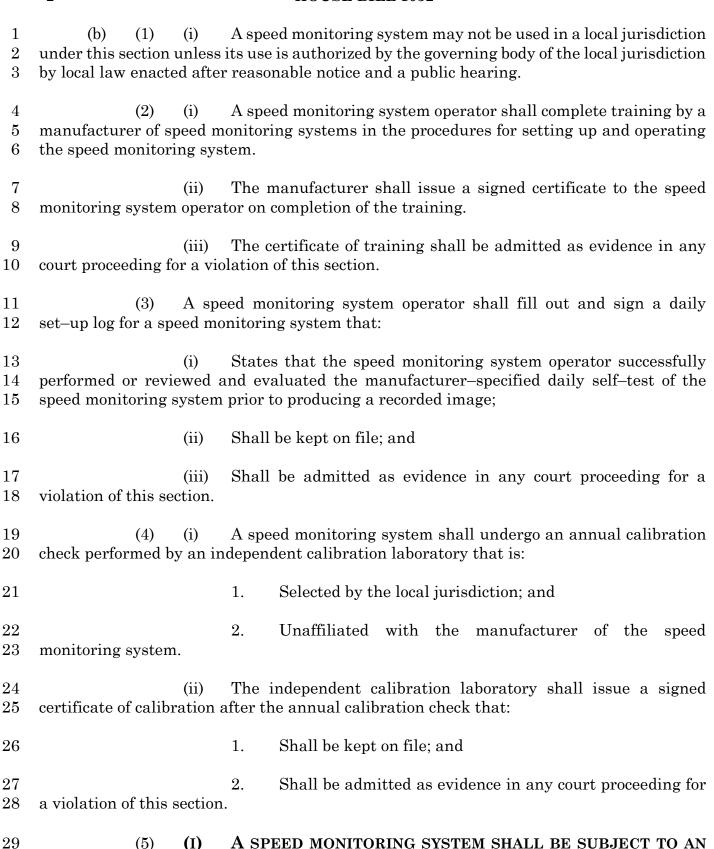


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(I)

AUTOMATED, REAL-TIME AUDIT.



A SPEED MONITORING SYSTEM SHALL BE SUBJECT TO AN

1 AN AUDIT UNDER THIS PARAGRAPH MAY NOT (II)2 CONDUCTED BY AN EMPLOYEE OR REPRESENTATIVE OF THE SPEED MONITORING 3 SYSTEM CONTRACTOR. 4 (III) THE RESULTS OF AN AUDIT UNDER THIS PARAGRAPH 5 SHALL: 6 1. REMAIN IN THE CUSTODY AND BE THE PROPERTY OF 7 THE LOCAL JURISDICTION; AND 8 2. $\mathbf{B}\mathbf{E}$ ADMITTED \mathbf{AS} **EVIDENCE** IN ANY COURT 9 PROCEEDING FOR A VIOLATION THAT IS THE SUBJECT OF THE AUDIT. 10 **(6)** If a local jurisdiction authorizes a program of speed monitoring systems 11 under this section: 12 (i) The local jurisdiction shall designate a program administrator 13 who may not be an employee or representative of the speed monitoring system contractor; 14 and 15 (ii) The contract with the speed monitoring system contractor shall 16 include the following provisions: 17 1. For potential violations submitted by a contractor for review by an agency, if more than 5% of the violations in a calendar year are erroneous 18 19 violations, then the contractor shall be subject to liquidated damages for each erroneous 20 violation equal to at least 50% of the fine amount for the erroneous violation, plus any reimbursements paid by the local jurisdiction; and 2122The local jurisdiction may cancel a contract with a contractor if the contractor violates the contract by submitting erroneous violations to the 23agency that exceed a threshold specified in the contract or violates the law in implementing 2425 the contract. 26 [(6)] **(7)** The Maryland Police Training Commission, (i) consultation with the State Highway Administration and other interested stakeholders, 27 shall develop a training program concerning the oversight and administration of a speed 2829 monitoring program by a local jurisdiction, including a curriculum of best practices in the 30 State. 31 A program administrator shall participate in the training (ii) 1. 32program established under this paragraph before a local jurisdiction initially implements

a new speed monitoring program and subsequently at least once every 2 years.

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- 2. A program administrator for a program in existence on June 1, 2014, shall initially participate in the training program on or before December 31, 2014, and subsequently at least once every 2 years.
- 3. If a local jurisdiction designates a new program administrator, the new program administrator shall participate in the next available training program.
- 7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 8 October 1, 2016.