

# SENATE BILL 769

R5

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By: **Senator Bates**

Introduced and read first time: February 5, 2016

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Traffic Control Signal Monitoring Systems and Speed**  
3 **Monitoring Systems – Continuous Audits**

4 FOR the purpose of requiring an agency primarily responsible for traffic control at an  
5 intersection monitored by a traffic control signal monitoring system to implement a  
6 certain system that monitors a traffic control signal monitoring system; requiring  
7 that a certain system that monitors a traffic control signal monitoring system be  
8 operated by a certain independent contractor; providing that the records of a certain  
9 system that monitors a traffic control signal monitoring system are the property of  
10 the agency primarily responsible for the traffic control signal monitoring system;  
11 requiring a local jurisdiction that authorizes a program for speed monitoring systems  
12 to implement a certain system to monitor a speed monitoring system; requiring that  
13 a certain system that monitors a speed monitoring system be operated by a certain  
14 independent contractor; providing that the records of a certain system that monitors  
15 a speed monitoring system are the property of the local jurisdiction that authorizes  
16 the speed monitoring system program; requiring that certain records be kept on file  
17 and admitted as evidence in certain proceedings; defining certain terms; making a  
18 stylistic change; and generally relating to systems that monitor traffic control signal  
19 monitoring systems and speed monitoring systems.

20 BY repealing and reenacting, with amendments,  
21 Article – Transportation  
22 Section 21–202.1(a) and (b) and 21–809(a) and (b)  
23 Annotated Code of Maryland  
24 (2012 Replacement Volume and 2015 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
26 That the Laws of Maryland read as follows:

27 **Article – Transportation**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 21-202.1.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) "Agency" means:

4 (i) For a traffic control signal operated and maintained at an  
5 intersection under the control of the State, the law enforcement agency primarily  
6 responsible for traffic control at that intersection; or

7 (ii) For a traffic control signal operated and maintained at an  
8 intersection under the control of a political subdivision, a law enforcement agency of the  
9 political subdivision that is authorized to issue citations for a violation of the Maryland  
10 Vehicle Law or of local traffic laws or regulations.

11 (3) **"CONTINUOUS AUDITING SYSTEM" MEANS A PROGRAM THAT**  
12 **CONDUCTS REAL-TIME REVIEW AND VERIFICATION OF TRAFFIC CONTROL**  
13 **MONITORING SYSTEM FUNCTIONS ON AN ONGOING BASIS.**

14 (4) (i) "Owner" means the registered owner of a motor vehicle or a  
15 lessee of a motor vehicle under a lease of 6 months or more.

16 (ii) "Owner" does not include a motor vehicle rental or leasing  
17 company or a holder of a special registration plate issued under [Part III of] Title 13,  
18 Subtitle 9, **PART III** of this article.

19 [(4)] (5) "Recorded images" means images recorded by a traffic control  
20 signal monitoring system:

21 (i) On:

- 22 1. Two or more photographs;
- 23 2. Two or more microphotographs;
- 24 3. Two or more electronic images;
- 25 4. Videotape; or
- 26 5. Any other medium; and

27 (ii) Showing the rear of a motor vehicle and, on at least one image or  
28 portion of tape, clearly identifying the registration plate number of the motor vehicle.

29 [(5)] (6) "Traffic control signal monitoring system" means a device with  
30 one or more motor vehicle sensors working in conjunction with a traffic control signal to

1 produce recorded images of motor vehicles entering an intersection against a red signal  
2 indication.

3 (b) (1) The agency primarily responsible for traffic control at an intersection  
4 monitored by a traffic control signal monitoring system shall ensure that the length of time  
5 that a traffic control signal displays a yellow light before changing to a red signal indication  
6 is set in accordance with regulations adopted by the State Highway Administration  
7 consistent with standards or guidelines established by the Federal Highway  
8 Administration.

9 (2) **THE AGENCY PRIMARILY RESPONSIBLE FOR TRAFFIC CONTROL**  
10 **AT AN INTERSECTION MONITORED BY A TRAFFIC CONTROL SIGNAL MONITORING**  
11 **SYSTEM SHALL IMPLEMENT A CONTINUOUS AUDITING SYSTEM TO BE**  
12 **ADMINISTERED AND MONITORED BY AN INDEPENDENT CONTRACTOR THAT IS:**

13 (I) **SELECTED BY THE AGENCY PRIMARILY RESPONSIBLE FOR**  
14 **THE TRAFFIC CONTROL SIGNAL MONITORING SYSTEM; AND**

15 (II) **UNAFFILIATED WITH THE MANUFACTURER OF THE TRAFFIC**  
16 **CONTROL SIGNAL MONITORING SYSTEM.**

17 (3) **THE RECORDS OF A CONTINUOUS AUDITING SYSTEM OR PROGRAM**  
18 **DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION SHALL BE:**

19 (I) **THE PROPERTY OF THE AGENCY PRIMARILY RESPONSIBLE**  
20 **FOR THE TRAFFIC CONTROL SIGNAL;**

21 (II) **KEPT ON FILE; AND**

22 (III) **ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING FOR A**  
23 **VIOLATION OF THIS SECTION.**

24 21-809.

25 (a) (1) In this section the following words have the meanings indicated.

26 (2) "Agency" means:

27 (i) A law enforcement agency of a local political subdivision that is  
28 authorized to issue a citation for a violation of the Maryland Vehicle Law or of local traffic  
29 laws or regulations; or

30 (ii) For a municipal corporation that does not maintain a police force,  
31 an agency established or designated by the municipal corporation to implement this  
32 subtitle using speed monitoring systems in accordance with this section.

1           (3)    “CONTINUOUS AUDITING SYSTEM” MEANS A PROGRAM THAT  
2 CONDUCTS REAL-TIME REVIEW AND VERIFICATION OF SPEED MONITORING SYSTEM  
3 FUNCTIONS ON AN ONGOING BASIS.

4           (4)    (i)    “Erroneous violation” means a potential violation submitted by a  
5 speed monitoring system contractor for review by an agency that is apparently inaccurate  
6 based on a technical variable that is under the control of the contractor.

7                   (ii)   “Erroneous violation” includes a potential violation based on:

8                           1.    A recorded image of a registration plate that does not  
9 match the registration plate issued for the motor vehicle in the recorded image;

10                           2.   A recorded image that shows a stopped vehicle or no  
11 progression;

12                           3.   An incorrectly measured speed for a motor vehicle;

13                           4.   A measured speed of a motor vehicle that is below the  
14 threshold speed that would subject the owner to a civil citation under this section;

15                           5.   A recorded image that was taken outside of the hours and  
16 days that speed monitoring systems are authorized for use in school zones; and

17                           6.   A recorded image that was taken by a speed monitoring  
18 system with an expired calibration certificate.

19           [(4)] (5)   (i)    “Owner” means the registered owner of a motor vehicle or  
20 a lessee of a motor vehicle under a lease of 6 months or more.

21                   (ii)   “Owner” does not include:

22                           1.   A motor vehicle rental or leasing company; or

23                           2.   A holder of a special registration plate issued under Title  
24 13, Subtitle 9, Part III of this article.

25           [(5)] (6)   “Program administrator” means an employee or a representative  
26 of the local jurisdiction designated by the local jurisdiction to oversee a contract with a  
27 speed monitoring system contractor.

28           [(6)] (7)   “Recorded image” means an image recorded by a speed  
29 monitoring system:

30                   (i)    On:

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

6 (ii) Showing:

- 7 1. The rear of a motor vehicle;
- 8 2. At least two time-stamped images of the motor vehicle  
9 that include the same stationary object near the motor vehicle; and
- 10 3. On at least one image or portion of tape, a clear and legible  
11 identification of the entire registration plate number of the motor vehicle.

12 **[(7)] (8)** “School zone” means a designated roadway segment within up to  
13 a half-mile radius of a school for any of grades kindergarten through grade 12 where  
14 school-related activity occurs, including:

15 (i) Travel by students to or from school on foot or by bicycle; or

16 (ii) The dropping off or picking up of students by school buses or  
17 other vehicles.

18 **[(8)] (9)** “Speed monitoring system” means a device with one or more  
19 motor vehicle sensors producing recorded images of motor vehicles traveling at speeds at  
20 least 12 miles per hour above the posted speed limit.

21 **[(9)] (10)** “Speed monitoring system operator” means a representative of  
22 an agency or contractor that operates a speed monitoring system.

23 (b) (1) (i) A speed monitoring system may not be used in a local jurisdiction  
24 under this section unless its use is authorized by the governing body of the local jurisdiction  
25 by local law enacted after reasonable notice and a public hearing.

26 (ii) Before a county may use a speed monitoring system on a State  
27 highway at a location within a municipal corporation, the county shall:

- 28 1. Obtain the approval of the State Highway Administration;

1                                   2.     Notify the municipal corporation of the State Highway  
2 Administration's approval of the use of a speed monitoring system at that location; and

3                                   3.     Grant the municipal corporation 60 days from the date of  
4 the county's notice to the municipal corporation to enact an ordinance authorizing the  
5 municipal corporation instead of the county to use a speed monitoring system at that  
6 location.

7                                   (iii) 1.     This subparagraph applies only in Prince George's  
8 County.

9                                   2.     In the county, a municipal corporation may implement  
10 and use a speed monitoring system consistent with the requirements of this subsection on  
11 a county highway at a location within its corporate limits if the municipal corporation:

12                                   A.     Submits to the county a plan describing the boundary of  
13 the applicable school zone and the proposed location of the speed monitoring system; and

14                                   B.     Requests and receives permission from the county to use  
15 the speed monitoring system at the proposed location.

16                                   3.     If the county fails to respond to the request within 60 days,  
17 the municipal corporation may implement and use the speed monitoring system as  
18 described in the plan submission.

19                                   4.     The county may not:

20                                   A.     Unreasonably deny a request under this subparagraph; or

21                                   B.     Place exactions, fees, or unreasonable restrictions on the  
22 implementation and use of a speed monitoring system under this subparagraph.

23                                   5.     The county shall state in writing the reasons for any  
24 denial of a request under this subparagraph.

25                                   6.     A municipal corporation may contest in the circuit court a  
26 county denial of a request under this subparagraph.

27                                   (iv)   In Prince George's County, if a municipal corporation has  
28 established a school zone that is within one-quarter mile of a school zone established in  
29 another municipal corporation, the municipal corporation may not implement or use a  
30 speed monitoring system in that school zone unless it has obtained the approval of the other  
31 municipal corporation.

32                                   (v)   An ordinance or resolution adopted by the governing body of a  
33 local jurisdiction under this paragraph shall provide that, if the local jurisdiction moves or  
34 places a mobile or stationary speed monitoring system to or at a location where a speed

1 monitoring system had not previously been moved or placed, the local jurisdiction may not  
2 issue a citation for a violation recorded by that speed monitoring system:

3 1. Until signage is installed in accordance with  
4 subparagraph (vii) of this paragraph; and

5 2. For at least the first 15 calendar days after the signage is  
6 installed.

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

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

14 2. In a school zone with a posted speed limit of at least 20  
15 miles per hour; or

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

22 (vii) Before activating a speed monitoring system, the local  
23 jurisdiction shall:

24 1. Publish notice of the location of the speed monitoring  
25 system on its website and in a newspaper of general circulation in the jurisdiction;

26 2. Ensure that each sign that designates a school zone is  
27 proximate to a sign that:

28 A. Indicates that speed monitoring systems are in use in the  
29 school zone; and

30 B. Is in accordance with the manual for and the specifications  
31 for a uniform system of traffic control devices adopted by the State Highway Administration  
32 under § 25–104 of this article; and

33 3. With regard to a speed monitoring system established  
34 based on proximity to an institution of higher education under paragraph (1)(vi)3 of this

1 subsection, ensure that all speed limit signs approaching and within the segment of  
2 highway on which the speed monitoring system is located include signs that:

3           A.     Are in accordance with the manual and specifications for  
4 a uniform system of traffic control devices adopted by the State Highway Administration  
5 under § 25–104 of this article; and

6           B.     Indicate that a speed monitoring system is in use.

7           (viii) A speed monitoring system in a school zone may operate only  
8 Monday through Friday between 6:00 a.m. and 8:00 p.m.

9           (ix) 1.    A local jurisdiction that authorizes a program of speed  
10 monitoring systems shall designate an official or employee to investigate and respond to  
11 questions or concerns about the local jurisdiction's speed monitoring system program.

12                   2.    A.     The local designee shall review a citation generated  
13 by a speed monitoring system if the person who received the citation requests review before  
14 the deadline for contesting liability under this section.

15                           B.     If the local designee determines that the citation is an  
16 erroneous violation, the local designee shall void the citation.

17                           C.     If the local designee determines that a person did not  
18 receive notice of a citation issued under this section due to an administrative error, the  
19 local designee may resend the citation in accordance with subsection (d) of this section or  
20 void the citation.

21                           D.     A local designee that takes any action described under  
22 subsubsubparagraph C of this subsubparagraph shall notify the Administration of the  
23 action for the purpose of rescinding any administrative penalties imposed under subsection  
24 (g) of this section.

25                           E.     A local designee may not determine that a citation is an  
26 erroneous violation based solely on the dismissal of the citation by a court.

27                           3.    A local designee may not be employed by a speed  
28 monitoring system contractor or have been involved in any review of a speed monitoring  
29 system citation, other than review of a citation under this subparagraph.

30                           4.    On receipt of a written question or concern from a person,  
31 the local designee shall provide a written answer or response to the person within a  
32 reasonable time.

33                           5.    A local jurisdiction shall make any written questions or  
34 concerns received under this subparagraph and any subsequent written answers or  
35 responses available for public inspection.



1           (2)   (i)    A speed monitoring system operator shall complete training by a  
2 manufacturer of speed monitoring systems in the procedures for setting up and operating  
3 the speed monitoring system.

4           (ii)   The manufacturer shall issue a signed certificate to the speed  
5 monitoring system operator on completion of the training.

6           (iii)   The certificate of training shall be admitted as evidence in any  
7 court proceeding for a violation of this section.

8           (3)   A speed monitoring system operator shall fill out and sign a daily  
9 set-up log for a speed monitoring system that:

10           (i)    States that the speed monitoring system operator successfully  
11 performed or reviewed and evaluated the manufacturer-specified daily self-test of the  
12 speed monitoring system prior to producing a recorded image;

13           (ii)   Shall be kept on file; and

14           (iii)   Shall be admitted as evidence in any court proceeding for a  
15 violation of this section.

16           (4)   (i)    A speed monitoring system shall undergo an annual calibration  
17 check performed by an independent calibration laboratory that is:

18                   1.    Selected by the local jurisdiction; and

19                   2.    Unaffiliated with the manufacturer of the speed  
20 monitoring system.

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

23                   1.    Shall be kept on file; and

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

26           (5)   **(I)    A LOCAL JURISDICTION THAT AUTHORIZES A PROGRAM OF**  
27 **SPEED MONITORING SYSTEMS UNDER THIS SECTION SHALL IMPLEMENT A**  
28 **CONTINUOUS AUDITING SYSTEM OR PROGRAM TO BE ADMINISTERED AND**  
29 **MONITORED BY AN INDEPENDENT CONTRACTOR THAT IS:**

30                   **1.    SELECTED BY THE LOCAL JURISDICTION; AND**

1                                   **2. UNAFFILIATED WITH THE MANUFACTURER OF THE**  
2 **SPEED MONITORING SYSTEM.**

3                                   **(II) THE RECORDS OF THE CONTINUOUS AUDITING SYSTEM OR**  
4 **PROGRAM SHALL BE:**

5                                   **1. THE PROPERTY OF THE LOCAL JURISDICTION;**

6                                   **2. KEPT ON FILE; AND**

7                                   **3. ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING**  
8 **FOR A VIOLATION OF THIS SECTION.**

9                                   **(6)** If a local jurisdiction authorizes a program of speed monitoring systems  
10 under this section:

11                                   (i) The local jurisdiction shall designate a program administrator  
12 who may not be an employee or representative of the speed monitoring system contractor;  
13 and

14                                   (ii) The contract with the speed monitoring system contractor shall  
15 include the following provisions:

16                                   1. For potential violations submitted by a contractor for  
17 review by an agency, if more than 5% of the violations in a calendar year are erroneous  
18 violations, then the contractor shall be subject to liquidated damages for each erroneous  
19 violation equal to at least 50% of the fine amount for the erroneous violation, plus any  
20 reimbursements paid by the local jurisdiction; and

21                                   2. The local jurisdiction may cancel a contract with a  
22 contractor if the contractor violates the contract by submitting erroneous violations to the  
23 agency that exceed a threshold specified in the contract or violates the law in implementing  
24 the contract.

25                                   **[(6)] (7)** (i) The Maryland Police Training Commission, in  
26 consultation with the State Highway Administration and other interested stakeholders,  
27 shall develop a training program concerning the oversight and administration of a speed  
28 monitoring program by a local jurisdiction, including a curriculum of best practices in the  
29 State.

30                                   (ii) 1. A program administrator shall participate in the training  
31 program established under this paragraph before a local jurisdiction initially implements  
32 a new speed monitoring program and subsequently at least once every 2 years.

1                                   2.     A program administrator for a program in existence on  
2 June 1, 2014, shall initially participate in the training program on or before December 31,  
3 2014, and subsequently at least once every 2 years.

4                                   3.     If a local jurisdiction designates a new program  
5 administrator, the new program administrator shall participate in the next available  
6 training program.

7                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
8 1, 2016.