Department of Legislative Services

Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 154 (Senator King, *et al.*)
Judicial Proceedings Environment and Transportation

Vehicle Laws - School Bus Monitoring Cameras - Civil Penalty

This bill increases the *maximum* civil penalty for a violation recorded by a school bus monitoring camera for failure to stop for a school vehicle operating alternately flashing red lights to $500.

Fiscal Summary

State Effect: General fund revenues likely increase minimally in FY 2018 and potentially more significantly in future fiscal years to the extent that the higher maximum penalty results in a higher prepaid fine and school bus monitoring camera programs expand in the future. District Court caseloads may increase minimally in FY 2018; however, general fund expenditures are not materially affected unless school bus monitoring camera programs and contested citations increase substantially in future years.

Local Effect: Local government revenues likely increase minimally in FY 2018 for any jurisdiction operating a school bus monitoring camera program. Future revenues may increase more significantly to the extent that school bus monitoring camera programs expand. The amount of the revenue increase depends on the extent to which the higher maximum penalty results in a higher prepaid fine. Expenditures are assumed to increase correspondingly.

Small Business Effect: Minimal.

Analysis

Current Law:

Duty to Stop

If a school vehicle stops on a roadway and is operating alternately flashing red lights, the driver of any other vehicle meeting or overtaking the school vehicle must stop at least 20 feet from the rear of the school vehicle, if approaching from its rear, or at least 20 feet from the front of the school vehicle, if approaching the school vehicle from its front. The driver of any vehicle meeting or overtaking the school bus may not proceed until the school vehicle resumes motion or the alternately flashing red lights are deactivated. The requirement does not apply to the driver of a vehicle on a divided highway, if the school vehicle is on a different roadway.

If a school bus operator witnesses a violation, the operator may promptly report the violation to a law enforcement agency with jurisdiction. To the extent possible, the report must include (1) information pertaining to the identity of the alleged violator; (2) the license number and color of the vehicle involved in the violation; (3) the time and location of the violation; and (4) an identification of the type of vehicle.

If the identity of the operator of the vehicle cannot be established, the law enforcement agency must issue the registered owner of the vehicle a warning informing the owner (1) that a violation was reported that described the owner's vehicle as the vehicle involved in the violation; (2) that there is insufficient evidence for the issuance of a citation; (3) that the warning does not constitute a finding that the owner is guilty of the violation; and (4) of the requirements for overtaking and passing a school vehicle.

School Bus Monitoring Cameras

Local jurisdictions may use school bus monitoring camera systems if expressly authorized by the governing body. If authorized, a law enforcement agency, in consultation with the county board of education, may place school bus monitoring cameras on school buses in the county. A recorded image indicating a violation must include (1) an image of the motor vehicle; (2) an image of at least one of the motor vehicle's registration plates; (3) the time and date of the violation; and (4) to the extent possible, the location of the violation.

Unless the driver receives a citation from a police officer at the time of the violation, the *owner* of the vehicle is subject to a civil penalty if the vehicle is recorded by a school bus monitoring camera. (If the District Court finds that the person named in the citation – the owner – was not operating the vehicle at the time of the violation or receives evidence identifying the driver, the law enforcement agency may issue a citation to the operator of

the vehicle instead.) The civil penalty may not exceed $250. The District Court must prescribe a uniform citation form and a civil penalty that may be paid if the person chooses to prepay the civil penalty without appearing in District Court.

Background: According to a one-day survey of bus drivers conducted by the Maryland State Department of Education in April 2016, there were 4,326 incidents involving vehicles passing a stopped school bus with its flashing red lights illuminated, a significant increase over the 2,795 incidents found in the previous year's survey.

The Department of Legislative Services is aware of at least four jurisdictions that operate a school bus monitoring camera program: Frederick, Montgomery, Prince George's, and Washington counties. It is unclear if any others do so.

According to the Montgomery County Police Department (MCPD), the county currently has 103 school buses with monitoring cameras installed. An additional 400 buses are scheduled to have cameras installed in 2017, while the remaining 780 school buses in the county are scheduled to have cameras installed in 2018. MCPD also advises that the number of school bus monitoring camera violations has steadily increased in recent years. Between 2014 and 2015, 3,073 citations were issued for school bus monitoring camera violations. As of January 17, 2017, MCPD reports that 2,792 school bus camera citations had already been issued for the 2016-2017 school year.

State Fiscal Effect: General fund revenues likely increase minimally beginning in fiscal 2018; however, an increase in the maximum fine that may be imposed does not necessarily mean that the prepaid amount increases. Even so, this analysis assumes it does. Generally, higher fines result in an increase in the percentage of citations that are contested before the District Court. School bus monitoring camera fines that are contested in the District Court are paid to the general fund, whereas prepaid fines are paid to the jurisdiction operating the school bus monitoring camera program.

Moreover, a reliable estimate of the increase in general fund fine revenues cannot be made without additional information regarding the number of current school bus monitoring camera programs, the number of additional programs in the future, the number of school bus monitoring cameras in use, and the number of citations issued, among several other factors.

The Judiciary advises that the current prepaid amount for school bus monitoring camera violations is $125. In fiscal 2016, 66 citations were contested in the District Court. An increase in caseloads results in additional clerical and court time necessary for the adjudication of cases. Nevertheless, the District Court does not anticipate a significant fiscal or operational impact as a result of the bill. Thus, general fund expenditures are not likely affected, unless and until the number of school bus monitoring camera programs and associated caseloads significantly increase.

Local Revenues: Local government revenues likely increase minimally in fiscal 2018 for a local government that operates a school bus monitoring camera program. Thus, revenues increase for Frederick, Montgomery, Prince George's, and Washington counties as well as any other jurisdictions that have implemented such a program. However, any increase in revenues from an assumed increase in the amount of the prepaid fine may be partially or fully offset by an increase in the number of citations that are contested at trial; as noted above, penalties collected from contested citations are distributed to the State general fund.

Because Montgomery County is expanding its school bus monitoring camera program, the revenue increase for Montgomery County may be greater than for other counties with fewer cameras. *For illustrative purposes only*, Montgomery County revenues increase by $687,500 annually under the following assumptions: (1) the annual number of citations issued continues at 5,500 (consistent with the trend for the current school year, without taking into account additional buses having cameras installed); (2) the amount of the prepaid penalty doubles to $250 (consistent with doubling the maximum fine); and (3) all such citations are prepaid. If the prepaid penalty amount is not raised proportionately, the revenue increase is lower. Also, if a large portion of individuals receiving citations under higher penalty amounts allowed under the bill choose to contest the citations in the District Court, revenues for Montgomery County increase more modestly.

Additional Information

Prior Introductions: None.

Cross File: HB 495 (Delegate Kramer, *et al.*) - Environment and Transportation.

Information Source(s): Carroll, Harford, Montgomery, Queen Anne's, and St. Mary's counties; Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - January 23, 2017
fn/ljm Third Reader - March 22, 2017
Revised - Amendment(s) - March 22, 2017
Revised - Updated Information - March 22, 2017

Analysis by: Eric Pierce

Direct Inquiries to:
(410) 946-5510
(301) 970-5510