

HOUSE BILL 175

R5

(8lr0784)

ENROLLED BILL

— *Environment and Transportation/Judicial Proceedings* —

Introduced by **Prince George’s County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o’clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Prince George’s County – Speed Monitoring Systems – Intersection of Old Fort**
3 **Road and Maryland Route 210 (Indian Head Highway)**

4 **PG 302–18**

5 FOR the purpose of authorizing local jurisdictions to use one speed monitoring ~~systems on~~
6 system at the intersection of Old Fort Road and Maryland Route 210 (Indian Head
7 Highway) in Prince George’s County, subject to certain placement and signage and
8 device requirements; ~~making a stylistic change; providing for the termination of this~~
9 Act; and generally relating to the use of speed monitoring systems in Prince George’s
10 County.

11 BY repealing and reenacting, with amendments,

12 Article – Courts and Judicial Proceedings

13 Section 7–302(e)(4)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland
2 (2013 Replacement Volume and 2017 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – Criminal Procedure
5 Section 11–819(a)(1)
6 Annotated Code of Maryland
7 (2008 Replacement Volume and 2017 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Procedure
10 Section 11–819(a)(2)
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2017 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Transportation
15 Section 21–809(a), (b)(1)(i), and (c)
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2017 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Transportation
20 Section 21–809(b)(1)(vi) and (vii)
21 Annotated Code of Maryland
22 (2012 Replacement Volume and 2017 Supplement)

23 BY adding to
24 Article – Transportation
25 Section 21–809(b)(1)(vii)
26 Annotated Code of Maryland
27 (2012 Replacement Volume and 2017 Supplement)

28 Preamble

29 WHEREAS, Maryland Route 210 (Indian Head Highway), an approximately
30 21-mile-long highway in Prince George’s and Charles counties, is an old road with
31 outdated safety design features; and

32 WHEREAS, Regional population growth surrounding the Maryland Route 210
33 corridor combined with a constant influx of visitors to the recently opened National Harbor
34 have contributed to a significant increase in vehicular traffic on the highway; and

35 WHEREAS, As a result of these and other factors, Maryland Route 210 has become
36 one of the deadliest highways in Maryland; and

1 (i) [moneys] MONEY distributed to the Fund from the additional
 2 court costs collected from defendants under § 7-409 of the Courts Article;

3 (ii) MONEY DISTRIBUTED TO THE FUND UNDER §
 4 7-302(E)(4)(III) OF THE COURTS ARTICLE FROM FINES COLLECTED FOR
 5 VIOLATIONS ENFORCED BY A SPEED MONITORING SYSTEM AT THE INTERSECTION
 6 OF OLD FORT ROAD AND MARYLAND ROUTE 210;

7 (III) any investment earnings or federal matching funds received by
 8 the State for criminal injuries compensation; and

9 ~~[(iii)]~~ (IV) funds made available to the Fund from any other source.

10 Article – Transportation

11 21-809.

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

13 (2) “Agency” means:

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

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

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

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

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

26 2. A recorded image that shows a stopped vehicle or no
 27 progression;

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

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

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

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

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

7 (ii) “Owner” does not include:

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

9 2. A holder of a special registration plate issued under Title
10 13, Subtitle 9, Part III of this article.

11 (5) “Program administrator” means an employee or a representative of the
12 local jurisdiction designated by the local jurisdiction to oversee a contract with a speed
13 monitoring system contractor.

14 (6) “Recorded image” means an image recorded by a speed monitoring
15 system:

16 (i) On:

17 1. A photograph;

18 2. A microphotograph;

19 3. An electronic image;

20 4. Videotape; or

21 5. Any other medium; and

22 (ii) Showing:

23 1. The rear of a motor vehicle;

24 2. At least two time-stamped images of the motor vehicle
25 that include the same stationary object near the motor vehicle; and

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

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

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

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

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

(9) “Speed monitoring system operator” means a representative of an agency or contractor that operates a speed monitoring system.

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

(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 with a posted speed limit of at least 20 miles per hour; or

3. In Prince George’s County, ~~on~~ [that]:

A. SUBJECT TO SUBPARAGRAPH (VII) OF THIS PARAGRAPH, AT THE INTERSECTION OF OLD FORT ROAD AND MARYLAND ROUTE 210 (INDIAN HEAD HIGHWAY); OR

B. ~~THAT 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.

1 **(VII) 1. NOT MORE THAN ONE SPEED MONITORING SYSTEM**
 2 **MAY BE PLACED AT THE INTERSECTION OF OLD FORT ROAD AND MARYLAND**
 3 **ROUTE 210 (INDIAN HEAD HIGHWAY).**

4 **2. A SPEED MONITORING SYSTEM PLACED IN**
 5 **ACCORDANCE WITH THIS SUBPARAGRAPH MAY RECORD ONLY VEHICLES TRAVELING**
 6 **IN THE SOUTHBOUND LANE OF THE ROADWAY.**

7 **[(vii)] (VIII)** Before activating a speed monitoring system, the local
 8 jurisdiction shall:

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

11 2. Ensure that each sign that designates a school zone is
 12 proximate to a sign that:

13 A. Indicates that speed monitoring systems are in use in the
 14 school zone; and

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

18 3. With regard to a speed monitoring system established ~~ON~~
 19 **AT THE INTERSECTION OF OLD FORT ROAD AND MARYLAND ROUTE 210 (INDIAN**
 20 **HEAD HIGHWAY) OR** based on proximity to an institution of higher education under
 21 paragraph (1)(vi)3 of this subsection, ensure that all speed limit signs approaching and
 22 within the segment of highway on which the speed monitoring system is located include
 23 signs that:

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

27 B. Indicate that a speed monitoring system is in use; **AND**

28 **4. WITH REGARD TO A SPEED MONITORING SYSTEM**
 29 **PLACED ON MARYLAND ROUTE 210 (INDIAN HEAD HIGHWAY), ENSURE THAT EACH**
 30 **SIGN THAT INDICATES THAT A SPEED MONITORING SYSTEM IS IN USE IS PROXIMATE**
 31 **TO A DEVICE THAT DISPLAYS A REAL-TIME POSTING OF THE SPEED AT WHICH A**
 32 **DRIVER IS TRAVELING.**

33 (c) (1) Unless the driver of the motor vehicle received a citation from a police
 34 officer at the time of the violation, the owner or, in accordance with subsection (f)(4) of this

1 section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is
2 recorded by a speed monitoring system while being operated in violation of this subtitle.

3 (2) A civil penalty under this subsection may not exceed \$40.

4 (3) For purposes of this section, the District Court shall prescribe:

5 (i) A uniform citation form consistent with subsection (d)(1) of this
6 section and § 7-302 of the Courts Article; and

7 (ii) A civil penalty, which shall be indicated on the citation, to be paid
8 by persons who choose to prepay the civil penalty without appearing in District Court.

9 SECTION 2. AND BE IT FURTHER ENACTED, That on or before January 1, 2023,
10 Prince George's County shall report to the Governor and, in accordance with § 2-1246 of
11 the State Government Article, the General Assembly on:

12 (1) the number of speed monitoring citations issued under this Act by
13 month;

14 (2) the number of fatal motor vehicle crashes and fatalities by month on
15 Maryland Route 210 during any period during which speed monitoring systems are active;
16 and

17 (3) any measurable decreases in the speed of vehicles traveling on
18 Maryland Route 210.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2018. It shall remain effective for a period of 5 years and, at the end of September
21 30, 2023, this Act, with no further action required by the General Assembly, shall be
22 abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.