

# HOUSE BILL 175

R5

8lr0784

---

By: **Prince George's County Delegation**

Introduced and read first time: January 18, 2018

Assigned to: Environment and Transportation

---

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 14, 2018

---

## 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; and generally relating to the use of  
9 speed monitoring systems in Prince George's County.

10 BY repealing and reenacting, with amendments,

11 Article – Courts and Judicial Proceedings

12 Section 7–302(e)(4)

13 Annotated Code of Maryland

14 (2013 Replacement Volume and 2017 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article – Criminal Procedure

17 Section 11–819(a)(1)

18 Annotated Code of Maryland

19 (2008 Replacement Volume and 2017 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – Criminal Procedure

---

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.



1 Section 11–819(a)(2)  
2 Annotated Code of Maryland  
3 (2008 Replacement Volume and 2017 Supplement)

4 BY repealing and reenacting, without amendments,  
5 Article – Transportation  
6 Section 21–809(a), (b)(1)(i), and (c)  
7 Annotated Code of Maryland  
8 (2012 Replacement Volume and 2017 Supplement)

9 BY repealing and reenacting, with amendments,  
10 Article – Transportation  
11 Section 21–809(b)(1)(vi) and (vii)  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume and 2017 Supplement)

14 Preamble

15 WHEREAS, Maryland Route 210 (Indian Head Highway), an approximately  
16 21-mile-long highway in Prince George’s and Charles counties, is an old road with  
17 outdated safety design features; and

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

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

23 WHEREAS, From 2007 through 2017, 46 fatal crashes resulting in 58 fatalities  
24 occurred on Maryland Route 210; now, therefore,

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

27 **Article – Courts and Judicial Proceedings**

28 7–302.

29 (e) (4) (i) From the fines collected by a political subdivision as a result of  
30 violations enforced by speed monitoring systems or school bus monitoring cameras, a  
31 political subdivision:

32 1. May recover the costs of implementing and administering  
33 the speed monitoring systems or school bus monitoring cameras; and



1 (2) “Agency” means:

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

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

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

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

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

14 2. A recorded image that shows a stopped vehicle or no  
15 progression;

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

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

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

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

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

25 (ii) “Owner” does not include:

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

27 2. A holder of a special registration plate issued under Title  
28 13, Subtitle 9, Part III of this article.

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

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

3                   (i)     On:

4                           1.    A photograph;

5                           2.    A microphotograph;

6                           3.    An electronic image;

7                           4.    Videotape; or

8                           5.    Any other medium; and

9                   (ii)    Showing:

10                           1.    The rear of a motor vehicle;

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

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

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

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

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

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

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

26                   (b)    (1)    (i)    A speed monitoring system may not be used in a local jurisdiction  
27 under this section unless its use is authorized by the governing body of the local jurisdiction  
28 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.**

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

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

**(VIII)** Before activating a speed monitoring system, the local jurisdiction shall:

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

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

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

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

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

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

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

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

19 (c) (1) Unless the driver of the motor vehicle received a citation from a police  
 20 officer at the time of the violation, the owner or, in accordance with subsection (f)(4) of this  
 21 section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is  
 22 recorded by a speed monitoring system while being operated in violation of this subtitle.

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

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

25 (i) A uniform citation form consistent with subsection (d)(1) of this  
 26 section and § 7–302 of the Courts Article; and

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That on or before January 1, 2023,  
 30 Prince George’s County shall report to the Governor and, in accordance with § 2–1246 of  
 31 the State Government Article, the General Assembly on:

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

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

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

6           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2018. It shall remain effective for a period of 5 years and, at the end of September  
8 30, 2023, this Act, with no further action required by the General Assembly, shall be  
9 abrogated and of no further force and effect.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.