

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 343 (Delegate Lopez, *et al.*)

Environment and Transportation

Judicial Proceedings

School Bus Monitoring Cameras - Civil Penalty - Sunset Repeal

This bill makes permanent (by repealing the termination date) a provision of law that increased the maximum civil penalty (to \$500 from \$250) for a violation recorded by a school bus monitoring camera for failure to stop for a school vehicle alternately flashing red lights. **The bill takes effect June 1, 2019.**

Fiscal Summary

State Effect: General fund revenues are maintained at higher levels beyond FY 2019 and potentially increase significantly in future years to the extent that school bus monitoring camera programs expand. District Court caseloads also continue at higher levels beginning in FY 2019; however, general fund expenditures are not materially affected unless school bus monitoring camera programs and contested citations increase more substantially.

Local Effect: Local government revenues are maintained at higher levels beyond FY 2019 for any jurisdiction operating a school bus monitoring camera program. Revenues may increase more significantly to the extent that school bus monitoring camera programs expand. 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 \$500. 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 2018, there were 3,812 incidents involving vehicles passing a stopped school bus with its flashing red lights illuminated, compared to 3,384 incidents found in the previous year's survey.

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

Chapter 744 of 2017 increased, for a two-year period, 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 from \$250. On July 1, 2019, the maximum civil penalty is once again \$250. Prior to the enactment of Chapter 744, the prepayable amount of the penalty was \$125; however, this amount was increased by the District Court to \$250 after the enactment of Chapter 744.

Montgomery County Police Department Report on School Bus Monitoring Camera Violations

Chapter 744 also required the Montgomery County Department of Police (MCPD) to report to the General Assembly on (1) the total number of violations recorded by school bus monitoring cameras in the county after the change in the penalty took effect; (2) the effect of the higher maximum penalty on the frequency of violations in the county; and (3) the number of violations recorded in the county for vehicles traveling in the opposite direction of school buses on multilane highways with painted medians.

According to the report, the total number of school bus monitoring camera citations issued between July 2017 and September 2018 was 37,230.

Regarding the effect on the frequency of violations, MCPD notes that the question is difficult to answer, since during the reporting period the number of buses active in the program increased (thereby generating more total violations). While the number of violations have increased, the number of violations per bus/per day has decreased. MCPD believes the decrease in the rate of issuance per bus/per day is attributable to the increase in the penalty, as the decrease began around the time Chapter 744 took effect.

Finally, the report notes that there were 7,739 violations (or about 21% of the total) that occurred on a multiple lane roadway with vehicles traveling in the opposite direction of the bus.

The report concludes by noting that the increase in the penalty has had a direct impact on the frequency of violations per bus and has helped raise driver awareness about the presence of buses and what their legal responsibilities are when encountering one on the roadway.

State Fiscal Effect: As noted above, the prepayable penalty for school bus monitoring camera violations was raised from \$125 to \$250 after the enactment of Chapter 744. In fiscal 2016 (when the prepayable amount was still set at \$125), the District Court noted that there were 66 citations contested in the District Court. However, in fiscal 2018 (under the higher \$250 prepayable amount), at least 513 violations were contested in District Court. Thus, the higher prepayment penalty appears to have greatly increased the number of contested violations.

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. Under the bill, the higher maximum prepayable amount continues, likely resulting in ongoing higher levels of contested violations. Thus, higher general fund revenues are maintained beyond fiscal 2019. This assumes that, in the absence of the bill, the prepaid penalty would revert to the prior amount of \$125.

However, a longer term 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 near future, and the number of citations issued, among several other factors.

Local Revenues: Local government revenues continue at higher levels beyond fiscal 2019 for any local government that operates a school bus monitoring camera program. Thus, higher revenues are maintained for Montgomery, Prince George's, and Washington counties as well as any other jurisdictions that have implemented such a program or do so in future years. However, the higher prepaid penalty has resulted in a higher number of contested violations, which, as noted above, are distributed to the State general fund.

While the revenue impact is likely greater for Montgomery County than for other counties with fewer cameras, the bill's permanent extension of the higher maximum penalty amount may result in additional counties implementing school bus monitoring cameras. In that case, local government revenues likely increase more significantly, particularly if larger jurisdictions implement such programs.

Montgomery County advises that it anticipates ongoing higher revenues under the bill, totaling about \$5.8 million in fiscal 2020 and about \$7.0 million in subsequent years. This figure is based on average current monthly citations and presumes that, in the absence of the bill, the prepaid penalty would revert to the prior amount of \$125. After fiscal 2020, the figure assumes a higher number of buses are equipped with cameras.

Additional Information

Prior Introductions: None.

Cross File: SB 464 (Senator King, *et al.*) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Department of State Police; Maryland Department of Transportation; Baltimore City Public Schools; Anne Arundel County Public Schools; Montgomery County Public Schools; Prince George's County Public Schools; Department of Legislative Services

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Analysis by: Eric F. Pierce

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