

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE
Third Reader

House Bill 1169

(Howard County Delegation)

Environment and Transportation

Judicial Proceedings

Howard County - Highways - Speed Limits
Ho. Co. 8-26

This bill authorizes Howard County to decrease the maximum speed limit to no less than 15 miles per hour (MPH) on a highway after performing an engineering and traffic investigation; however, the county may not implement a *new* speed monitoring system to enforce speed limits on any portion of a highway for which the speed limit has been decreased pursuant to this authorization.

Fiscal Summary

State Effect: General fund revenues may increase minimally due to more citations for speeding, assuming Howard County uses the authorization granted by the bill to decrease speed limits in designated areas. The District Court can handle any additional caseload with existing resources.

Local Effect: Howard County expenditures increase to the extent that engineering and traffic investigations are performed to lower speed limits under the bill; county revenues may increase to the extent that speed limits are reduced, as discussed below.

Small Business Effect: None.

Analysis

Current Law:

Speed Limits – Generally

Unless there is a special danger that requires a lower speed, the maximum lawful speeds on a State highway are (1) 15 MPH in alleys in Baltimore County; (2) 30 MPH on all

highways in a business district and on undivided highways in a residential district; (3) 35 MPH on divided highways in a residential district; (4) 50 MPH on undivided highways in other locations; and (5) 55 MPH on divided highways in other locations. A maximum speed limit of more than 55 MPH may not be established on any highway in the State that is not an interstate highway or an expressway, and a maximum speed limit of more than 70 MPH may not be established on any highway in the State.

If, on the basis of an engineering and traffic investigation, a local authority determines that a maximum speed is greater or less than is reasonable or safe under existing conditions on any part of a highway in its jurisdiction, the local authority may establish a reasonable and safe maximum speed limit for that part of the highway, which may:

- decrease the limit at an intersection;
- increase the limit in an urban district to no more than 50 MPH;
- decrease the limit in an urban district; or
- decrease the limit outside an urban district to no less than 25 MPH.

An engineering and traffic investigation is not required to conform a speed limit in effect on December 31, 1974, to one of the specified speed limits established by statute.

Altered Speed Limits

Anne Arundel and Montgomery counties and municipalities within those counties may decrease the maximum speed limit to no less than 15 MPH on a highway but only after performing an engineering and traffic investigation. However, a local authority may not implement a *new* speed monitoring system to enforce speed limits on any portion of a highway for which the speed limit has been decreased pursuant to this authorization.

Calvert County is authorized to decrease the maximum speed limit to no less than 15 MPH on Lore Road and, except for Solomons Island Road, each highway south of Lore Road without performing an engineering and traffic investigation, regardless of whether the highway is inside an urban district.

A municipality located in Queen Anne's County may decrease the maximum speed limit to no less than 15 MPH on a highway without performing an engineering and traffic investigation.

Also, Baltimore City may, without performing an engineering and traffic investigation, either decrease the maximum speed limit or increase – but only to a previously established level – the maximum speed limit on a highway in its jurisdiction.

Altered speed limits are effective when posted on appropriate signs giving notice of the limit. Any alteration by a local authority (except in Baltimore City) of a maximum speed limit on a part (or extension) of a State highway is not effective until approved by the State Highway Administration (SHA).

Speed Monitoring Systems – Generally

State law authorizes the use of various automated monitoring systems, including traffic control system monitoring systems, speed monitoring systems, school bus monitoring systems, vehicle height monitoring systems, and work zone speed systems. Speed monitoring systems are authorized to be used by SHA, the Maryland Transportation Authority (MDTA), and local jurisdictions in specified locations as prescribed by State law. Most commonly, the systems are authorized for use in school zones; however, the systems may also be used on other specified highways and roadways, including Maryland Route 210 in Prince George's County, Interstate 83 in Baltimore City and Baltimore County, and Maryland Route 200 in Montgomery County.

A speed monitoring system may not be used by a local jurisdiction unless its use is authorized by the governing body of the jurisdiction after reasonable notice and a public hearing. Before activating a speed monitoring system, SHA, MDTA, or a local jurisdiction, as applicable, must publish notice of the location of the system on its website and in a newspaper of general circulation in the jurisdiction. Statute prescribes additional requirements applicable to monitoring systems in certain locations. For example, speed monitoring systems in school zones may only operate Monday through Friday from 6:00 a.m. through 8:00 p.m.

Speed Monitoring Systems – Citations and Fines

Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a speed monitoring system while exceeding the posted speed limit. Generally, pursuant to §21-809(d)(5) of the Transportation Article, a person who receives a citation, may:

- pay the civil penalty, in accordance with the instructions on the citation; or
- elect to stand trial in the District Court for the alleged violation.

With specified exceptions, penalty revenues from automated enforcement systems, including speed monitoring systems, must be paid (1) to the administering State agency or local jurisdiction, in an uncontested case and (2) directly to the District Court (and consequently the general fund) in a case that is contested in District Court.

In general, citation revenues from speed monitoring systems used by a local jurisdiction (subject to limited exception) may be used to recover the costs of implementing and administering the program and any remaining balance may be used solely for public safety purposes, including pedestrian or highway safety programs. However, for any fiscal year in which the balance remaining after the costs of implementing and administering the systems is greater than 10% of the total revenues of the county for the fiscal year, the county must remit any funds that exceed 10% of the total revenues to the Comptroller.

Local Fiscal Effect: Howard County expenditures increase to the extent that engineering and traffic investigations are performed to lower speed limits, pursuant to the bill's authorization.

Although Howard County is prohibited from installing *new* speed camera systems on any portion of a highway for which the speed limit has been decreased pursuant to the bill's authority, the bill appears to allow any cameras that are already in operation to continue operation on such highways, even if the speed limits are reduced. Thus, to the extent that Howard County chooses to lower speed limits on highways with existing speed camera systems in place when the county would not have done so absent the bill, local revenues increase to the extent more automated enforcement citations are issued.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Howard County; Maryland Department of Transportation; Department of Legislative Services

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