

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 450

(Senator Brooks, *et al.*)

Judicial Proceedings

Environment and Transportation

**Baltimore County - Speed Monitoring Systems - Residential Districts and
Mailing of Citations**

This bill authorizes – in Baltimore County only – placement of speed monitoring systems (speed cameras) on highways in residential districts with a maximum posted speed limit of 35 miles per hour, subject to specified existing signage and placement requirements. A speed camera may not be placed (or used) under this authorization unless (in accordance with regulations adopted by the Baltimore County Administration), the Baltimore County Police Department (1) determines the speed camera is necessary based on a traffic safety analysis for the proposed location, as specified and (2) to the extent practicable, considers whether placement of the speed camera at the proposed location disparately impacts motor vehicle owners and residential communities based on race or socioeconomic status. Public notice and an opportunity for comment must also be provided. From the fines collected, any balance remaining after cost recovery must be used *solely* to assist in covering the cost of siting, constructing, installing, and maintaining traffic calming devices in the county. Finally, the bill establishes a reporting requirement and procedures related to the issuance of citations that also apply only in Baltimore County. **With the exception of certain procedures related to issuance of citations, the bill terminates September 30, 2034.**

Fiscal Summary

State Effect: General fund revenues increase, likely minimally, as early as FY 2025 (and through FY 2035) due to additional contested cases in District Court. The Motor Vehicle Administration (MVA) can handle the bill’s requirements with existing resources.

Local Effect: Local revenues increase, potentially significantly, as early as FY 2025 (and through FY 2035) to the extent that additional speed cameras are placed as authorized. Expenditures increase for traffic safety analyses and installation and maintenance, with the remaining amounts reserved for traffic calming devices, as discussed below.

Small Business Effect: Minimal.

Analysis

Bill Summary:

Reporting Requirement

The bill expands an existing reporting requirement for speed monitoring systems throughout the State by establishing additional requirements that apply only to Baltimore County. Specifically, for *any* speed monitoring system program in Baltimore County, the following information must be reported to the Maryland Police Training and Standards Commission (MPTSC):

- the number of traffic accidents at the location of each speed monitoring system compared with the number of accidents at the same location during each of the two prior fiscal years;
- the number of violations for which a citation was issued that occurred in each census tract;
- a description of any changes in the location of a speed monitoring system; and
- the total amount of civil penalties collected, disaggregated by speed monitoring system.

Stolen Registration Plates and Issuance of Citations (Applicable only to Baltimore County)

The following provisions, which apply only in Baltimore County, are not subject to termination and apply more broadly to *any* Baltimore County speed monitoring system.

If a designated local official determines that a citation was mailed before the motor vehicle involved in the violation or its registration plates were reported as stolen – and the motor vehicle or registration plates were not in the person’s control or possession at the time of the violation – the citation must be voided.

With regard to a citation for a violation recorded by speed cameras in Baltimore County only, an agency (*i.e.*, a law enforcement agency of a political subdivision authorized to issue specified citations or, for a municipal corporation that does not maintain a police force, an agency established or designated to implement speed monitoring systems) may not mail the citation until the agency:

- consults with MVA to ensure the citation is mailed to the current owner of the vehicle using (1) the current mailing address on file with MVA or (2) if a mailing address is unavailable, the current residential address on file with MVA; and

- confirms that the motor vehicle involved in the violation or its registration plates were not reported as stolen.

Additionally, a person who receives a citation recorded by a speed monitoring system in Baltimore County may request review of the citation by a local designee if the motor vehicle or its registration plates were (1) reported as stolen after the citation was mailed and (2) not in the person's control or possession at the time the violation occurred.

Current Law: In Anne Arundel, Montgomery, and Prince George's counties only, speed monitoring systems may be used on a highway in a residential district with a maximum posted speed limit of 35 miles per hour.

However, other authorizations exist for speed monitoring systems in specified locations as well as for school zones throughout the State.

In all cases, speed monitoring systems must be authorized in a local jurisdiction by the governing body of the jurisdiction (but only after reasonable notice and a public hearing). Before activating a speed monitoring system, a local jurisdiction must publish notice of the location of the speed monitoring system on its website and in a newspaper of general circulation in the jurisdiction. In addition, the jurisdiction must also ensure that each sign that designates a school zone is proximate to a sign that (1) indicates that speed monitoring systems are in use in the school zone and (2) conforms with specified traffic control device standards adopted by the State Highway Administration. Similar requirements apply to speed cameras established on Maryland Route 210 (Indian Head Highway), grounds of institutions of higher education in Prince George's County, Interstate 83 in Baltimore City, Maryland Route 175 in Anne Arundel County (Jessup Road) between the Maryland Route 175/295 interchange and the Anne Arundel County-Howard County line, and at the intersection of Maryland Route 333 (Oxford Road) and Bonfield Avenue in Talbot County.

From the fines generated by a speed monitoring system, the relevant jurisdiction may recover the costs of implementing the system and generally may spend any remaining balance solely for public safety purposes, including for pedestrian safety programs. However, if the balance of revenues after cost recovery for any fiscal year is greater than 10% of the jurisdiction's total revenues, the excess must be remitted to the Comptroller.

A local jurisdiction that authorizes speed cameras must designate an official or employee to investigate and respond to questions or concerns about the program. The local designee must review a citation if the person who received the citation requests review before the deadline for contesting liability. If the local designee determines that the citation is an erroneous violation, the local designee must void the citation. If the local designee determines that a person did not receive notice of a citation due to an administrative error, the local designee may resend the citation, as specified, or void the citation. A local

designee that takes any such action must notify MVA of the action for the purpose of rescinding any administrative penalties imposed. A local designee may not determine that a citation is an erroneous violation based solely on the dismissal of the citation by a court.

By December 31 each year, MPTSC must (1) compile and make publicly available a report for the previous fiscal year on each speed monitoring system program operated by a local jurisdiction and (2) submit the report to the Governor and the General Assembly. The report must include specified information (*e.g.*, the total number of citations issued, gross revenue generated by the program, expenditures incurred, net revenue generated by the program, etc.) that is reported by local jurisdictions to MPTSC.

State Fiscal Effect: Under the bill, the number of citations issued in Baltimore County (and in municipalities within the county) is expected to increase. As a result, the number of individuals opting for a trial in District Court is also likely to increase. Accordingly, general fund revenues likely increase minimally, as fine revenues paid by individuals convicted in District Court are paid into the general fund. The increase in District Court caseloads can likely be handled with existing resources. MPTSC can handle inclusion of the additional information in its existing reporting requirement with existing resources.

Local Fiscal Effect: Local revenues increase, potentially significantly, beginning as early as fiscal 2025 to the extent that Baltimore County (and municipalities within the county) authorize additional speed cameras as a result of the bill after (1) the required safety analyses; (2) consideration of specified factors related to race and socioeconomic status (to the extent practicable); and (3) public notice and opportunity for comment is provided. Expenditures also increase for those jurisdictions beginning in fiscal 2025 to complete the required safety analyses and procure, install, and maintain additional speed cameras. Based on historical data and the use of speed camera systems in the State to date, the increase in revenues is likely to exceed the increase in expenditures. After cost recovery, the remaining revenues may only be expended for traffic calming devices. Thus, expenditures also increase for those purposes.

The Baltimore County Police Department advises that it already conducts traffic and speed analyses in determining locations for speed cameras. Although that provision reflects current practice, under the bill's authorization, additional analyses must be conducted that otherwise would not be. The department notes that it may be difficult to consider the disparate impact (on motor vehicle owners and residential communities based on race or socioeconomic status) due to placement of the speed camera at the proposed location. Any such disparate impacts after placement could not be determined without significant additional resources and would not necessarily be knowable in advance of placement. Generally, speed cameras capture images of a vehicle's registration plate, which are then provided to MVA in order to identify the owner of the vehicle. The identifying information about the registered owner from MVA does not include such information. As that

requirement only applies if it is practicable, this analysis assumes it is not likely implemented. Finally, the department notes that the reporting requirements established by the bill that apply only to Baltimore County may necessitate additional staff time and, potentially, result in additional costs.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1171 of 2023.

Designated Cross File: HB 58 (Delegate Guyton) - Environment and Transportation.

Information Source(s): Comptroller's Office; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Department of Legislative Services

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