

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 364

(Prince George's County Delegation)

Environment and Transportation

Judicial Proceedings

Prince George's County - Stop Sign Monitoring Systems - Authorization
PG 301-24

This bill authorizes, for five years, the use of stop sign monitoring systems on State and local highways located in a school zone in Prince George’s County to record violations of State law requiring obedience to stop signs. Unless the driver of the motor vehicle received a citation from a police officer at the time, the owner or driver of a motor vehicle is subject to a civil penalty of up to \$40 if the motor vehicle is recorded by a stop sign monitoring system during commission of the violation. The bill expands existing statutory provisions governing collection and disposition of fines collected as a result of automated monitoring systems to apply to stop sign monitoring systems. The District Court has exclusive original civil jurisdiction in a civil infraction under the bill. In consultation with law enforcement agencies, the Chief Judge of the District Court must adopt procedures for the issuance of citations, trials for violations, and the collection of civil penalties imposed under the bill. The bill also establishes a reporting requirement for Prince George’s County related to implementation. **The bill takes effect July 1, 2024, and terminates June 30, 2029.**

Fiscal Summary

State Effect: Because the bill is authorizing in nature, the impact on State finances generally depends on the extent to which the systems are deployed in Prince George’s County, as discussed below. Nevertheless, the District Court must be prepared should any systems be deployed, with programming costs totaling \$11,100 in FY 2025 only. The District Court can likely adopt procedures as required under the bill with existing resources.

Local Effect: The bill is authorizing in nature. The impact on local government finances depends on the extent to which the systems are deployed in Prince George’s County, as discussed below.

Small Business Effect: None.

Analysis

Bill Summary:

Definitions

“Agency” means a law enforcement agency that is authorized to issue a citation for a violation of the Maryland Vehicle Law or of local traffic laws or regulations.

“Stop sign monitoring system” means a device designed to capture a recorded image of a violation. “Violation,” as defined under the bill, means a violation of specified offenses under the Maryland Vehicle Law relating to a failure to come to a complete stop at a stop sign.

“Owner” means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of six months or more. “Owner” does not include a motor vehicle leasing company or a specified holder of a special registration plate.

“Recorded image” means images recorded by a stop sign monitoring system (1) on at least two photographs, microphotographs, or electronic images; on videotape; or on any other medium and (2) showing a motor vehicle and, on at least one image or portion of tape, clearly identifying the registration plate number of the motor vehicle.

Issuance of Citations and Collection and Disposition of Fines

The bill expands existing statutory provisions governing the issuance of citations and the collection and disposition of fines collected as a result of automated monitoring systems to apply to stop sign monitoring systems. Accordingly, a citation issued as a result of a stop sign monitoring system controlled by a political subdivision must provide that, in an uncontested case, the penalty be paid directly to the political subdivision; a citation issued as a result of a stop sign monitoring system in a case contested in District Court must provide that the penalty be paid directly to the District Court. Civil penalties resulting from citations issued using a stop sign monitoring system that are collected by the District Court must be collected and distributed in accordance with existing statutory provisions.

A political subdivision is not explicitly authorized to recover the costs of implementing and administering stop sign monitoring systems from fines collected by the political subdivision as a result of violations enforced by stop sign monitoring systems. Nevertheless, a political subdivision may spend the “remaining balance” solely for public safety purposes, including pedestrian safety programs, as specified under existing statutory provisions.

Admissibility of Recorded Images as Evidence

Consistent with existing evidentiary provisions pertaining to images recorded by automated monitoring systems, a recorded image of a motor vehicle produced by a stop sign monitoring system in accordance with the bill is admissible in a proceeding concerning a civil citation issued under the bill for a violation of specified offenses without authentication. In any other judicial proceeding, a recorded image produced by a stop sign monitoring system is admissible as otherwise provided by law.

Authorized Use of Stop Sign Monitoring Systems

An agency may use stop sign monitoring systems (1) on highways located in a school zone maintained by a local jurisdiction, if authorized by the governing body of the local jurisdiction or (2) on State highways located in a school zone, if authorized by the State Highway Administration (SHA). A stop sign monitoring system may not be used in a local jurisdiction unless its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing and may only be used at a location approved by the Prince George's County Council. The county must prioritize the placement of stop sign monitoring systems within municipalities that have high violation rates.

Required Approval and Notice

Before beginning the use of stop sign monitoring systems, an agency must publish notice that the agency has adopted the use of stop sign monitoring systems on its website and in a newspaper of general circulation in the jurisdiction in which the stop sign monitoring system will be used.

Required Signage

Prince George's County must prominently place signs on highways within the county providing notice that stop sign monitoring systems are in use in the county. Similarly, SHA must place signs prominently providing notice that stop sign monitoring systems are in use on State highways.

Recorded Violations

A recorded image by a stop sign monitoring system indicating that the driver of a motor vehicle has committed a violation must include specified information.

Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or driver of a motor vehicle is subject to a civil penalty of up to

\$40 if the motor vehicle is recorded by a stop sign monitoring system during the commission of a violation. The District Court must prescribe a uniform citation form, as specified, and a civil penalty, which must be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

Citations

An agency generally must mail to the owner liable for a violation recorded by a stop sign monitoring system a citation that includes specified information in accordance with the bill. The agency may mail a warning notice in place of a citation. Generally, a citation must be issued within two weeks of the alleged violation. A person who receives a citation may pay the civil penalty in accordance with the instructions on the citation or elect to stand trial.

Certifications Alleging a Violation

A certification alleging that a violation occurred, sworn to or affirmed by a duly authorized law enforcement officer employed by (or under contract with) an agency, based on the inspection of a recorded image, is evidence of the facts contained in the certificate and is admissible in any proceeding concerning the alleged violation. Adjudication of liability must be based on a preponderance of the evidence.

Defense of Violations

The District Court may consider in defense of a violation (1) that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation; (2) evidence that the person named in the citation was not operating the vehicle at the time of the violation; and (3) any other issues and evidence that the District Court considers pertinent, as specified.

If the District Court finds that the person named in the citation was not operating the vehicle at the time of the violation or receives specified evidence identifying the person driving the vehicle at the time of the violation, the clerk of the court must provide the agency issuing the citation a copy of any evidence substantiating who was operating the vehicle at the time of the violation. The issuing agency may, within two weeks of receipt of such evidence, issue a citation to the person whom the evidence indicates was operating the vehicle at the time of the violation.

Penalties

If the citation is not paid and the violation not contested, the Motor Vehicle Administration may refuse to register or reregister or may suspend the registration of the motor vehicle. A violation for which a civil penalty is imposed is not a moving violation for the purpose of points assessment, may not be recorded on the driving record of the owner or driver of the vehicle, and may not be considered in the provision of motor vehicle insurance.

Requirements for Administering Agencies and Contractors

Any agency, or an agent or contractor designated by the agency, must administer and process civil citations issued under the bill in coordination with the District Court. A contractor's fee may not be contingent on a pre-ticket basis on the number of citations issued or paid.

Reporting Requirement

By December 1, 2025, the Prince George's County Department of Public Works and Transportation must report to the Governor and the General Assembly on:

- the time period during which stop sign monitoring systems were in use in the county and the number of warnings and citations issued as a result of violations recorded over the reported time period, by location and date (through October 1, 2025);
- the costs associated with implementing and operating stop sign monitoring systems and the revenue collected on a monthly basis as a result of violations;
- appropriate locations for the deployment of stop sign monitoring systems;
- the performance and reliability of stop sign monitoring systems used by the county; and
- the effectiveness of stop sign monitoring systems in reducing violations, crashes, and pedestrian injuries in the county and in areas where the systems were implemented and used.

Current Law:

Required Stops when Approaching a Stop Sign

Unless otherwise directed by a police officer or traffic control signal, the driver of a vehicle approaching a stop sign at an intersection must:

- stop at the near side of the intersection at a clearly marked stop line;
- stop at the near side of the intersection and, if there is no clearly marked stop line, before entering any crosswalk; and

- stop at the near side of an intersection and, if there is no crosswalk, at the nearest point before entering the intersection that gives the driver a view of traffic approaching on the intersecting roadway.

A violation of any of these requirements is a misdemeanor with a maximum \$500 fine. The prepayment penalty is \$90 with one point assessed against the license. If the violation contributes to an accident, the prepayment penalty is \$130 and three points must be assessed against the license.

Automated Monitoring Systems

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 control systems.

State Revenues: To the extent the District Court collects fines for contested citations issued under the bill, general fund revenues increase from fiscal 2025 through 2029. Any such impact depends on the extent to which stop sign monitoring systems are deployed in Prince George's County and the amount of the fine established for a violation.

State Expenditures: As noted above, the bill authorizes the use of stop sign monitoring systems in school zones by specified law enforcement agencies in Prince George's County and other specified local agencies. The impact on State expenditures depends on the extent to which stop sign monitoring system programs are implemented in the county.

To the extent that stop sign monitoring systems are used on State highways in Prince George's County, Transportation Trust Fund expenditures increase for SHA to install required signage and for potential planning costs. Any costs are assumed to terminate after fiscal 2029.

In addition, in anticipation of any stop sign monitoring systems being deployed by State and/or local agencies in Prince George's County, general fund expenditures for the District Court increase for programming changes necessary to collect payments for citations that may be issued under the bill. Programming-related costs total approximately \$11,100.

Local Fiscal Effect: To the extent that Prince George's County and/or political subdivisions within the county deploy stop sign monitoring systems in school zones, local government expenditures increase from fiscal 2025 through 2029 as a result of start-up costs, ongoing implementation costs, and for public safety purposes. Local revenues also increase over the same time period to the extent local jurisdictions collect penalties from citations issued as a result of locally controlled stop sign monitoring systems. As the bill

does not explicitly allow for cost recovery (as for other automated enforcement systems), revenues are assumed to be expended exclusively for public safety purposes.

Additional Information

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

Designated Cross File: None.

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

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