

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 277 (Senator Forehand)

Judicial Proceedings

Vehicle Laws - Speed Monitoring Systems

This bill authorizes the use of speed monitoring systems to identify and fine speeders.

Fiscal Summary

State Effect: Indeterminate net effect on State finances.

Local Effect: Indeterminate net effect on local government finances.

Small Business Effect: Potential meaningful.

Fiscal Analysis

Bill Summary: The bill authorizes local governments and the State to issue citations or warnings to vehicle owners for speeding based on evidence collected by speed monitoring systems, and provides for a maximum civil penalty of \$100. Such violations are not moving violations, may not be placed onto the driving record of the owner or driver of the vehicle, and may not be considered in the provision of vehicle insurance.

A person who receives a citation may pay the specified civil penalty or elect to stand trial. In cases that are uncontested, fines are to be sent directly to the issuing agency by the owner of the motor vehicle. Trial penalties collected by the District Court will be forwarded to the issuing agency. A recorded image of a motor vehicle produced by a speed monitoring system is admissible at trial without authentication. A certificate alleging that the speeding violation occurred, sworn to or affirmed by an authorized agent of the issuing law enforcement agency, is evidence of the facts contained therein and is also admissible at trial. Adjudication of liability is to be based on a preponderance of the evidence standard. The District Court may consider the defense that the person named in the citation was not operating the vehicle at the

time of the violation, but the person must divulge the name of the person who was driving. If the fine is not paid and the violation is not contested, the Motor Vehicle Administration (MVA) may refuse to register or reregister or may suspend the registration of the motor vehicle.

Background: Currently, several other jurisdictions in the western part of the United States operate speed monitoring systems. Speed monitoring systems have been in use in other areas of the world for approximately 40 years.

State/Local Effect: To the extent that the State and local governments would decide to implement speed monitoring systems, both expenditures and revenues would increase. However, the magnitude of any such increases cannot be reliably predicted at this time.

There are many options available to jurisdictions that wish to implement speed monitoring systems. Usually, jurisdictions engage the services of one or more vendors that specialize in the administration of speed monitoring systems. A jurisdiction can purchase the necessary equipment and contract with a vendor to operate the system and process the citations, or pay the vendor for use of equipment, operation of the system, and processing. Vendors sometimes charge a percentage of revenues collected by the jurisdiction from speeding citations issued. One vendor charges in the range of 30% to 50% of revenues, depending upon its arrangement with the particular jurisdiction. Other vendors charge a rate per citation issued. Another vendor charges on a sliding scale, with rates as high as \$29 per citation and decreasing as volume increases. Conceivably, a jurisdiction could also purchase the equipment and conduct all operations and processing functions itself.

Jurisdictions choosing to implement a speed monitoring system would probably incur increased costs associated with law enforcement involvement with the system. Jurisdictions that currently operate speed monitoring systems often use a camera device that is mounted on a police van. An officer sits in the van when the system is being used to witness that the camera is operating properly and correct any problems. Law enforcement personnel would also be required to sign the certificates provided for by the bill and possibly appear in court.

Reportedly, a speed monitoring camera can produce seven to ten times the number of speeding citations issued by a police officer per hour. Speed monitoring systems have proven to have a significant deterrent effect on speeders. From a revenue raising standpoint, speed monitoring systems have been successful in some jurisdictions, and have failed in others. The success of a speed monitoring system can depend largely upon whether the authorizing statute is properly crafted to minimize the potential for constitutional challenge and/or claims by vehicle owners that they were not operating the vehicle at the time of the violation. The success of a speed monitoring system can also depend upon the extent to

which the courts and other units of government support the system.

After conducting a pilot program in which warnings were issued, Howard County recently implemented a traffic control signal monitoring system in which citations are issued for \$75 each for running a red light. Howard County works with two vendors that provide the equipment, operate the system, and process the citations. These vendors are paid on a per-citation sliding scale basis. Howard County has budgeted \$200,000 for start-up costs for the program, which include costs for additional personnel and office equipment. Under Howard County's pilot program, an average of 28.6 citations per camera per day were issued. It is too early to draw any conclusions about the cost-effectiveness of Howard County's program.

To the extent that jurisdictions implement speed monitoring systems, the number of speeding citations issued would increase. To the extent that these additional violations are contested, the workload of the District Court would increase, which could result in increased operating expenses and the need for additional personnel.

To the extent that jurisdictions implement speed monitoring systems, and people fail to pay or contest citations, the MVA would experience an increase in the volume of vehicle registrations withheld, suspended, and reinstated. Current MVA policy is to withhold a registration until unpaid tickets are satisfied, and suspend the registration if the vehicle has a minimum of \$1,000 worth of fines. The cost for necessary computer modifications is estimated at \$10,000. For every 10,000 suspensions and reinstatements, a minimum of one new Customer Service Representative I would be needed to process the transactions.

In fiscal 1997, a total of 391,108 speeding citations were issued in the State. Fines charged for various categories of speeding violations range from \$60 to \$520. Figures for speeding fine revenues received are not readily available.

Additional general fund revenue would be collected from court costs, which are \$20 for a contested citation and \$2 for an uncontested citation.

Small Business Effect: Small businesses that perform work in connection with speed monitoring systems would benefit to the extent that they are engaged by jurisdictions that implement speed monitoring systems.

Information Source(s): Department of Transportation (State Highway Administration, Motor Vehicle Administration); Howard, Montgomery, Prince George's, Talbot, and Wicomico counties; Department of State Police; Redflex Traffic Systems, Inc. of San Francisco; Department of Legislative Services

Fiscal Note History: First Reader - March 10, 1998

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