

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

Senate Bill 510 (Senator Forehand, *et al.*)

Judicial Proceedings

Vehicle Laws - Speed Monitoring Systems - Radar Cameras

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

Fiscal Summary

State Effect: General fund revenues would increase depending on the number of citations, if any, issued by State agencies; but based on experience in other jurisdictions, it is expected that the revenue increase will more than double the expenditure increase.

Local Effect: The full effect on local finances will be based on the number of citations issued; but based on experience in other jurisdictions, it is expected that the revenue increase will more than double the expenditure increase.

Small Business Effect: Potential meaningful.

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 uncontested cases, fines are to be paid directly to the issuing political subdivision by the owner of the motor vehicle. Penalties collected by the District Court go to the

general fund. 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: 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 Fiscal Effect: To the extent that the State and local governments 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 \$30 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. Of the counties that responded to requests for information regarding the bill, three (Carroll, Montgomery, and Prince George's) estimated that revenues generated would significantly exceed costs. Jurisdictions that currently operate speed monitoring systems often use a camera device 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.

For contextual purposes, Howard County is now in its third full year of its 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 did not respond to requests for information on this bill. However, based on information provided last year, Howard County reported that in 1999 the system issued 31,400 citations generating \$2.4 million in revenue, of which a portion went to the vendors. Annual county expenses for the program were approximately \$941,200.

To the extent that jurisdictions implement speed monitoring systems, the number of speeding citations issued would increase. If 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. The District Court advises the impact on its caseload would be far greater than the impact resulting from red light cameras.

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 would be needed to process the transactions.

In fiscal 2000, a total of 353,747 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.

Additional Information

Prior Introductions: This bill was introduced as SB 530 in 2000, SB 409 in 1999, and SB 277 in 1998. All three received unfavorable reports from the Senate Judicial Proceedings Committee.

Cross File: None.

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

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