

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 140 (Delegate Marriott) (Baltimore City Administration)
Commerce and Government Matters

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 issued by State agencies, if any, and by the amount of fines paid to the District Court. Additional citations could increase administrative expenditures for the District Court and the Motor Vehicle Administration.

Local Effect: The full effect on local finances depends on the extent to which these systems are deployed, but based on local experience with red light camera programs, it is expected that revenues would more than double the expenditures for a speed monitoring system.

Small Business Effect: Potential minimal.

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 District Court. One part of the bill states that a person who receives a citation may pay the fine directly to the issuing political subdivision or to the District Court. Another part of the bill indicates that uncontested citations must be paid directly to the issuing political subdivision. 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: In the case of red light camera systems that photograph vehicles that disobey red traffic signals, jurisdictions typically engage the services of a vendor that specializes in the installation, maintenance, operation, and administration of camera systems and pay the vendor a fee based on the number of citations issued. If a law enforcement officer is not present at the time a camera captures evidence of a violation, law enforcement personnel typically will review and certify citations that are generated by the systems prior to notices of violation being sent to vehicle owners. If new speed monitoring systems were implemented in a similar fashion, jurisdictions would be expected to contract for the necessary equipment and services and pay for the costs of the system with a portion of collected fines.

State/Local Fiscal Effect: Because the bill is unclear as to how fines will be paid, it is difficult to estimate the bill's effect on State revenues. If it is assumed that penalties in uncontested cases will be paid directly to the issuing political subdivision, the effect on State revenues will be minimal. Although the bill provides that any penalties resulting from a speed monitoring system operated by a State agency shall be paid directly to the District Court, at this time the State Police, the State Highway Administration, and the Maryland Transportation Authority report no plans to operate speed monitoring systems. Accordingly, any increase in revenues would result from penalties paid to the District Court for contested cases.

To the extent that jurisdictions issue more speeding citations that people fail to pay, the MVA would expect an increase in the volume of vehicle registrations withheld, suspended, and reinstated. The MVA also reports that for every 10,000 registration suspensions and/or reinstatements that may occur as a result of the bill, it would require

one additional administrative position. Current MVA policy is to withhold a registration until unpaid tickets are satisfied, and to suspend the registration if a vehicle has a minimum of \$1,000 in fines.

To the extent that local governments implement speed monitoring systems, both expenditures and revenues would increase. Although the magnitude of the increases is difficult to predict, if current experience with red light camera systems in Prince George's, Montgomery, Howard, Baltimore, and Anne Arundel counties is an indicator, revenues from speed monitoring systems are expected to be significantly higher than associated expenditures. For example, Montgomery County reports fiscal 2001 net revenues of \$2.7 million from the operation of its red light cameras. The county also projects that if it issues 11,700 citations per month (140,400 per year) with speed monitoring systems, it will net \$10.9 million in annual revenues.

Approximately 349,000 speeding tickets were issued statewide in fiscal 2001, according to District Court records. The revenue generated by these tickets is unknown.

Additional Information

Prior Introductions: SB 510 of the 2001 session was not reported out of the Senate Judicial Proceedings Committee (JPR). JPR also reported unfavorably on SB 277 in 1998, SB 409 in 1999, and SB 530 in 2000.

Cross File: None.

Information Source(s): Cecil County, Montgomery County, Prince George's County, District Court of Maryland, Carroll County, Harford County, Department of Transportation, National Conference of State Legislatures, Department of State Police, Department of Legislative Services

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