

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

Senate Bill 565 (Senator Forehand)
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: Special fund revenues could increase from additional fines paid to the District Court. A significant number of 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 to the issuing jurisdiction or elect to stand trial in District Court. Any fines or penalties collected by the

District Court are remitted to the Comptroller and dispersed to various transportation-related funds. 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 Fiscal Effect: Because an uncontested penalty will be paid directly to the issuing political subdivision, the effect on State revenues is expected to be minimal. At this time the Department of 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.

District Court advises that because more people contest speeding violations than red light violations, the impact could be substantial to the operations of District Court. However, the Department of Legislative Services notes that because a speeding citation issued by a speed monitoring system: (1) is not considered a moving violation for the purpose of assessing points against a driver's license; (2) cannot be considered in the provision of insurance coverage; and (3) carries a maximum fine of \$100, there is a greater likelihood that violators will choose to pay the fine rather than appear in court.

To the extent that jurisdictions issue more speeding citations that people fail to pay, MVA would expect an increase in the volume of vehicle registrations withheld, suspended, and reinstated. 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.

Local Fiscal Effect: 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 would be 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: In 2001, SB 510 was not reported out of the Judicial Proceedings Committee.

Cross File: HB 140 (Delegate Marriott) is a substantially similar bill.

Information Source(s): Baltimore City, Montgomery County, Prince George's County, Caroline County, Calvert County, Howard County, Judiciary (Administrative Office of the Courts), Department of State Police, Department of Transportation, National Conference of State Legislatures, Department of Legislative Services

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