

Department of Legislative Services
 Maryland General Assembly
 2003 Session

FISCAL AND POLICY NOTE

House Bill 841 (Delegate Kelly)
 Environmental Matters

Vehicle Laws - Traffic Control Signal Monitoring Systems - Collection of Civil Penalties

This bill repeals the authority of political subdivisions to collect the civil penalties in uncontested cases from citations issued as a result of a traffic monitoring control system, or red light camera. The bill provides that a citation issued as a result of a traffic control monitoring system must provide that the penalty shall be paid directly to the District Court. A citation from a traffic control monitoring system sent by an agency to a vehicle owner must include the date by which the civil penalty should be paid if the person chooses to prepay the fine without appearing in District Court.

Fiscal Summary

State Effect: General fund expenditures could increase significantly from collection of civil fines from uncontested automated traffic enforcement citations by the District Court assuming that local governments continued their automated enforcement programs. Three local governments that responded to a Department of Legislative Services (DLS) request for information projected automated traffic enforcement net revenues of \$17.8 million for FY 2004. General fund expenditures could increase by \$1.2 million in FY 2004 and \$1.4 million in FY 2005 from creation of a civil citation data system over two years and four additional positions beginning in FY 2005 for processing uncontested citations. Out-years include impact of system completion, annualization of positions, and inflation. Significant additional general fund expenditures may be required to process uncontested citations while the data system is under construction. That impact cannot be quantified at this time.

(in dollars)	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
GF Revenue	-	-	-	-	-
GF Expenditure	1,200,000	1,386,100	196,100	207,100	219,100
Net Effect	(\$1,200,000)	(\$1,386,100)	(\$196,100)	(\$207,100)	(\$219,100)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Significant revenue reductions for all counties that use traffic control signal monitoring systems. Local governments would continue to incur cost for maintenance of existing systems and implementation of any new systems. **This bill imposes a mandate on local governments.**

Small Business Effect: Potential significant.

Analysis

Current Law: Fines in uncontested cases are paid directly to the issuing political subdivision or, if the State issues the citation, to the District Court. If an individual wishes to challenge a citation, the case is referred to the District Court having venue. Any fines or penalties collected by the District Court are remitted to the Comptroller and dispersed to various transportation-related funds.

In uncontested cases from traffic control signal monitoring systems in which fines are paid directly to a political subdivision or municipality, costs are \$2.00. The fine in the applicable uncontested case and the costs must be paid to the issuing agency and the agency must receive and account for those funds. The District Court must collect fines, forfeitures, or penalties imposed by the court and remit them to the State.

The State and political subdivisions are authorized to operate traffic control signal monitoring systems on any roads or highways in the State. A “traffic control signal monitoring system” is a device with one or more motor vehicle sensors working in conjunction with a traffic control signal to produce recorded images of motor vehicles entering an intersection against a red signal indication.

A driver who enters an intersection on a steady red arrow or steady red signal and is recorded by a traffic control signal monitoring system is subject to a civil penalty not to exceed \$100, unless the driver receives a citation from a police officer at the time of the violation. The person cited may elect to stand trial in the District Court. A warning notice may be issued instead of a citation. A citation must be mailed no later than two weeks after the alleged violation. A violation recorded only by a traffic control monitoring system is not a moving violation and may not be considered for purposes of motor vehicle insurance coverage. However, if the civil penalty is not paid and the violation is not contested, the Motor Vehicle Administration may refuse to register or reregister the vehicle, or may suspend the registration of the motor vehicle. The issuing agency is prohibited from mailing a citation to a person who is not a vehicle owner.

A recorded image of a motor vehicle produced by a traffic control monitoring system is admissible at trial without authentication. A certificate alleging that the traffic control signal 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 that the vehicle driver passed through an intersection against a steady red signal to provide the right-of-way to an emergency vehicle, or that the driver was part of a funeral procession. The District Court may consider the defense that the motor vehicle or registration plates were stolen, but a timely police report about the theft must be submitted. The District Court may also consider 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.

Background: Traffic control signal monitoring systems, also known as red light cameras, are automatic camera systems that photograph vehicles that run red lights. States have considered authorizing or expanding automated red light enforcement programs, but some states have limited or banned automated enforcement. According to the National Conference of State Legislatures, Colorado law authorizes the use of automated red light enforcement, but violators may insist on being personally served, instead of through the mail. Nevada prohibits camera equipment for traffic enforcement unless the equipment is held by a law enforcement officer or installed in a law enforcement vehicle or facility. New Jersey and Wisconsin have laws prohibiting the use of photo radar as a means of traffic enforcement.

Generally, where states authorize local governments to install red light cameras, local governments incur the cost for setting up the systems and collect the revenue generated from those citations for use at the local level.

State Fiscal Effect: Potentially significant revenue increase in fiscal 2004 from the collection of civil penalties from uncontested traffic signal monitoring citations by the District Court. In fiscal 2002, the District Court collected fines from about 40,000 contested citations. The total revenue collected by all political subdivisions from uncontested citations issued by automated enforcement systems is not readily available. However, the fiscal 2004 net projected revenues from Baltimore City, Montgomery, and Howard counties, three jurisdictions with automated traffic enforcement systems that responded to a DLS request for information, could total \$17.8 million.

General fund expenditures for the District Court could increase by \$1,200,000 in fiscal 2004 and \$1,386,069 in fiscal 2005. The fiscal 2004 cost would be for the first phase of design and construction of a civil citation data system. The fiscal 2005 expenditures would be for computer programming, software, and hardware for the completion of the civil citation data system to process the significantly larger number of citation payments that could be submitted from local governments. Four permanent clerk positions, would

also be needed, beginning in fiscal 2005, for data entry, payment verification, and refunds of overpayments. The District Court advises that the payments from the 40,000 contested citations in fiscal 2002 were processed manually. Manual processing would not be possible if the District Court was responsible for collecting all fines statewide from traffic signal monitoring systems.

The District Court advises that it would take two years to design and complete a civil citation data system. Since the bill is effective October 1, 2003, it is likely that significant additional personnel resources would be needed to accomplish processing of uncontested citations while the automated system was being completed. The number of personnel that would be needed is not verifiable at this time. Out-year estimates include annualization and inflation and account for completion of the civil citation data system in two years.

It should also be noted that the estimated fiscal impact assumes that local governments would continue the traffic control signal monitoring systems that are in place, including incurring the costs of maintenance. If local governments suspended or terminated their automated traffic enforcement programs because they would not be able to retain the revenue, then it is possible that a much less expensive automated system, or continual manual processing, and fewer additional personnel could accomplish the functions required by the bill.

Local Fiscal Effect: Local governments with automated traffic enforcement systems advise that substantial negative impacts could occur under this bill. Baltimore City advises that it has installed traffic signal control monitoring systems at 47 intersections throughout the city. Baltimore City collected revenues of \$3,500,428 in fiscal 2000, \$5,905,895 in fiscal 2001, and \$5,095,677 in fiscal 2002 from these systems. The city also advises that accidents have been dramatically reduced and no fatalities have occurred at the monitored intersections since the program began. The city deposits revenues into the City Motor Vehicle Fund account for street repairs and related work. The city would lose this revenue under the bill.

Montgomery County advises that if all revenues from automated traffic enforcement citations were collected by the District Court, then the county would suspend its traffic control signal monitoring program. The suspension would create cost savings of \$3,792,385 in fiscal 2004 from the elimination of three program managers and the vendor contract. Montgomery County advises that it would lose revenues of \$11,135,000 in fiscal 2004 and in subsequent years from suspension of the automated enforcement program.

Howard County advises that passage of the bill could require the county to cancel its automated traffic enforcement program due to lack of funding, or the county could continue its program at a cost of \$1 million annually. The county advises that fiscal 2004 revenues are projected to be \$1,650,000 and fiscal 2004 expenditures for automated enforcement would be \$1 million. The county advises that the revenues cover the cost of the automated enforcement program and any excess is used for other related public safety projects.

Calvert and Caroline counties advise the bill would not have a fiscal impact on their counties. Neither county has installed traffic control signal monitoring systems.

Small Business Effect: Potential significant revenue reduction could occur for vendors that provide automated enforcement systems if local governments scaled back or suspended their programs.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510