

Department of Legislative Services
 Maryland General Assembly
 2003 Session

FISCAL AND POLICY NOTE

House Bill 682 (Delegate Burns, *et al.*)
 Environmental Matters

Baltimore County - Speed Monitoring Systems - Liberty Road, Route 26

This bill authorizes the placement of “speed monitoring systems” on that portion of Liberty Road, Route 26, which is within the boundaries of Baltimore County.

Fiscal Summary

State Effect: General fund revenues could increase from additional fines paid to the District Court. Transportation Trust Fund (TTF) expenditures could increase \$150,000 in FY 2004 for the installation of two speed camera systems. A significant number of additional citations could increase administrative expenditures for the Motor Vehicle Administration (MVA) and the District Court.

(in dollars)	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
SF Revenue	-	-	-	-	-
GF Expenditure	-	-	-	-	-
SF Expenditure	150,000	-	-	-	-
Net Effect	(\$150,000)	\$0	\$0	\$0	\$0

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

Local Effect: The full effect on finances depends on the extent to which these systems are deployed, but based on traffic volume, it is expected that revenues would be significantly greater than the expenditures for speed monitoring systems.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: This bill requires that the State Highway Administration (SHA) place speed monitoring systems on the portion of Route 26, Liberty Road, within the boundaries of Baltimore County. A speed monitoring system is a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at speeds in excess of posted speed limits. The images must show the rear of the motor vehicle and clear identification of the vehicle's registration plate number on at least one image.

The bill requires signs to be posted on Liberty Road, Route 26, that include the notice "speed monitoring cameras in operation." The signs and speed monitoring systems must be posted at the points where Liberty Road, Route 26, crosses from neighboring jurisdictions into Baltimore County and at regular intervals of at least one sign per mile along Liberty Road, Route 26, within the boundaries of Baltimore County.

Unless the driver receives a citation from a police officer at the time of the violation, the owner or driver is subject to a civil penalty not exceeding \$100 if the motor vehicle is recorded by a speed monitoring system in violation of speed laws.

Any fines or penalties collected by the District Court are remitted to the Comptroller and distributed to various transportation-related funds. The District Court may consider the defense that the motor vehicle or registration plates were stolen, that the person named in the citation was not operating the vehicle at the time of the violation, or any other defense the District Court considers relevant. The evidentiary burdens for proving any of the aforementioned defenses are the same as those for a defense from a citation issued by a traffic control monitoring system (red light cameras).

If the District Court finds that the person named in the citation was not operating the vehicle at the time of the violation, or it receives evidence identifying the person driving the vehicle at the time of the violation, the Clerk of the Court must provide to the issuing agency a copy of any evidence substantiating who was driving the vehicle at the time of the violation. Upon receipt of substantiating evidence from the District Court, an agency may issue a citation to the person that the evidence indicates was operating the vehicle. The citation must be mailed no later than two weeks after the receipt of substantiating evidence from the District Court.

Except as otherwise provided, the provisions of State law applicable to traffic control systems apply in the same manner with respect to the speed monitoring systems in the areas of: admissibility of recorded images; the impact of citations on insurance; court costs; defenses; evidence; the failure to pay a penalty or contest a violation; inspection of

recorded images; and the registration and transfer of a vehicle with a citation. If the fine is not paid and the violation is not contested, the MVA is required to refuse to register, reregister, or transfer the vehicle and, for chronic offenders, may suspend the registration of the motor vehicle.

The civil penalty imposed for a speed monitoring system violation is not a moving violation for the purpose of assessing points and may not be recorded on the vehicle owner or driver's record. The citation may be treated as a parking violation and may not be considered in the provision of vehicle insurance coverage.

Current Law: State law does not authorize the operation of speed monitoring systems. The State and political subdivisions are authorized to operate red light cameras on any roads or highways in the State. Law enforcement agencies are authorized to mail a citation to the owner of a motor vehicle that is recorded running a solid red light by such a system. The recorded image must show the rear of the vehicle and clearly identify the registration plate number. The law provides for a civil penalty, not to exceed \$100. Such violations may be treated as parking violations, but 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.

Fines in uncontested cases are paid directly to the issuing political subdivision, or, if the State issues the citation, to the District Court. If the 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 for distribution to various transportation-related funds.

Background: Photo radar enforcement systems that detect speeders function almost the same as red light cameras. Usually, the photo radar system is located in a mobile unit. The system has a radar detector and a camera. A speeding vehicle triggers the camera and a photograph is taken of the vehicle. The photos have the date, time, and speed recorded.

In the case of red light camera systems that record red traffic signal violations, 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, Baltimore County would be expected to contract for the necessary services.

According to the National Conference of State Legislatures and the Insurance Institute for Highway Safety, a few states authorize automated enforcement for speeding violations. Colorado authorizes photo radar for speeders, but also provides that violators may insist on being personally served their citations by law enforcement officers, instead of through the mail. Oregon authorizes photo radar enforcement for speeders in certain jurisdictions. In Utah, photo radar enforcement is limited to school zones and other areas with a speed limit of 30 miles per hour or less, when a police officer is present, and signs are posted for motorists. The radar photograph must accompany a citation.

The District of Columbia also has an automated enforcement program for speeding violations. Police there operate five camera-equipped vehicles that move around the city. The equipment is designed to focus on specific vehicles moving in traffic. Since the inception of the program in August 2001, the city has generated \$20.6 million in revenue from over 275,000 motorists who have paid the speeding citations. Original revenue estimates were \$11 million annually. Over 400,000 drivers have received citations since the program began. At first, the District of Columbia paid its system vendor on a per-ticket basis, but has since switched to a flat fee payment. In October 2002, the District of Columbia decided to expand its program by adding five more mobile units, one stationary camera, and by attaching speed detection cameras to the 39 red light cameras that operate in the District.

Some states are considering legislation in 2003 to allow automated speed enforcement systems. The states are Massachusetts, Mississippi, New York, and Virginia. The Mississippi bills tend to focus on authorization for local jurisdictions. A New York bill would establish a demonstration program in cities of 1 million or more and would exist for three years. Automated speed enforcement systems are used extensively throughout Europe and in Australia.

State Fiscal Effect: Under the bill, SHA would be responsible for the installation of signs and at least two speed camera systems along Maryland Route 26, Liberty Road, in Baltimore County. Fiscal 2004 costs for two speed systems, 20 signs, and traffic studies are \$150,000. The Department of Legislative Services (DLS) advises, however, that the costs for speed camera systems could be reduced if SHA modifies existing traffic cameras along Liberty Road to record speed as well as red light violations.

Although uncontested penalties will be paid directly to Baltimore County, the effect on State revenues could be significant. Any increase in revenues would result from penalties paid to the District Court for contested cases.

To the extent that more people contest citations than has been projected, there could be a significant impact on the operations of the District Court in Baltimore County. DLS advises, however, that this bill is limited to Route 26, Liberty Road, within the confines of Baltimore County. Accordingly, the number of citations would be much smaller than if the District Court was processing contested violations from all of Baltimore County. Also, DLS advises 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) may not 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 Baltimore County issues 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.

Local Fiscal Effect: To the extent that SHA implements speed monitoring systems under this bill, revenues could increase. It is assumed under the bill that Baltimore County would be responsible for the operation of any speed cameras that are placed, although this is not specified in the bill. Accordingly, Baltimore County would incur some administrative costs for installed systems and the processing of uncontested citations. The magnitude of any increase in revenues or expenditures is difficult to predict. Also, revenues will vary depending on the tolerances set by speed camera systems and how precisely the cameras are calibrated.

Baltimore County advises that based on daily traffic volume (20,000 vehicles) at the intersections of Liberty and Essex Road, about 1,800 citations per day would be issued for the first two months of operation and, as people moderated their behavior, the number of citations might decline to about 1,200 per day. Baltimore County advises that they expect about 50% of those cited to prepay citations. DLS advises that given the experience to date with traffic cameras and the experience of the District of Columbia, a greater percentage than 50%, perhaps 60% to 70% of those cited, would likely prepay the citations. During fiscal 2004, Baltimore County projects net revenues of about \$17 million annually from the placement of speed cameras on Liberty Road, Route 26, in Baltimore County. DLS advises that this is a conservative estimate and that revenues could be higher.

Small Business Effect: The Maryland Automobile Insurance Fund advises that if speeding cameras replace a significant number of police-issued tickets, insurance carriers would have reduced information regarding the level of risk for those drivers. The level of risk is one of the factors used in setting insurance premiums.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Baltimore County, Department of Transportation, Department of Legislative Services

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