

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 385 (Montgomery County Delegation)
Environmental Matters

Montgomery County - Vehicle Laws - Speed Monitoring Systems - Radar
Cameras
MC 302-03

This bill authorizes the use of speed monitoring systems in Montgomery County to identify and issue citations to persons who are recorded exceeding a posted speed limit.

Fiscal Summary

State Effect: General fund revenues could increase significantly 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 (MVA).

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, Montgomery County estimates that revenues would exceed, by more than three times, the expenditures for speed monitoring systems.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: The bill authorizes Montgomery County to issue citations, or warnings if a police officer does not issue a citation, to drivers for speeding based on recorded images collected by speed monitoring systems. The bill establishes a maximum civil penalty of \$100. A violation is not a moving violation for the purpose of assessing points, 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 motor vehicle insurance.

A person who receives a citation by mail may pay the specified civil penalty directly to the Montgomery County Department of Finance or elect to stand trial in District Court. A warning notice may be issued instead of a citation. Generally, a citation must be mailed no later than two weeks after the alleged violation. The Montgomery County police department is prohibited from mailing a citation to a person who is not a vehicle owner.

Any fines or penalties collected by the District Court are remitted to the Comptroller and distributed 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 Montgomery County Police Department, is evidence of the facts contained therein and is also admissible at trial. Adjudication of liability is based on a preponderance of the evidence standard.

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. However, the person cited must submit a sworn written statement, sent to the District Court by certified mail with return receipt, that the person cited was not operating the vehicle at the time of the violation and that divulges the name, address, and driver's license identification number, if possible, of the person who was driving. The person who was driving is then subject to the penalty. If the fine is not paid and the violation is not contested, the MVA must refuse to register or transfer the registration, or may suspend the registration of the motor vehicle.

Current Law: State law does not authorize the operation of speed monitoring systems.

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 indicator. 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 either a flat fee or 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, Montgomery County would be expected to contract for the necessary equipment and services and pay the contractor according to the number of citations issued.

During the 2003 session, SB 455/ HB 694 have been introduced to authorize the use of automated speed monitoring systems statewide. In addition to this bill for Montgomery County, HB 682 has also been introduced to authorize an automated speed monitoring system in Baltimore County on Route 26.

According to the National Conference of State Legislatures and the Insurance Institute for Highway Safety, a few states authorize the use of 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. Washington authorizes automated speed enforcement, but only on a pilot basis in four jurisdictions.

The District of Columbia also has an automated enforcement program for speeding violations. In Washington, DC, police 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: Because an uncontested penalty would be paid directly to the Montgomery County Department of Finance, the effect on State revenues is expected to be minimal. Accordingly, any increase in revenues would result from penalties paid to the District Court for contested cases.

The District Court advises that because more people contest speeding violations than red light violations, the impact of this bill could be substantial to the operations of District Court. However, the Department of Legislative Services advises that because a 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 Montgomery 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 Montgomery County implements speed monitoring systems, revenues would increase significantly and expenditures would also increase. Under this bill, Montgomery County advises that fiscal 2004 expenditures would increase by \$8,429,900 for ten additional positions and related costs and vendor fees from the installation of 12 mobile units. Montgomery County anticipates fiscal 2004

revenue of \$32,076,000 from the speed monitoring systems. This projection is based on each mobile unit issuing a maximum of 200 citations per day.

Approximately 363,000 speeding tickets were issued statewide in fiscal 2002 according to District Court records. The revenue generated by these tickets is unknown.

Small Business Effect: The Maryland Automobile Insurance Fund advises that if speeding cameras replace a significant number of police-issued tickets, insurance carriers writing policies in Montgomery County 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): Montgomery County, Judiciary (Administrative Office of the Courts), Department of Transportation, National Conference of State Legislatures, National Highway Traffic Safety Administration, Insurance Institute for Highway Safety, *The Washington Times*, Department of Legislative Services

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