

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 246
Judicial Proceedings

(Senator Mooney, *et al.*)

Red Light Camera Repeal Act

This bill prohibits the use of traffic control signal monitoring systems except: (1) in school zones; (2) at railroad crossings; or (3) when a law enforcement officer is present and a citation is issued at the general time and place of the violation.

Fiscal Summary

State Effect: Potential minimal decrease in special fund revenues if fewer cases are heard in District Court. Expenditures would not be affected.

Local Effect: Potential significant decrease in net revenues from operation of traffic control signal monitoring systems.

Small Business Effect: Potential minimal.

Analysis

Current Law: 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.

Vehicular traffic facing a steady red arrow signal may not enter the intersection to make the movement indicated by the arrow. Vehicular traffic facing a steady red signal or a steady red arrow must stop at the near side of the intersection at a clearly marked stop line. If there is no stop line, traffic must stop before entering any crosswalk. If there is

no crosswalk, traffic must stop before entering the intersection. Traffic must remain stopped until a signal to proceed is displayed.

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. 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.

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.

Background: Traffic control signal monitoring systems, also known as red light cameras, are automatic camera systems that photograph vehicles that run red lights. In September 2001, a San Diego Superior Court judge ruled that a red light camera system operated by a private company on behalf of the city of San Diego was unreliable, that a conflict of interest arose because the company received payment based on the number of citations issued, and that the system may be in conflict with a California state law that forbids law enforcement activities from being contracted to private companies. However, the judge also ruled that red light cameras do not violate a person's constitutional right to privacy and that the city has the constitutional right to operate red light cameras.

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.

In Maryland, the first jurisdiction to install red light cameras was Howard County, which began using them in 1998. Since 1998 and through 2002, Howard County reports a 13% reduction in accidents at automated enforcement intersections. Before cameras were installed, there were 915 accidents at intersections throughout the county. After cameras were installed, the number of accidents declined to 796. Additionally, the number of red

light running incidents dropped substantially. Throughout the county, there were 9,054 incidents before cameras were installed. After cameras were installed, the number of incidents dropped to 2,634.

State Fiscal Effect: To the extent that red light camera system use is restricted, fewer citations would be issued overall, fewer cases would go to District Court, and fewer fines and penalties would be assessed and collected for transportation-related special funds. The amount of revenues collected by the District Court attributable to fines assessed for red light camera violations is not known. However, the decrease in State general fund revenues is expected to be minimal.

Except for monitoring cameras located at toll facilities, the State does not currently operate red light cameras. The Department of Transportation reports that it would experience no fiscal impact from this bill. Requests from local jurisdictions to connect photo red light systems to the State Highway Administration (SHA) traffic control signals would decline under this bill. It is estimated that new camera installations would be about 15 per year. SHA incurs costs for location review, monitoring installations, and providing power, but these costs are reimbursed by the local jurisdictions, which pay a fee of \$900 per installation.

Local Effect: Several local jurisdictions, including Baltimore, Howard, Montgomery, and Prince George's counties, currently operate red light camera systems. Montgomery County estimates a net revenue loss of \$7.37 million for fiscal 2004 from not operating its cameras (45 cameras at 50 locations). Prince George's County reports net revenues of \$803,973 in fiscal 2002 and advises that revenues have been declining recently. Somerset and Frederick counties report that they currently do not operate red light cameras at any of their intersections.

Montgomery County advises that this bill would end its current red light system because cameras are not located in school zones and at railroad crossings, but at high traffic volume intersections that have a history of red light running and vehicular accidents. Montgomery County reports that its police department would eliminate all staff assigned to work on their photo red light program.

All counties pay the vendors that operate the systems according to the number of billable citations issued.

Additional Information

Prior Introductions: This bill is a reintroduction of SB 28 from the 2002 session. SB 28 was referred to the Judicial Proceedings Committee, where it received an unfavorable report.

Cross File: None.

Information Source(s): Somerset County, Montgomery County, Prince George's County, Howard County, Department of State Police, Department of Transportation, Frederick County, Maryland Association of Counties, National Conference of State Legislatures, Department of Legislative Services

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Analysis by: Karen D. Morgan

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