

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 617 (Charles County Delegation)
Environmental Matters

**Vehicle Laws - Violations Recorded by Traffic Control Signal Monitoring Systems
- Penalty**

This bill increases the maximum civil penalty from \$100 to \$120 if a driver is recorded by a traffic control monitoring system entering an intersection against a red signal indicator.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues from contested cases heard in the District Court. Expenditures would not be affected.

Local Effect: Potential increase in net revenues from operation of traffic control signal monitoring systems, if local jurisdictions imposed the maximum fine.

Small Business Effect: None.

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, subject to certain exceptions, 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. From 1993 to 2000, before cameras were installed throughout the county, there were 915 accidents at Howard

County intersections. From 1998 to 2002, after cameras were installed, the number of accidents at those intersections declined 13% to 796. Additionally, the number of red light running incidents dropped substantially. Throughout the county, from 1993 to 2000, there were 9,054 incidents before cameras were installed. After cameras were installed, the number of incidents at those intersections dropped 70% to 2,634. There is, however, little available data to demonstrate a positive correlation between the presence of automated enforcement systems and greater safety in the form of reduced injuries or fewer accidents.

State Revenues: State revenues could increase if more contested cases are heard at the District Court. However, the increase in State general fund revenues is expected to be minimal.

Local Effect: Several local jurisdictions, including Baltimore, Charles, Howard, Montgomery, and Prince George's counties, currently operate red light camera systems. Montgomery County advises that the civil penalty in that jurisdiction for violating a red light signal as recorded by a red light camera system is \$75. The county advises it may increase the civil penalty to \$90, but that increase would be authorized under current law. Charles County advises that the bill could generate \$45,000 to \$50,000 in additional revenue.

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

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County, Prince George's County, Garrett County, Dorchester County, Charles County, Judiciary (Administrative Office of the Courts), Baltimore County, Anne Arundel County, Department of Legislative Services

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