

Department of Legislative Services
 Maryland General Assembly
 2004 Session

FISCAL AND POLICY NOTE

House Bill 730 (Delegate Burns, *et al.*)
 Environmental Matters

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

This bill requires the placement of not more than two “speed monitoring systems” on that portion of Liberty Road, Route 26, which is within the boundaries of Baltimore County.

The bill provides for the entity that installs, operates, or maintains signs and cameras to be reimbursed for its expenditures in setting up the speed monitoring systems, then requires that any remaining revenues accruing to Baltimore County be distributed to specified State funds. The bill terminates on September 30, 2007.

Fiscal Summary

State Effect: Special fund revenues for transportation-related funds could increase significantly from additional fines paid to the District Court. Significant increase in special fund revenues for the Maryland Emergency Medical System Operations Fund (MEMSOF), or, in the alternative, the Maryland Trauma Physicians Fund. General fund expenditures increase by \$92,000 in FY 2005 for personnel to process contested speed camera citations. A significant number of additional citations could increase administrative expenditures for the Motor Vehicle Administration (MVA). Out-years include inflation, annualization, and termination.

(in dollars)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
SF Revenue	-	-	-	-	\$0
GF Expenditure	92,000	126,400	134,300	36,000	0
SF Expenditure	-	-	-	-	0
Net Effect	(\$92,000)	(\$126,400)	(\$134,300)	(\$36,000)	\$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. **This bill imposes a mandate on local government.**

Small Business Effect: Potential minimal.

Analysis

Bill Summary: This bill requires that Baltimore County place no more than two 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 Baltimore County to post signs on Liberty Road, Route 26, that include the notice "speed monitoring cameras in operation." The signs 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.

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). Any fines or penalties from contested cases are collected by the District Court and remitted to the Comptroller for distribution to various transportation-related funds, as per current law.

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.

The bill requires Baltimore County to use the revenues generated from speed camera enforcement prepaid penalties to reimburse any costs incurred by an entity that installs, operates, or maintains signs and cameras and processes recorded images and citations. Baltimore County must then distribute any remaining revenues accruing to Baltimore County to MEMSOF if the termination provision specified in Section 9, Chapter 385 of 2003 takes effect. If that termination provision does not take effect, then Baltimore County must distribute its remaining revenues to the Maryland Trauma Physician Services Fund.

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, 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. New York authorizes cities with a population in excess of 1 million to operate automated enforcement demonstration projects with a maximum of 50 intersections. 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 and other moving violations.

During 2003, legislatures in 19 states considered more than 50 bills on automated traffic enforcement. In many jurisdictions, the constitutionality of automated enforcement has been challenged. To date, all court challenges have been unsuccessful. Automated speed enforcement systems are used extensively throughout Europe and in Australia.

State Revenues: 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. Those revenues would go to various transportation-related funds.

Other special fund revenues could also increase significantly. The bill requires fines from uncontested cases to be paid to MEMSOF if the termination provision in Chapter 385 of 2003 takes effect after expenses are paid. If the termination provision does not take effect, then revenues must be paid to the Maryland Trauma Physician Services Fund until September 30, 2007, the termination date of the bill.

Baltimore County did not respond to repeated requests to comment on the fiscal impact of this bill. Therefore, the estimate is based on data that was provided for HB 682, a similar bill from the 2003 session. For that bill, Baltimore County advised that daily traffic volume at the intersections of Liberty and Essex Roads was about 20,000 vehicles per day. Baltimore County estimated that up to 1,800 citations per day could be issued in the first two months of operation, and, as people modified their behavior, the citations might decline to 1,200 per day. Given the experience to date with the District of Columbia, where revenues from speed cameras far exceeded expectations, about 70% of those cited could prepay speed citations issued under this bill. Based on this, before reimbursement to the entity that administers the speed camera program, about \$32 million annually could be realized if about 70% of the drivers prepay the citations.

State Expenditures: General fund expenditures could increase by \$92,023 for three court clerks to process the additional citations required by this bill. The citations would be processed manually. Based on the estimate of 1,800 citations being issued per day at this location, the Baltimore County District Court could expect to process 180 to 200 citations per day. Expenditures for this function would end on September 30, 2007, the termination date for this bill.

The Department of Legislative Services (DLS) advises, however, 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 could 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: Under the bill, Baltimore County would be responsible for the installation of signs and no more than two speed camera systems along Maryland Route 26, Liberty Road, in Baltimore County. The State Highway Administration estimates the cost for two speed systems, 20 signs, and traffic studies at \$150,000. Ongoing operating costs would also have to be financed. DLS advises that the costs for speed camera systems could be reduced if Baltimore County modifies existing traffic cameras along Liberty Road to record speed as well as red light violations.

It is assumed that Baltimore County would be responsible for the operation of the two speed cameras that would be 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. Revenues will vary depending on the tolerances set by speed camera systems and how precisely the cameras are calibrated. In any event, the revenues generated by the speed cameras would be able to reimburse Baltimore County for any administrative expenses, and generate significant net revenues as well.

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: This bill is similar to HB 682 from the 2003 session. HB 682 was referred to the Environmental Matters Committee, where it received an unfavorable report.

Cross File: None.

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

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