

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 858 (Delegate Burns, *et al.*)
Environmental Matters

Vehicle Laws - Baltimore County - Speed Monitoring Systems - Liberty Road

This bill authorizes the use of speed monitoring systems on Route 26 in Baltimore County to identify and issue citations to persons who are recorded exceeding, by at least 10 miles per hour, a posted speed limit.

Any remaining local revenues after reimbursement of costs for the installation, operation, and maintenance of speed cameras and the processing of recorded images and citations must be allocated to the Maryland Trauma Physician Services Fund.

The bill has prospective application. The Baltimore County Council must report to the General Assembly by December 31, 2010, on the effectiveness of speed monitoring systems in Baltimore County.

Fiscal Summary

State Effect: Special fund revenues could increase significantly from additional fines paid to the District Court. Special fund revenues allocated to the Maryland Trauma Physician Services Fund could increase significantly. Transportation Trust Fund (TTF) revenues could increase minimally from Motor Vehicle Administration (MVA) fees. A significant number of additional citations could increase personnel and other administrative expenditures for the 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, revenues would be sufficient to cover expenditures for speed monitoring systems.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: Unless a police officer issues a citation, this bill authorizes Baltimore County to issue citations to drivers for speeding based on recorded images collected by automated speed monitoring systems. A “speed monitoring system” is a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at least 10 miles per hour above the posted speed limit. The recorded image must include two time-stamped images of the vehicle with a stationary object, show the rear of the motor vehicle, and clearly identify the registration plate number of the motor vehicle on at least one image or portion of tape.

The bill applies to speeding violations that occur on that portion of Liberty Road, Route 26 that is within the boundaries of Baltimore County. The bill establishes a maximum civil penalty of \$40. The bill specifies training and recordkeeping requirements for speed monitoring system operators, including the performance of calibration checks as specified by the system manufacturer, and an annual calibration check performed by an independent laboratory.

A person who receives a citation by mail may pay the specified civil penalty directly to the Baltimore County Office of Budget and 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. Except as otherwise provided, the local police departments of Baltimore County are 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 on the applicable roadways as specified, sworn to, or affirmed by a police officer of the local police department of Baltimore County is evidence of the facts and is also admissible at trial. If a person who received a citation wants the speed monitoring system operator to testify at trial, the person must notify the court and the State in writing no later than 20 days before 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 requested, that the person cited was not operating the vehicle at the time of the violation

and that divulges the name, address, and, if possible, the driver's license number of the person who was driving. The person who was driving may then receive a citation.

If the fine is not paid and the violation is not contested, the MVA may refuse to register or transfer the registration, or may suspend the registration of the motor vehicle. A violation may be treated as a parking 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.

In consultation with the Baltimore County Office of Budget and Finance, and the local police departments, the Chief Judge of the District Court must adopt procedures for citations, civil trials, and the collection of civil penalties. The contractor's fee for a speed enforcement system may not be contingent on the number of citations issued.

The bill requires Baltimore County to use revenues paid to the county to reimburse any costs incurred by an entity that installs, operates, or maintains speed signs and cameras and processes recorded images and citations. Remaining revenue paid to Baltimore County must be distributed to the Maryland Trauma Physician Services Fund. The Baltimore County Council must report to the General Assembly on the effectiveness of speed monitoring systems by December 31, 2010.

Current Law: With the exception of Montgomery County, State law does not authorize the operation of speed monitoring systems.

In Montgomery County, citations to drivers may be issued for speeding based on recorded images collected by automated speed monitoring systems. A "speed monitoring system" is a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at least 10 miles per hour above the posted speed limit. The recorded image must include two time-stamped images of the vehicle with a stationary object, show the rear of the motor vehicle, and clearly identify the registration plate number of the motor vehicle on at least one image or portion of tape. Automated speed camera citations may be issued in Montgomery County for violations that occur (1) on a highway in a residential district with a maximum posted speed limit of 35 miles per hour; or (2) in an established school zone. The maximum civil penalty for an automated speed citation is \$40. Montgomery County must adhere to specified training and recordkeeping requirements for speed monitoring system operators, including the performance of calibration checks as specified by the system manufacturer, and an annual calibration check performed by an independent laboratory. 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.

The purpose of the Maryland Trauma Physician Services Fund is to subsidize the documented costs of uncompensated and undercompensated care provided by trauma physicians, to subsidize the documented costs incurred by trauma centers to maintain trauma physicians on-call, and to adequately administer the fund and audit reimbursement requests. The Maryland Health Care Commission and the Health Services Cost Review Commission are responsible for administration of the fund. The fund consists of motor vehicle registration surcharges.

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, although the vendors would not be paid based on the number of citations.

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 has an extensive automated enforcement program for speeding and other moving violations.

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 an uncontested penalty would be paid directly to the Baltimore County Office of Budget and Finance, the effect on State special fund revenues could still be significant. Any increase in revenues would result from penalties paid to the District Court for contested cases and would be distributed to various transportation-related funds.

According to District Court records, in fiscal 2005, 47,985 speeding tickets were issued and 25,611 trials were held in Baltimore County for speeds exceeding 10 miles per hour. The number of violations that occurred in the traffic corridor defined by the bill is unknown. However, Baltimore County estimates that 100 citations per day could be issued in the Liberty Road corridor. It is likely that the majority of people would pay the \$40 fine rather than contest the citation. *By way of illustration*, if automated speed enforcement generated 100 citations per day and 10% of those cited chose to contest the fine, the District Court could process about 3,650 trials under the bill. If all of those drivers were found guilty and received the \$40 penalty, special fund revenues could increase by \$146,000.

Special fund revenues that must be allocated to the Maryland Trauma Physician Services Fund could increase significantly. Baltimore County advises that it expects to attain \$1,460,000 in revenues from uncontested speed camera citations. Assuming that 10% of drivers who receive citations would contest them, revenues collected by Baltimore County would be \$1,314,000. The bill requires Baltimore County to use its proceeds to reimburse the costs for implementing speed cameras. Baltimore County estimates that its fiscal 2007 personnel expenditures would be \$179,969, based on implementing a mobile system. The county did not provide an estimate of costs for a static or pole-based speed monitoring system or maintenance of any such system. Nevertheless, *by way of illustration*, if Baltimore County attained \$1,314,000 from speed camera citations and deducted its anticipated known expenditures of \$179,969 then as much as \$1,134,031 could be allocated to the Maryland Trauma Physician Services Fund.

TTF revenues could increase minimally under this bill. Under this bill, speeding violations through automated enforcement are treated as parking violations. An individual who does not pay the speeding fine by the deadline or contest the fine is subject to having a flag placed on his/her driving record. Removal of the flag requires payment of the fine as well as a \$30 flag removal fee.

State Expenditures: The District Court advises that because more people contest speeding violations than red light violations, the bill could have a substantial operational

impact on the District Court. However, the Department of Legislative Services (DLS) advises there is a much greater likelihood that violators will choose to pay the fine rather than appear in court 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 \$40. Accordingly, DLS advises that the District Court could process contested violations with existing resources.

The District Court advises that an additional \$1.2 million in fiscal 2007 and \$1.2 million in fiscal 2008 should be provided to implement an automated civil citation data processing system (total cost \$2.4 million). DLS disagrees with this assessment. Because the bill extends authority for automated speed enforcement systems to only one additional county, a new computerized civil citation data processing system is not required by the provisions of this bill.

For similar legislation, the State Highway Administration (SHA) has advised that, if speed enforcement systems are used on State highways in residential areas, SHA may need to confirm that the speed limit of 35 miles per hour was established with generally accepted engineering principles. However, SHA should be able to handle any confirmation requests within existing resources.

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 workload standard is that for every 10,000 registration suspensions and/or reinstatements that may occur as a result of the bill, one additional administrative position is required. 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 Baltimore County implements speed monitoring systems, revenues would increase significantly and expenditures would also increase.

Under this bill, Baltimore County anticipates fiscal 2007 revenue of \$1,460,000 assuming that all citations are uncontested. If 10% of those drivers receiving citations contested them, then Baltimore County could collect revenues of \$1,314,000, based on 100 citations per day, most of which would be allocated to the Maryland Trauma Physician Services Fund. Uncontested citations would be \$40. Each mobile unit operating would likely capture 100 events per day, but the number of events would likely be reduced in future years as people became accustomed to the presence of speed cameras and modified their behavior.

Personnel expenditures in Baltimore County for fiscal 2007 are expected to be \$179,969. The program would be staffed by three people, including a law enforcement officer, an account clerk, and an administrative staff person. As noted above, Baltimore County advises that if the speed camera enforcement program is successful, revenues will decline in future years as the number of citations is reduced.

Small Business Effect: For similar legislation, the Maryland Automobile Insurance Fund has advised that if speeding cameras replace a significant number of police-issued tickets, insurance carriers writing policies in Baltimore 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: This bill is similar to HB 630 of 2005, which was heard in the House Environmental Matters Committee, but received no further action. This bill is also similar to HB 730 of 2004 and HB 682 of 2003, both of which received unfavorable reports from the House Environmental Matters Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Baltimore County, National Conference of State Legislatures, Maryland Department of Transportation, Maryland Automobile Insurance Fund, Department of Legislative Services

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