

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

Senate Bill 730

(Senator Mooney)

Judicial Proceedings

Vehicle Laws - Traffic Control Signal Monitoring Systems and Speed Monitoring Systems - Defenses

This bill authorizes the District Court to consider, as a defense against a citation from a traffic control monitoring system, that the driver passed through the intersection in response to a health-related emergency or that a truck obstructed the driver's view and the driver could not see the steady red signal. In Montgomery County, the District Court is authorized to consider as a defense against a citation from a speed monitoring system that the driver was speeding in response to a health-related emergency.

Fiscal Summary

State Effect: Potential minimal reduction in special fund revenues to the extent that the proposed defenses reduce the number of paid automated traffic signal and speed enforcement citations. The provisions of this bill could be implemented with existing resources.

Local Effect: Potential minimal reduction in revenues to the extent that the proposed defenses reduce the number of paid automated traffic signal and speed enforcement citations. The provisions of this bill could be implemented with existing resources.

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.

The District Court may consider in defense of a violation that the driver of the vehicle passed through the intersection to yield the right-of-way to an emergency vehicle or as part of a funeral procession. The District Court may consider that the motor vehicle or registration plates were stolen, but a timely police report about the theft must be submitted. That the citation is unenforceable because the traffic control signal was not in the proper position and legible enough to be seen by an ordinarily observant individual may also be considered. The District Court may consider that the person named in the citation was not operating the vehicle at the time of the violation. Satisfactory evidence to support that allegation must be provided to the District Court. The evidentiary burden is greater if the citation involves trucks, trailers, passenger buses, or tractor-trailer combination vehicles. Any other issues and evidence that the District Court deems pertinent may also be considered.

Montgomery County is the only jurisdiction authorized 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.

In defense against a citation from a speed enforcement system, the District Court may consider the defense that the motor vehicle or registration plates were stolen, but a timely police report must be filed. That the person named in the citation was not operating the vehicle at the time of the violation may also be considered. 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; that divulges the name, address, and if possible, the driver’s license number of the person who was driving; and that includes any other corroborating evidence.

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 and distributed to various transportation-related funds.

Background: Traffic control signal monitoring systems, or 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. Lawsuits from other jurisdictions that have challenged the constitutionality of automated traffic systems have been unsuccessful.

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 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 most other moving violations. Arizona, Colorado, and Illinois are other states that allow automated enforcement for speed violations. While Arizona allows automated speed enforcement statewide, Illinois allows automated speed enforcement only in construction zones or on toll roads. In Colorado, this type of enforcement is allowed only in school zones, residential areas, or adjacent to municipal parks. Automated speed enforcement systems are used extensively throughout Europe and in Australia.

Some states have limited or banned automated traffic enforcement, while others have considered authorizing or expanding it. According to the Governors Highway Safety Association, 20 states and the District of Columbia have provisions related to photo enforcement of red light compliance. Only some of those states, including Maryland, authorize red light cameras on a statewide basis. Virginia had also authorized automated traffic enforcement of red lights by local governments; however, that authority expired in July 2005. In Virginia's 2007 legislative session, legislation is under consideration to reinstate automated red light enforcement. Arkansas prohibits automated enforcement unless it occurs in school zones or at rail crossings. An officer must be present to issue a citation at the time of the violation. Nevada prohibits photographic recording of traffic violations unless the equipment is in use by an officer or is installed at a law enforcement agency. In New Hampshire, a specific statutory authorization is required, otherwise automated enforcement is prohibited. New Jersey, West Virginia, and Wisconsin

specifically prohibit any type of photo-radar enforcement. Thirty states have no provisions related to automated enforcement.

In Maryland, the first jurisdiction to install red light cameras was Howard County, which began using them in 1998. From 1998 through 2002, Howard County reported a 13% reduction in accidents at automated enforcement intersections. Other local jurisdictions that have installed red light cameras in Maryland include Anne Arundel, Baltimore, Charles, Harford, Montgomery, Prince George's, and Wicomico counties and Baltimore City.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City, Wicomico County, Allegany County, Montgomery County, Prince George's County, Talbot County, Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Governors Highway Safety Association, Department of Legislative Services

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