

**Department of Legislative Services
Maryland General Assembly
2007 Session**

FISCAL AND POLICY NOTE

Senate Bill 884 (Senator Mooney)
Judicial Proceedings

Vehicle Laws - Traffic Control Signal Monitoring Systems and Speed Monitoring Systems - Points and Insurance

This bill requires the Motor Vehicle Administration (MVA) to assess points against drivers who receive citations from red light camera or speed camera automated enforcement. It also repeals provisions prohibiting the consideration of civil penalties imposed for such citations for the purpose of motor vehicle insurance coverage.

Fiscal Summary

State Effect: Minimal increase in Transportation Trust Fund (TTF) revenues from additional license suspensions and revocations. Potential significant general fund expenditure increase in the Judiciary for additional personnel due to additional trials that could be generated by the bill. TTF expenditures increase \$159,700 in FY 2008 for additional personnel to handle mandatory driver conferences. Out-year expenditures reflect annualization and inflation.

(in dollars)	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
SF Revenue	-	-	-	-	-
GF Expenditure	-	-	-	-	-
SF Expenditure	159,700	181,300	191,400	202,100	213,500
Net Effect	(\$159,700)	(\$181,300)	(\$191,400)	(\$202,100)	(\$213,500)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Potential significant reduction in revenues to the extent that additional court cases reduce the revenue that would otherwise accrue to local governments.

Small Business Effect: Potential significant increase in revenues to the extent that insurance companies assess higher premiums to drivers that receive automated citations.

Analysis

Bill Summary: After the imposition of a civil penalty pursuant to a red light or speeding violation recorded by a camera, the MVA is required to assess points. The MVA does not currently define a red light violation recorded by a camera as a moving violation. If the MVA defines this offense as a moving violation, then one point would be assessed if the offense did not contribute to an accident and three points would be assessed if the offense contributed to an accident, since the bill does not allocate a specific point total to this statutory violation.

The bill includes the imposition of a civil penalty relating to a red light or speed camera citation to existing provisions relating to point accumulation and license revocation.

The bill repeals provisions which establish that a civil penalty issued pursuant to a red light camera is not a moving violation for the purpose of assessing points, may not be recorded on the driving record of the owner or driver of the vehicle, and may not be considered for the purpose of providing motor vehicle insurance coverage. Accordingly, a violation of a steady circular red signal or a steady red arrow signal which is recorded by a red light camera and for which a civil penalty is imposed may be considered a moving violation for the purpose of assessing points, may be recorded on the driving record of the owner or driver of the vehicle, and may be considered in the provision of motor vehicle insurance coverage.

The bill repeals provisions which establish that a civil penalty issued pursuant to a speed camera citation in Montgomery County is not a moving violation for the purpose of assessing points and may not be considered in the provision of motor vehicle insurance coverage. Accordingly, a violation of a speed limit that is recorded by a speed camera in Montgomery County may be considered a moving violation for the purpose of assessing points and may be considered in the provision of motor vehicle insurance coverage. However, a speed camera violation for which a civil penalty is imposed in Montgomery County may not be recorded by the MVA on the driving record of the owner or driver of the vehicle.

Current Law:

The Assessment of Points: State law specifies that a “moving violation” is defined in regulations adopted by the MVA for the purpose of assessing points. The Code of

Maryland Regulations contains a listing of all offenses defined as moving violations by the MVA. For any offense defined as a moving violation that is not given a specific point total in State law and does not contribute to an accident, one point must be assessed. If the offense contributes to an accident, three points must be assessed.

The offense of speeding is defined as a moving violation and is given a specific point total in State law, depending on the seriousness of the offense. Speeding in excess of the posted speed limit by 10 miles per hour or more requires the MVA to assess two points on the driver's record. Speeding in excess of the posted speed limit by 30 miles per hour or more requires the MVA to assess five points against the driver's record.

Points for traffic offenses remain on the driver's record for two years. A driver who accumulates three or more points in a two-year period receives a warning letter about point accumulation from the MVA. A driver who accumulates five or more points in a two-year period must attend a mandatory driver conference. A driver who receives eight or more points in a two-year period is subject to suspension of the driver's license. The accumulation of 12 or more points in a two-year period subjects the driver to license revocation.

Automated Enforcement – Red Light Cameras: 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 of up to \$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 signal monitoring system is not a moving violation and may not be considered for purposes of motor vehicle insurance coverage. However, the civil penalty may be treated as a parking violation, so if the civil penalty is not paid and the violation is not contested, the MVA may refuse to register or reregister the vehicle, or may suspend the registration of the motor vehicle.

Automated Enforcement – Speed Cameras: 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.

Automated speed enforcement applies to speeding violations in Montgomery County 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 is \$40. A violation recorded only by a speed enforcement system is not a moving violation and may not be considered for purposes of motor vehicle insurance coverage. However, the civil penalty may be treated as a parking violation, so if the civil penalty is not paid and the violation is not contested, the MVA may refuse to register or reregister the vehicle, or may suspend the registration of the motor vehicle.

Payment of Civil Penalties: Generally, a traffic control signal or speed enforcement citation must be mailed no later than two weeks after the alleged violation. 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 disbursed to various transportation-related funds.

Background:

Red Light Cameras: 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.

Speed Camera Enforcement: 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.

State Activity: 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 its 2007 legislative session, Virginia reinstated 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. The extent to which other jurisdictions treat automated enforcement citations as moving violations that are subject to point assessment is unknown.

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.

State Fiscal Effect: According to the District Court and the MVA, 16,710 citations were issued statewide in fiscal 2006 for failure to stop at a steady red signal or arrow. In Montgomery County, 111,251 speeding citations were issued in fiscal 2006. Of the speeding citations issued, 55,618 tickets were for violations of less than 10 miles per hour and would not be subject to this bill. Of the remaining 55,633 violators, 1,741 received citations for exceeding the speed limit by 30 or more miles per hour and had to attend mandatory driver conferences.

Historical data from the District Court indicate that, on average, about 20 automated enforcement citations are issued for one personally issued citation by a law enforcement officer. Accordingly, an estimated 334,200 red light camera citations issued statewide could be subject to points and notification of those citations could be sent to insurance companies. In Montgomery County, the estimated number of speeding citations subject to points and notification to insurance companies could be 1,112,660. Of that number, the drivers who could receive five points for exceeding the posted speed limit by 30 miles per hour or more could be 34,820.

State Revenues: Minimal increase in TTF revenues in fiscal 2008 and annually thereafter from those drivers who pay to renew or reinstate their driver’s license after any suspensions or revocations that occur due to the accumulation of 8 points or 12 points within a two-year period. The number of renewals and reinstatements cannot be reliably estimated at this time.

State Expenditures:

Motor Vehicle Administration: TTF expenditures could increase by an estimated \$159,736 in fiscal 2008, accounting for the bill’s October 1, 2007 effective date. The estimate reflects the cost of hiring four customer service agents to handle the additional 34,820 mandatory driver conferences that could be generated by this bill. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	4
Salaries and Fringe Benefits	\$131,306
Other Operating Expenses	<u>28,430</u>
Total FY 2008 State Expenditures	\$159,736

Future year expenditures reflect full salaries with 4.5% annual increases and 3% employee turnover; and 1% annual increases in ongoing operating expenses.

Judiciary: General fund expenditures could increase significantly as the bill's provisions could cause a significant increase in the number of hearings in the District Court. Additional clerks would be required to address the workload. The District Court advises that because automated citations are manually processed, a significant backlog could result. The impact cannot be reliably quantified at this time.

Local Effect: Allegany, Montgomery, and Wicomico counties report that the bill's provisions would have no fiscal impact. Prince George's County reports that the bill would have a significant impact. If points are issued for red light camera citations, court cases in Prince George's County would increase greatly and the payment of fines from the citations would be reduced.

Small Business Effect: Insurance carriers would have information on driver behavior for rate setting and coverage considerations that is not available under current law. Insurance companies could accrue significant additional revenue from higher premiums and reduce potential losses by excluding drivers who receive automated enforcement citations.

Additional Comments: The Department of Legislative Services advises that the recording of points for red light camera and speed camera citations is treated differently in the bill. For red light camera citations, the bill repeals language which prohibits the citation from being recorded as a moving violation and being recorded on the driver's record. However, for speed camera citations, the bill only repeals the language prohibiting the citation from being recorded as a moving violation. The prohibition against recording the violation on the driver's record is *not* repealed by the bill. The MVA advises that the process of assessing points requires that the points not only be recorded on the driver's record but remain on the driver's record for two years. Also, insurance companies would review the driving record to determine what points exist for the consideration of rates and coverage. The District Court also advises that without officer identification, it would be difficult to prove who was driving a vehicle at the time the citation was issued.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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