

SB0963/988679/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 963
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike “limiting” and substitute “requiring Prince George’s County, municipal corporations in Prince George’s County, and the Comptroller to distribute certain funds in a certain manner; altering the speed of a motor vehicle at which a speed monitoring system will produce a recorded image of the vehicle on a residential highway; prohibiting in Prince George’s County the use of a speed monitoring system unless authorized by the County Council or, if applicable, the governing body of a municipal corporation in Prince George’s County by ordinance or resolution adopted after reasonable notice and a public hearing; requiring a certain ordinance or resolution to provide for the issuance of warnings during a certain period for certain violations; authorizing”; in the same line, strike “to” and substitute “on”; in line 7, after “highways” insert “that have certain posted speed limits and that have been identified by local law enforcement agencies as significant dangerous locations based on certain data with certain exceptions; making an exception for certain interstate highways”; in line 8, after “County;” insert “adding to the list of defenses that the District Court of Prince George’s County may consider in defense of a certain violation;”; in line 27, strike “7-302(e),”; and after line 29, insert:

“BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 7-302(e)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)”.

AMENDMENT NO. 2

On page 3, after line 28, insert:

(Over)

“(4) (I) FROM THE FINES COLLECTED IN PRINCE GEORGE’S COUNTY AS A RESULT OF VIOLATIONS ENFORCED BY SPEED MONITORING SYSTEMS, THE PRINCE GEORGE’S COUNTY OFFICE OF FINANCE OR, IF APPLICABLE, A MUNICIPAL CORPORATION IN PRINCE GEORGE’S COUNTY:

1. MAY RECOVER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE SPEED MONITORING SYSTEMS; AND

2. SHALL REMIT THE BALANCE TO THE COMPTROLLER ON AN ANNUAL BASIS.

(II) THE COMPTROLLER SHALL DEPOSIT THE MONEY REMITTED UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH IN THE GENERAL FUND OF THE STATE.”.

AMENDMENT NO. 3

On page 6, in line 5, strike “10” and substitute “**12**”; in line 8, strike “This” and substitute “(I) SUBJECT TO SUBPARAGRAPH (II) AND PARAGRAPH (2) OF THIS SUBSECTION, THIS”; in line 12, strike “(i)” and substitute “**1.**”; in the same line, strike the brackets; in the same line, strike “**IN MONTGOMERY COUNTY, ON**”; in line 14, strike “1.” and substitute “**A.**”; in the same line, strike “35” and substitute “**45**”; in line 16, strike “2.” and substitute “**B.**”; in line 17, strike the brackets; in line 18, strike “(ii)” and substitute “**2.**”; strike beginning with “**PRINCE**” in line 18 down through “**IN**” in line 25; after line 25, insert:

“(II) IN PRINCE GEORGE’S COUNTY, THIS SECTION ALSO APPLIES TO A VIOLATION OF THIS SUBTITLE RECORDED BY A SPEED MONITORING SYSTEM THAT MEETS THE REQUIREMENTS OF THIS SUBSECTION AND HAS BEEN PLACED ON A HIGHWAY THAT:

- 1. IS NOT INTERSTATE HIGHWAY 95 OR 495;**
- 2. HAS A MAXIMUM POSTED SPEED LIMIT BETWEEN 46 AND 55 MILES PER HOUR, WHICH SPEED LIMIT WAS ESTABLISHED USING GENERALLY ACCEPTED TRAFFIC ENGINEERING PRACTICES; AND**
- 3. HAS BEEN IDENTIFIED BY A LOCAL LAW ENFORCEMENT AGENCY AS A SIGNIFICANT DANGEROUS LOCATION BASED ON ACCIDENT AND SPEEDING VIOLATION DATA.**

(2) (I) IN PRINCE GEORGE’S COUNTY, A SPEED MONITORING SYSTEM MAY NOT BE USED UNDER THIS SECTION UNLESS ITS USE IS AUTHORIZED BY AN ORDINANCE OR RESOLUTION ENACTED BY THE COUNTY COUNCIL OR THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN PRINCE GEORGE’S COUNTY AFTER REASONABLE NOTICE AND A PUBLIC HEARING.

(II) AN ORDINANCE OR RESOLUTION ADOPTED UNDER THIS PARAGRAPH SHALL PROVIDE THAT FOR A PERIOD OF AT LEAST 5 MONTHS AFTER THE FIRST SPEED MONITORING SYSTEM IS PLACED IN PRINCE GEORGE’S COUNTY, A VIOLATION MAY BE ENFORCED ONLY BY THE ISSUANCE OF A WARNING.”;

and in line 26, strike “(2)” and substitute “**(3)**”.

On page 7, in lines 1 and 9, strike “(3)” and “(4)”, respectively, and substitute “**(4)**” and “**(5)**”, respectively; and in line 24, strike “**\$75**” and substitute “**\$40**”.

AMENDMENT NO. 4

On page 9, in line 32, strike “and”; and in line 33, after “(iii)” insert “**SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THAT THE PERSON NAMED IN THE**

CITATION WAS A VOLUNTEER FOR AN AMBULANCE, FIRE, OR RESCUE COMPANY OR A LAW ENFORCEMENT AGENCY WHO WAS RESPONDING TO AN EMERGENCY SITUATION AT THE TIME OF THE VIOLATION; AND

(IV)”.

On page 10, after line 28, insert:

“(5) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE HEAD OF THE AMBULANCE, FIRE, OR RESCUE COMPANY OR LAW ENFORCEMENT AGENCY FOR WHICH THE PERSON WAS A VOLUNTEER, AND MAILED BY CERTIFIED MAIL RETURN RECEIPT REQUESTED, THAT STATES THAT THE PERSON NAMED IN THE CITATION WAS A VOLUNTEER AND WAS RESPONDING TO AN EMERGENCY AT THE TIME OF THE VIOLATION.”.

AMENDMENT NO. 5

On page 12, strike beginning with “AND” in line 12 down through “3.” in line 21; in lines 25 and 27, strike “4.” and “5.”, respectively, and substitute “3.” and “4.”, respectively; strike beginning with “for” in line 27 down through “Act,” in line 29; and strike beginning with the colon in line 30 down through “(2)” in line 33.

On page 13, in lines 1, 9, and 13, strike “6.”, “7.”, and “8.”, respectively, and substitute “5.”, “6.”, and “7.”, respectively.