

BY: Conference Committee

AMENDMENTS TO SENATE BILL 269
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “counties” insert “and municipalities”; in line 11, after “hearing;” insert “requiring a county, before using a speed monitoring system at certain locations, to obtain certain approval, provide certain notice, and provide a municipal corporation instead of the county the opportunity to use a speed monitoring system at the locations;”; strike beginning with “adding” in line 16 down through “violation;” in line 17 and substitute “requiring a certain speed monitoring system placed in a certain location to be calibrated to only record images of motor vehicles traveling at or above a certain speed; repealing a certain requirement that an individual provide certain information to satisfy a certain evidentiary burden;”; strike beginning with “requiring” in line 20 down through “manner;” in line 21; in line 24, strike “providing that” and substitute “requiring the Comptroller to distribute to the State Highway Administration”; and in line 25, strike “shall” and substitute “in an amount to cover the costs of implementing and administering the work zone speed control system”.

On page 2, strike beginning with “be” in line 1 down through “manner” in line 2; in line 5, after “calibration;” insert “requiring the procurement of a work zone speed control system by a unit of State or local government to be conducted in a certain manner;”; in line 6, strike the second “certain” and substitute “reasonable”; in line 39, after “systems;” insert “requiring certain State and local entities to administer and process civil citations issued under this Act in consultation with the District Court;”; in line 43, after “correction;” insert “restricting the use of certain revenues generated by this Act; requiring a local jurisdiction to remit revenue generated from the use of speed monitoring systems to the Comptroller for deposit to the General Fund of the State if the revenue is not spent within a certain period of time; requiring a political subdivision to submit a certain report under certain circumstances;”; and in line 46,

(Over)

after “Act;” insert “providing that certain provisions of this Act do not apply to certain speed monitoring systems in Montgomery County;”.

AMENDMENT NO. 2

On page 4, in line 28, strike “**OR A SPEED MONITORING SYSTEM**”.

On pages 4 and 5, strike in their entirety the lines beginning with line 37 on page 4 through line 5 on page 5, inclusive, and substitute:

“(4) (I) FROM THE FINES COLLECTED BY A POLITICAL SUBDIVISION AS A RESULT OF VIOLATIONS ENFORCED BY SPEED MONITORING SYSTEMS, A POLITICAL SUBDIVISION:

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

2. SUBJECT TO SUBPARAGRAPHS (II), (III), AND (IV) OF THIS PARAGRAPH, MAY SPEND ANY REMAINING BALANCE SOLELY FOR RELATED PUBLIC SAFETY PURPOSES, INCLUDING PEDESTRIAN SAFETY PROGRAMS.

(II) 1. IF A POLITICAL SUBDIVISION DOES NOT SPEND FUNDS ELIGIBLE TO BE SPENT IN ACCORDANCE WITH SUBPARAGRAPH (I)2 OF THIS PARAGRAPH WITHIN 2 YEARS AFTER THE END OF THE FISCAL YEAR IN WHICH THE FUNDS WERE COLLECTED, THE POLITICAL SUBDIVISION SHALL REMIT THE UNSPENT FUNDS TO THE COMPTROLLER ON AN ANNUAL BASIS.

2. THE COMPTROLLER SHALL DEPOSIT ANY MONEY REMITTED UNDER THIS SUBPARAGRAPH TO THE GENERAL FUND OF THE STATE.

(III) FUNDS SPENT IN ACCORDANCE WITH SUBPARAGRAPH (I)2 OF THIS PARAGRAPH SHALL BE USED TO SUPPLEMENT AND MAY NOT SUPPLANT EXISTING LOCAL EXPENDITURES FOR THE SAME PURPOSE.

(IV) IN ANY YEAR THAT A POLITICAL SUBDIVISION SPENDS FUNDS ELIGIBLE TO BE SPENT IN ACCORDANCE WITH SUBPARAGRAPH (I)2 OF THIS PARAGRAPH THE POLITICAL SUBDIVISION SHALL FILE A REPORT BY DECEMBER 1 OF THAT YEAR WITH THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY DETAILING THE AMOUNT AND PURPOSES OF THE EXPENDITURE.

On page 6, in line 1, strike “**THE STATE OR A**” and substitute “**A LOCAL**”; and in line 7, strike “**ENFORCE**” and substitute “**IMPLEMENT**”.

On page 13, in line 22, after the second “system” insert “**, INCLUDING A WORK ZONE SPEED CONTROL SYSTEM,**”; and in line 24, after “system” insert “**OR A WORK ZONE SPEED CONTROL SYSTEM**”.

AMENDMENT NO. 3

On page 6, in line 28, after “**CLEAR**” insert “**AND LEGIBLE**”; and in the same line, after the first “the” insert “**ENTIRE**”.

On page 7, after line 10, insert:

“(II) BEFORE A COUNTY MAY USE A SPEED MONITORING SYSTEM ON A STATE HIGHWAY AT A LOCATION WITHIN A MUNICIPAL CORPORATION, THE COUNTY SHALL:

1. OBTAIN THE APPROVAL OF THE STATE HIGHWAY ADMINISTRATION;

2. NOTIFY THE MUNICIPAL CORPORATION OF THE STATE HIGHWAY ADMINISTRATION’S APPROVAL OF THE USE OF A SPEED MONITORING SYSTEM AT THAT LOCATION; AND

(Over)

3. GRANT THE MUNICIPAL CORPORATION 60 DAYS FROM THE DATE OF THE COUNTY’S NOTICE TO THE MUNICIPAL CORPORATION TO ENACT AN ORDINANCE AUTHORIZING THE MUNICIPAL CORPORATION INSTEAD OF THE COUNTY TO USE A SPEED MONITORING SYSTEM AT THAT LOCATION.”;

in line 11, strike “(II)” and substitute “(III)”; in line 13, strike “5 MONTHS” and substitute “30 DAYS”; and in lines 17 and 28, strike “(III)” and “(IV)”, respectively, and substitute “(IV)” and “(V)”, respectively.

On page 16, in line 25, after “CLEAR” insert “AND LEGIBLE”; and in the same line, after the first “THE” insert “ENTIRE”.

AMENDMENT NO. 4

On page 17, in lines 16 and 17, strike “A POLICE OFFICER” and substitute “AN INDIVIDUAL”; in line 18, after “SYSTEM” insert “AND WHO IS:

(I) A POLICE OFFICER;

(II) A REPRESENTATIVE OF A LOCAL POLICE DEPARTMENT;

(III) A REPRESENTATIVE OF A STATE POLICE DEPARTMENT;

OR

(IV) A STATE HIGHWAY ADMINISTRATION CONTRACTOR;

and in line 25, after “LIMIT” insert “, ESTABLISHED USING GENERALLY ACCEPTED TRAFFIC ENGINEERING PRACTICES,”.

AMENDMENT NO. 5

On page 18, in line 3, strike “**WITHIN ONE-QUARTER OF A MILE**” and substitute “**AT A REASONABLE DISTANCE CONSISTENT WITH NATIONAL GUIDELINES**”.

AMENDMENT NO. 6

On page 19, after line 6, insert:

“(7) THE PROCUREMENT OF A WORK ZONE SPEED CONTROL SYSTEM BY A UNIT OF STATE GOVERNMENT SHALL BE CONDUCTED IN ACCORDANCE WITH TITLE 13, SUBTITLE 1 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.”

AMENDMENT NO. 7

On page 25, in line 9, strike “12-month” and substitute “30-day”; in line 14, strike “or deploys” and substitute “, deploys, or operates”; after line 28, insert:

“SECTION 8. AND BE IT FURTHER ENACTED, That § 21-809(b)(1)(i), (iii), and (v) of the Transportation Article, as enacted by Section 1 of this Act, does not apply to speed monitoring systems installed and operated in Montgomery County before October 1, 2008.”

and in line 29, strike “8.” and substitute “9.”.