

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

Senate Bill 963 (Prince George's County Senators)
Judicial Proceedings

Prince George's County - Safer Roads Act of 2008

This bill expands to Prince George's County the authorization for operation of speed monitoring systems. The maximum fine for a speed camera violation would be \$75. The systems could be placed on any highway with a posted maximum speed limit of 55 miles per hour and in school zones.

The bill has prospective application. The Prince George's County Police Department must submit a written report annually to the Prince George's County Delegation in the General Assembly by September 30 on enforcement activity, driver behavior, financial matters, and other relevant issues in the immediate preceding fiscal year related to the use of speed monitoring systems. The Prince George's County Council must report to the General Assembly by December 31, 2012 on the effectiveness of speed monitoring systems in Prince George's County.

Fiscal Summary

State Effect: Significant increase in special fund revenues from fines for contested citations collected by the District Court. Transportation Trust Fund revenues could significantly increase due to flag removal fees for nonpayment of citations. TTF expenditures could minimally increase for additional personnel to flag vehicle registrations for nonpayment. Minimal increase in general fund expenditures in the District Court for additional trials and clerical time for notifications and fee collection. A significant number of additional citations could increase personnel and other administrative expenditures for the Motor Vehicle Administration.

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, local revenues could significantly exceed the cost of implementation of speed monitoring systems in Prince George's County.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: Unless a police officer issues a citation, this bill authorizes Prince George's County to issue citations to drivers for speeding based on recorded images collected by automated speed monitoring systems.

The bill applies to speeding violations that occur on a highway in Prince George's County with a maximum posted speed limit of 55 miles per hour, as established using generally accepted traffic engineering practices, and in a school zone (defined as highways within a half-mile radius of any school). 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 Prince George's County Office of 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 Prince George's 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 Prince George's 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, 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 Prince George's County Office of 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 Prince George's County to use revenues from automated speed enforcement to increase local expenditures for public safety, beginning in fiscal 2009 and every subsequent fiscal year. Related public safety expenditures must be used to supplement and may not supplant existing local expenditures for the same purpose. For 90 days after deployment of the first speed monitoring system, the Prince George's County Police Department may only issue warnings for speed violations. The Prince George's County Police Department must implement and/or continue an extensive public education and awareness campaign about the use of speed monitoring systems in the jurisdiction.

Current Law: With the exception of Montgomery County, State law does not authorize the operation of 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 Montgomery County, citations to drivers may be issued for speeding based on recorded images collected by automated speed monitoring systems. Automated speed camera citations may be issued in Montgomery County for violations that occur • on a highway in a residential district with a maximum posted speed limit of 35 miles per hour; or • 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.

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 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. In addition to Illinois, Oregon, and Washington authorize automated speed enforcement in highway work zones. 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. 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. Most states have no provisions related to automated enforcement.

State Revenues: Although an uncontested penalty would be paid directly to the Prince George's County Office of Finance, the effect on State special fund revenues could still be significant. The 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 2007, 21,301 speeding tickets were issued and 9,373 trials were held in Prince George's County for violation of speed limits by more than 10 miles per hour. *Prince George's County did not respond to repeated requests to provide information on the fiscal impact of this bill.* Historical data from the District Court indicates that, for every citation personally issued by a police officer, 20 automated citations are issued. It is likely that fewer people would contest automated citations because they do not impose points, they are treated as parking tickets, and do not affect insurance rates. *By way of illustration,* assuming that speed camera systems were implemented throughout Prince George's County, as authorized by this bill, about 426,000 speeding citations could be issued. If about 5% of those cited, or 21,300, contested the penalty, and they were found guilty, then special fund revenues could increase by \$1,597,500 annually.

TTF revenues could also significantly increase under the bill from fees for removal of flags. 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 costs \$30. Based on the latest data from red light camera citations in Baltimore City, about 18.7% of issued citations are unpaid and result in a flag. If 95% of the 426,000 speed monitoring system citations are prepaid and the remaining are contested or unpaid, and 18.7% of those vehicle records receive flags, then it is likely that 3,983 vehicle registrations could receive flags, generating \$119,490 in TTF revenues annually. This estimate assumes that all drivers receiving flags would pay to have them removed.

State Expenditures: The District Court advises that this bill could have a substantial operational impact on the District Court. However, the Department of Legislative Services advises there is a much greater likelihood that violators would choose to pay the fine rather than appear in court because a citation issued by a speed monitoring system

- is not considered a moving violation for the purpose of assessing points against a driver's license;
- may not be considered in the provision of insurance coverage; and
- carries a maximum fine of \$75.

Accordingly, DLS advises that the District Court could experience an increase in workload due to additional trials, additional notifications, and the collection of fines in Prince George's County, but the overall impact is expected to be minimal.

For similar legislation, the State Highway Administration has advised that, if speed enforcement systems are used on State highways, SHA may need to confirm that the speed limit of 55 miles per hour was established with generally accepted engineering principles. However, SHA should be able to handle any confirmation requests within existing resources.

TTF expenditures could minimally increase due to additional personnel that may be needed to process flag removals and provide customer service. One customer service agent could process about 2,300 to 2,500 flagged vehicle registrations annually.

To the extent that Prince George's County issues more speeding citations that people fail to pay, MVA could expect an increase in the volume of vehicle registrations withheld, suspended, and reinstated. 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 at least \$1,000 in fines.

Local Fiscal Effect: To the extent that Prince George's County implements speed monitoring systems, revenues would increase significantly and expenditures would also increase. Revenues would significantly exceed implementation expenditures.

Because Prince George's County did not provide any information about the fiscal impact of this bill, there is no information as to whether and to what extent Prince George's County actually intends to install the speed camera systems authorized under this bill. Prince George's County is not obligated to implement any speed camera systems, as the bill only authorizes the installation of them. *By way of illustration*, if speed cameras were implemented throughout Prince George's County and 95% of the potential 426,000 citations were uncontested, then as many as 404,700 uncontested speed camera citations could be issued under this bill. Local revenues generated could exceed \$30.3 million. Net revenues to Prince George's County could not be reliably estimated since the county has not provided information on how many systems would be implemented under this bill, but they are expected to be significant.

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. However, since the bill would authorize speed camera installation on any road with a maximum speed limit of 55 miles per hour, revenues accruing to Prince George's County would still be significantly greater than implementation and maintenance expenditures.

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 Prince George's 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: Similar legislation, HB 472 of 2007, was referred to the House Environmental Matters Committee, but received no further action.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Governors Highway Safety Association, National Conference of State Legislatures, Department of Legislative Services

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