

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1198

(Howard County Delegation)

Environmental Matters

Howard County - Vehicle Laws - Speed Monitoring Systems
Ho. Co. 07-08

This bill expands to Howard County the authorization for operation of speed monitoring systems. In Howard County, 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 45 miles per hour and in school zones.

The bill has prospective application. The Howard County Police Department must submit a written report annually to the Howard 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 Howard County Council must report to the General Assembly by December 31, 2012 on the effectiveness of speed monitoring systems in Howard County. The bill terminates on September 30, 2013.

Fiscal Summary

State Effect: Special fund revenues could increase by \$999,000 in FY 2009 from contested automated enforcement citations. Transportation Trust Fund revenues could increase by \$74,700 in FY 2009 due to additional revenues for nonpayment of citations. Out-years assume a stable number of citations and include annualization. TTF expenditures could increase by \$55,500 in FY 2009 for additional personnel to flag vehicle registrations for nonpayment. Out-years assume a stable number of citations and include annualization. Minimal increase in general fund expenditures in the District Court for additional trials and clerical time for notifications and fee collection.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
SF Revenue	\$1,073,700	\$2,147,500	\$2,147,500	\$2,147,500	\$2,147,500
GF Expenditure	-	-	-	-	-
SF Expenditure	55,500	95,300	100,200	105,500	111,000
Net Effect	\$1,018,200	\$2,052,200	\$2,047,300	\$2,042,000	\$2,036,500

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

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 exceed the cost of implementation of speed monitoring systems in Howard County by about \$1.2 million in FY 2009.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: Unless a police officer issues a citation, this bill authorizes Howard 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 Howard County with a maximum posted speed limit of 45 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 establishes a maximum civil penalty of \$75. It limits Howard County to a maximum of 10 speed monitoring systems, whether fixed or mobile, to be used on designated highways and in school zones. 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 Howard 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 Howard 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 Howard 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 Howard 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 Howard 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 Howard County Police Department may only issue warnings for speed violations. The Howard 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 Howard County Office of Finance, the effect on State special fund revenues could still be significant. Special fund revenues could increase by \$999,000 in fiscal 2009, accounting for the bill's October 1 effective date and the mandatory 90-day warning period required by the bill. Annualized special fund revenues could increase by \$1,998,000. 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, 21,388 speeding tickets were issued and 10,159 trials were held in Baltimore County for speeds exceeding 10 miles per hour. Howard County estimates that 8,880 citations per month, or 106,560 citations annually, could be issued from two mobile and two fixed speed cameras. It is likely that the majority of people would pay the \$75 fine rather than contest the citation. Howard County estimates that about 75% of the citations issued would be prepaid. If automated speed enforcement generated 8,880 citations per month and 25% of those cited chose to contest the fine, the District Court could process about 26,640 trials annually under the bill. The estimate assumes that all drivers contesting a citation would be found guilty and receive the maximum \$75 fine. Out-year estimates assume no changes in the fine or the number of drivers receiving citations. However, it is expected that the number of drivers contesting citations would vary.

TTF revenues could also increase under the bill from fees for removal of flags. Fiscal 2009 TTF revenues could increase by \$74,730, accounting for the bill's effective date and the warning period. Annualized TTF revenues could increase by \$149,460. 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. 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 75% of the 106,460 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 4,982 vehicle registrations could receive flags. The estimate assumes that all drivers receiving flags would pay to have them removed. Out-year estimates assume no changes in the fee or the number of vehicle registrations receiving flags.

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 (DLS) advises there is a much greater likelihood that violators will 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 Howard County, but the overall impact is expected to be minimal.

For similar legislation, the State Highway Administration (SHA) has advised that, if speed enforcement systems are used on State highways, SHA may need to confirm that the speed limit of 45 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 in fiscal 2009 could increase by an estimated \$55,507, which accounts for the bill’s October 1, 2008 effective date and the three month mandatory warning period, during which no flags would be placed on vehicle registrations. This estimate reflects the cost of two additional customer service agents to add and remove vehicle registration flags and provide customer service. One customer service agent could process about 2,300 to 2,500 flagged vehicle registrations annually. The estimate includes salaries, fringe benefits, one-time start-up costs and ongoing operating expenses.

Positions	2
Salaries and Fringe Benefits	46,167
Other Operating Expenses	<u>9,340</u>
Total FY 2009 State Expenditures	\$55,507

Future year expenditures reflect • full salary with 4.4% annual increases and 3% annual turnover; and • 2% annual increases in ongoing operating expenses.

To the extent that Howard 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. The 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 a minimum of \$1,000 in fines.

Local Fiscal Effect: To the extent that Howard County implements speed monitoring systems, revenues would increase significantly and expenditures would also increase.

Under this bill, Howard County anticipates fiscal 2009 revenue of \$2,997,000 assuming that 75% of issued citations are uncontested and accounting for the bill's effective date and the mandatory three month warning period. On an annualized basis, revenues could total \$6.0 million. Each fixed camera unit would likely capture 100 events per day and each mobile camera is estimated to capture about 72 events per day. However, 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.

Total fiscal 2009 expenditures for this enforcement program are budgeted at \$1,791,864. The budget includes salaries and fringe benefits of \$429,265 for seven employees and retention of a contract vendor at a cost of \$1.2 million. Advertising and signage is expected to cost \$40,000. After paying for program expenditures, Howard County could attain additional revenues of \$1.2 million in fiscal 2009. As noted above, if the speed camera enforcement program is successful, revenues could decline in future years as the number of citations is reduced.

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 Howard 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: None.

Cross File: None.

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

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