

SENATE BILL 124

R5

0lr0973

By: **Senators Brochin, Kittleman, and Zirkin**

Introduced and read first time: January 15, 2010

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Use of Work Zone Speed Control Systems – Presence of**
3 **Workers Required**

4 FOR the purpose of altering the definition of “work zone” as it relates to work zone
5 speed control systems; providing that a work zone speed control system may be
6 used only when a worker is present on the roadway, median divider, or shoulder
7 within or adjacent to the work zone; and generally relating to work zone speed
8 control systems.

9 BY repealing and reenacting, without amendments,
10 Article – Transportation
11 Section 21–810(a)(1)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2009 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 21–810(a)(6) and (b)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2009 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Transportation**

22 21–810.

23 (a) (1) In this section the following words have the meanings indicated.

24 (6) “Work zone” means a segment of a highway:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) That is identified as a temporary traffic control zone by
2 traffic control devices that are placed or installed in general conformance with the
3 State manual and specifications adopted for a uniform system of traffic control
4 devices; and

5 (ii) Where highway construction, repair, maintenance, utility
6 work, or a related activity, including the placement, installation, maintenance, or
7 removal of a work zone traffic control device, is being performed [regardless of
8 whether workers are present].

9 (b) (1) A work zone speed control system that meets the requirements of
10 this subsection may be used to record the images of motor vehicles traveling on a
11 highway:

12 (i) Within a work zone;

13 (ii) That is an expressway or a controlled access highway as
14 defined in § 21-101 of this title; and

15 (iii) On which the speed limit, established using generally
16 accepted traffic engineering practices, is 45 miles per hour or greater.

17 (2) A work zone speed control system may be used only:

18 (i) On a highway as specified in paragraph (1) of this
19 subsection;

20 (ii) When being operated by a work zone speed control system
21 operator; [and]

22 (iii) **WHEN AT LEAST ONE WORKER IS PRESENT ON THE**
23 **ROADWAY, MEDIAN DIVIDER, OR SHOULDER WITHIN OR ADJACENT TO THE**
24 **WORK ZONE; AND**

25 (IV) If, in accordance with the Maryland manual on uniform
26 traffic control devices, a conspicuous road sign is placed at a reasonable distance
27 consistent with national guidelines before the work zone alerting drivers that a speed
28 monitoring system may be in operation in the work zone.

29 (3) A work zone speed control system may be used only to record the
30 images of vehicles that are traveling at speeds at least 12 miles per hour above the
31 posted work zone speed limit.

32 (4) (i) A work zone speed control system operator shall complete
33 training by the manufacturer of the work zone speed control system in the procedures
34 for setting up, testing, and operating the work zone speed control system.

1 (ii) On completion of the training, the manufacturer shall issue
2 a signed certificate to the work zone speed control system operator.

3 (iii) The certificate of training shall be admitted as evidence in
4 any court proceeding for a violation of this section.

5 (5) A work zone speed control system operator shall fill out and sign a
6 daily set-up log for a work zone speed control system that:

7 (i) States the date and time when and the location where the
8 system was set up;

9 (ii) States that the work zone speed control system operator
10 successfully performed, and the device passed, the manufacturer-specified self-tests
11 of the work zone speed control system before producing a recorded image;

12 (iii) Shall be kept on file; and

13 (iv) Shall be admitted as evidence in any court proceeding for a
14 violation of this section.

15 (6) (i) A work zone speed control system shall undergo an annual
16 calibration check performed by an independent calibration laboratory.

17 (ii) The independent calibration laboratory shall issue a signed
18 certificate of calibration after the annual calibration check that:

19 1. Shall be kept on file; and

20 2. Shall be admitted as evidence in any court proceeding
21 for a violation of this section.

22 (7) The procurement of a work zone speed control system by a unit of
23 State government shall be conducted in accordance with Title 13, Subtitle 1 of the
24 State Finance and Procurement Article.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2010.