

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 1001 (Senator Brinkley)
Judicial Proceedings

**Vehicle Laws - Overtaking and Passing School Vehicles - School Bus Monitoring
Cameras**

This bill authorizes a county board of education, in consultation with a law enforcement agency, to place school bus monitoring cameras on county school buses. Local law enforcement agencies may issue warnings or citations to vehicle owners for failing to stop for a school vehicle that has stopped with its alternately flashing red lights operating in accordance with the Maryland Vehicle Law. The maximum fine for a citation is \$100.

Fiscal Summary

State Effect: General fund revenue may increase minimally as a violation of the bill may result in collection of fine revenue by the District Court. Transportation Trust Fund (TTF) revenue may also increase minimally due to additional actions taken by the Motor Vehicle Administration (MVA) against the registration of a vehicle owned by someone who fails to pay a fine under the bill. District Court workloads increase minimally due to the exclusive jurisdiction granted over violations of the bill. Expenditures are not materially affected.

Local Effect: Local government expenditures increase in any jurisdiction that exercises its authority under the bill to equip its county school district buses with monitoring cameras. Revenues may increase minimally for these jurisdictions to the extent that any fine revenue generated by the bill is directed to the local government. Local law enforcement operations are affected in any jurisdiction that implements the bill, and expenditures may increase to the extent that implementation cannot be handled with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: A “recorded image” is an image recorded by a school bus monitoring camera on two or more photographs, microphotographs, electronic images, a videotape, or any other medium, which clearly identifies the registration plate number on the rear of the motor vehicle. A “school bus monitoring camera” is a camera placed on a school bus that is designed to capture a recorded image of a driver of a motor vehicle committing a violation of the provisions of the Motor Vehicle Law governing traffic in the presence of a stopped school vehicle.

If a school bus monitoring camera records a violation, the school bus operator must give the recording of the violation to a law enforcement agency authorized to issue a citation for violations of the Maryland Vehicle Law or of local traffic laws or regulations. Unless a driver receives a citation from a police officer at the time of the violation, a person who receives a citation by mail may pay the specified civil penalty to the county with jurisdiction or the District Court, or may elect to stand trial in District Court, which is granted exclusive jurisdiction in proceedings for civil infractions under the bill.

In addition to other required information, the mailed citation must include a copy of the recorded image of the vehicle and a signed statement by a technician employed by the issuing law enforcement agency. The citation must also be mailed within two weeks of the violation.

A recorded image of a motor vehicle produced by a school bus monitoring camera is admissible in a proceeding without authentication. A certificate alleging that the violation occurred, that is sworn to or affirmed by an agent or employee of an agency, is evidence of the facts contained therein and is also admissible in any proceeding. Adjudication of liability is to be based on a preponderance of the evidence standard. The District Court may consider the defenses specified in the bill, including that the vehicle was stolen or that the owner was not operating the vehicle at the time of the violation. For violations involving certain trucks, tractors, trailers, and buses, the person named in the citation may satisfy the burden of proof that they were not operating the vehicle at the time of the violation by providing a sworn letter containing the name, address, and driver’s license number of the person who was operating the vehicle at the time.

A citation issued under the bill may be treated as a parking violation, may not be placed on the driving record of the owner or driver of the vehicle, is not a moving violation for which points may be assessed, and may not be considered in the provision of vehicle insurance. If the fine is not paid and the violation is not contested, MVA may refuse to register, reregister, or suspend the registration of, the motor vehicle.

Current Law: If a school vehicle has stopped on a roadway and is operating its standard alternately flashing red lights, the driver of any other vehicle must stop at least 20 feet from the school vehicle, and may not proceed until the school vehicle resumes motion or its flashing lights are deactivated. This does not apply to a vehicle on a separate roadway of a divided highway. If a school bus operator witnesses a violation, the operator may report the violation to a law enforcement agency with information to identify the vehicle and operator; the violation is a misdemeanor and carries a fine of up to \$1,000, or \$570 if prepaid.

If the identity of the operator of the vehicle cannot be established, the law enforcement agency must nevertheless issue a warning stating that a report of a violation was made that described the owner's vehicle as involved in the violation, but that there is insufficient evidence for the issuance of a citation.

Background: A 2006 study in the *Journal of the American Academy of Pediatrics* estimated that between 2001 and 2003 there were about 4,000 injuries involving school children boarding, exiting, or approaching a school bus nationwide. And according to the National Highway Traffic Safety Administration, between 1996 and 2006, about 300 pedestrians died in school bus accidents nationwide, although it is unknown how many of these pedestrians were school children, or how many were killed due to vehicles illegally passing or overtaking a school bus.

State Fiscal Effect: General fund revenues may increase minimally to the extent that fine revenue generated by the bill is directed to the District Court. The bill states that fine revenue may be paid either to the county with jurisdiction or to the District Court. The bill charges the District Court with the responsibility to develop the uniform citation, and the Chief Judge, in consultation with local law enforcement agencies, is tasked with developing procedures for the issuance of citations and the collection of civil penalties under the bill. Therefore, while it is unknown which entity has ultimate authority to determine how fine revenue is allocated, it is presumed that this jurisdiction lies with the District Court. In any event, the actual allocation of revenue between the District Court (general funds) and county governments is unknown.

Further, it is also possible that if automated enforcement becomes widespread under the bill, police enforcement may decrease substantially, particularly if necessary to shift resources at local law enforcement agencies to implement the bill. If this occurs, the overall effect on the general fund may be a minimal decrease in revenue. This would result due to a decline in assessment of the larger penalty that may currently be assessed for those who illegally overtake a school bus and replacement by the smaller fine under the bill. However, in this case District Court workloads may decrease minimally as fewer violations are contested.

TTF revenue may also increase minimally due to additional actions taken by MVA against the registration of a vehicle owned by someone who fails to pay a fine under the bill. A violation is to be treated as a parking violation for purposes of handling nonpayment of citations under the bill. Currently, an unpaid parking citation may result in notification by the local government with jurisdiction to MVA. On notification, MVA may not register or transfer the registration of a vehicle whose owner has failed to pay a parking citation, resulting in the imposition of an administrative flag on the registration. In order to have the flag removed from the vehicle's registration, the owner must have paid the parking citation, including late fines, and pay MVA a \$30 fee. In addition, MVA may suspend the vehicle's registration, which to be restored, requires a payment of \$30 to MVA.

Local Fiscal Effect: Local government expenditures increase in any jurisdiction that exercises its authority under the bill to equip its county school district buses with monitoring cameras. While the cost to procure a school bus monitoring system and install it on a bus in conformance with the bill's requirements is unknown, the Maryland State Department of Education (MSDE) advises that there are currently about 304 school bus monitoring systems in use by four counties: 255 in Prince George's County; 37 in Montgomery County; 10 in Frederick County; and 2 in Kent County. MSDE has estimated the cost per system at \$2,300; however, this includes three cameras for monitoring the interior of buses. Therefore, the cost is expected to be less to equip each bus with only the minimum monitoring system required by the bill. Overall, costs may reasonably be expected to increase by roughly \$50,000 for the smallest counties to equip each school bus with a monitoring system, or well over \$1 million for the largest counties. These estimates are exclusive of any additional personnel or other equipment costs necessary to implement the bill.

Local government revenues may only increase minimally for jurisdictions that implement school bus monitoring, to the extent that fine revenue is distributed to counties at all. *For illustrative purposes only*, even if the number of violations involving the passing or overtaking of a school bus were to double under the bill's automated enforcement, as compared with the average number of violations from the last three years, then statewide prepayment fines may increase by about \$289,000 under the bill. This reflects an assumption that 80% of violations will result in prepayment, which is reasonable given that the bill imposes no points on the violator's driving record and may not be considered in the provision of vehicle insurance. Of this revenue, the District Court will likely retain at least a small portion as court costs, with the remainder being split by the counties in which violations took place. Thus, expenditures to implement the bill are likely to far exceed any revenues distributed to local governments.

Additional Information

Prior Introductions: None.

Cross File: HB 1376 (Delegate Stull, *et al.*) - Environmental Matters.

Information Source(s): Kent, Montgomery, Washington, and Worcester counties; Baltimore City; Maryland State Department of Education; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; American Academy of Pediatrics; National Highway Traffic Safety Administration; Department of Legislative Services

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