

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE

Senate Bill 916

(Senator Pinsky, *et al.*)

Judicial Proceedings

**Prince George's County - Municipal Corporations - School Zones and Speed
Monitoring Systems**

This bill authorizes a municipal corporation in Prince George's County to establish a school zone within or adjacent to its corporate limits and implement a speed monitoring system on a county highway within the school zone. A municipal corporation must receive permission from Prince George's County before implementing a speed monitoring system under the bill.

The bill takes effect June 1, 2010.

Fiscal Summary

State Effect: To the extent the bill results in the placement of additional speed monitoring systems in Prince George's County, Transportation Trust Fund (TTF), special fund, and general fund revenues increase minimally from penalties and court costs paid following a contested case under the bill, and TTF revenues increase minimally from the collection of additional fees by the Motor Vehicle Administration (MVA) associated with the nonpayment of speed monitoring system citations. General fund revenues may also increase to the extent that a municipal corporation's net revenues from speed monitoring system enforcement exceed 10% of the jurisdiction's total revenues. Any increase in District Court caseloads can likely be handled with existing resources.

Local Effect: Revenues may increase significantly for any municipal corporation in Prince George's County that establishes a speed monitoring system as a result of the prepayment of fines in uncontested cases. However, current experience indicates that net revenue from speed monitoring system enforcement varies significantly depending on specific characteristics of a program's design; expenditures may exceed revenues. Current law restricts a political subdivision's net revenues from speed monitoring system enforcement to 10% of the jurisdiction's total revenues.

Small Business Effect: None.

Analysis

Bill Summary: Before implementing a speed monitoring system under the bill, a municipal corporation must submit a plan to Prince George's County describing the boundary of the applicable school zone and the proposed location of the speed monitoring system. The municipal corporation must receive permission from the county to use a speed monitoring system, but the county may not place exactions, fees, or unreasonable restrictions on the use of speed monitoring systems. The county must state in writing any reasons for a denial, and a municipal corporation may contest a denial in circuit court. If the county fails to respond to a proposal within 60 days, the municipal corporation may implement the speed monitoring system in accordance with the plan submitted to the county.

If the school zones of separate municipal corporations overlap, a jurisdiction may not implement a speed monitoring system without the approval of the other relevant jurisdiction.

A municipal corporation is responsible for the cost of placing and maintaining signs and other traffic control devices placed in a school zone established under the bill.

Current Law/Background: Chapter 500 of 2009 expanded the authorization for the use of speed monitoring systems from residential areas of Montgomery County to school zones and work zones statewide. In school zones, local law enforcement agencies or their contractors may issue citations or warnings to vehicle owners for speeding at least 12 miles per hour above the posted speed limit. The maximum fine for a citation is \$40. While Chapter 500 allowed Montgomery County to retain its authority to use speed monitoring systems in specified residential areas, it raised the threshold determination of speeding from 10 to 12 miles per hour above the posted speed limit.

A speed monitoring system may be placed in a school zone for operation between 6:00 a.m. and 8:00 p.m. Monday through Friday. Before a speed monitoring system may be used in a local jurisdiction, its use must be authorized by the governing body by ordinance or resolution adopted after reasonable notice and a public hearing. The ordinance or resolution must require the issuance of warnings for at least the first 30 after the first speed monitoring system is operated. Before activating an unmanned stationary speed monitoring system, a local jurisdiction must publish notice of its location on the local jurisdiction's web site and in a general circulation newspaper in the jurisdiction. The local jurisdiction must also ensure that each school zone sign indicates that speed monitoring systems are used in school zones. School zones may be established by the

State Highway Administration and by a local authority on a highway under its jurisdiction.

Any fines or penalties collected by the District Court from school zone speed monitoring systems are remitted to the Comptroller and distributed to various transportation-related funds. Fines or penalties that are collected from uncontested citations accrue to the local governments that have implemented the speed monitoring systems. The bill authorizes local jurisdictions to use any revenues generated from school zone automated speed enforcement in excess of the amount necessary to recover implementation costs solely for public safety purposes, including pedestrian safety programs. However, if after recovering implementation costs the balance of revenues generated exceeds 10% of the local jurisdiction's total revenues for the fiscal year, then any amount above 10% must be remitted to the Comptroller and deposited in the general fund of the State.

Chapter 500 of 2009 also authorized State and local law enforcement agencies or their contractors to issue citations or warnings for speeding at least 12 miles per hour above the posted speed limit in highway work zones that are set up on expressways or controlled access highways where the speed limit is 45 miles per hour or greater.

State Revenues: Although prepaid penalty revenue from an uncontested citation issued by a speed monitoring system is paid to the relevant political subdivision, contested case penalties are collected by the District Court and remitted to TTF and other special funds. In addition, court costs imposed in contested cases are collected by the District Court and remitted to the general fund. Thus, to the extent additional speed monitoring systems are established under the bill, general fund, special fund, and TTF revenue may increase; however, the extent of this increase depends on the number of additional systems and the design of the municipal corporations' speed monitoring programs.

Speeding citations issued from speed monitoring systems may be treated as parking violations. Thus, if the civil penalty resulting from a citation is not paid and the violation is not contested, MVA may refuse to register or reregister the vehicle, resulting in the placement of an administrative flag, or MVA may suspend the vehicle's registration. Therefore, TTF revenues may increase due to the collection of additional administrative flag removal fees following the nonpayment of fines generated by any speed monitoring systems established under the bill. The administrative flag removal fee is \$30.

Additional Information

Prior Introductions: None.

Cross File: HB 1477 (Prince George's County Delegation) - Environmental Matters.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Department of Legislative Services

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