

Department of Legislative Services  
Maryland General Assembly  
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 851 (Senators Brinkley and Young)  
Judicial Proceedings

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Frederick County - Vehicle Laws - Overtaking and Passing School Vehicles -  
School Bus Monitoring Cameras

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This bill authorizes the Frederick County Board of Education, in consultation with a law enforcement agency, to place school bus monitoring cameras on school buses. Local law enforcement agencies may issue warnings or citations to vehicle owners or drivers 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 bill applies in Frederick County only. The maximum fine for a citation is \$500.

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Fiscal Summary

**State Effect:** General fund revenues increase as a violation of the bill may result in collection of fine revenue by the District Court. District Court caseloads may increase due to the exclusive jurisdiction and significant penalties established by the bill; general fund expenditures may increase minimally to the extent the increase in caseloads cannot be handled with existing resources. Transportation Trust Fund (TTF) revenues 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.

**Local Effect:** Frederick County expenditures may increase by about \$669,000 in FY 2012 to the extent that the board of education exercises its authority under the bill and equips all school buses with monitoring cameras. Revenues may increase by a significantly greater amount for Frederick County to the extent that any fine revenue generated by the bill is directed to the county. Frederick County Sheriff's Office expenditures may increase to review citations to the extent that school bus monitoring cameras are implemented.

**Small Business Effect:** Potential minimal.

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## **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 Maryland 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 Frederick County 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 he or she was 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 be placed on the driving record of the owner or driver of the vehicle, is a moving violation for which points may be assessed, and may 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. In addition, three points are assessed for failure to stop. Failure to remain stopped carries only two points; however, the prepaid penalty increases to \$610 and three points if the violation contributes to an accident.

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 1998 and 2008, 1,564 people died in school transportation-related accidents nationwide, although it is unknown how many fatalities involved nonschool bus crashes, or how many involved illegally passing or overtaking a school bus. However, 149 of the fatalities involved school-aged pedestrians, with one-quarter of these accidents caused by another vehicle.

According to the Maryland State Department of Education (MSDE), the transportation directors for school districts of all 23 counties and Baltimore City have expressed interest in installing camera systems with outside recording capability on school buses when funds become available. MSDE advises that there are currently about 560 school bus monitoring systems in use by four counties: 390 in Prince George's County; 133 in Montgomery County; 20 in Frederick County; and 17 in Kent County.

MSDE also advises that it conducted a one-day survey of school bus drivers to determine the prevalence of overtaking violations. The results of that survey were released in February 2011 and show that there were 7,028 reported violations during the day of the survey. Survey respondents included 65% of school bus drivers in the State. Of these reported violations, 56.9% were the result of oncoming vehicles passing the bus from the opposite direction; 37.9% of violations were from vehicles passing on the driver side of

the bus; and only 5.2% were from vehicles passing on side of the bus with the passenger door.

**State Fiscal Effect:** General fund revenues increase 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 Frederick County 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 Frederick County law enforcement resources to implement the bill. If this occurs, it would minimally offset the expected increase in general fund revenues under the bill. 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.

District Court caseloads may increase under the bill, and general fund expenditures may increase to the extent that the additional cases cannot be handled with existing resources. The bill grants exclusive jurisdiction to the District Court for adjudication of violations under the bill. Due to the significant penalties established by the bill, a potentially significant number of individuals who are issued a citation may seek a trial. While there is limited experience with speed monitoring system implementation in Maryland, it is estimated that roughly 5% to 15% of citations may be contested. However, speed monitoring system penalties are limited to \$40 per citation, are not considered a moving violation for which points may be issued on a driver's record, and may not be considered in the provision of motor vehicle insurance coverage.

By contrast, the bill's penalty of up to \$500 as well as the authorization to issue points on a driver's record, and to authorize the consideration of the moving violation for purposes of insurance coverage, may result in drivers contesting citations at a rate more similar to the current violation for overtaking a school bus; between fiscal 2007 and 2010 an average of 78% of such violations resulted in a trial. And while it is unknown what the average fine issued under the bill may be, or how many points will be assigned for a violation, Legislative Services advises that the significantly enhanced enforcement capabilities of automated enforcement will likely result in many times more violations under the bill than under current law. Thus, due to the potentially significant number of

additional violations and the significant penalties, District Court caseloads are likely to increase significantly at the District Court in Frederick County.

TTF revenues may also increase 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. Any additional workload for MVA can likely be handled with existing resources.

**Local Fiscal Effect:** Frederick County school system expenditures increase to the extent that the Frederick County Board of Education exercises its authority under the bill to equip its school buses with monitoring cameras. The Frederick County Board of Education estimates that the cost to equip its school buses with monitoring cameras is about \$1,500 per school bus. With about 400 buses that are not currently equipped with monitoring cameras, board of education expenditures may increase by about \$600,000 in fiscal 2012 if all school buses are equipped with the cameras.

Frederick County advises that it will need at least one additional deputy within the Sheriff's Office to review images recorded by school bus monitoring cameras at a cost of about \$69,000 in fiscal 2012, and more than \$43,000 annually thereafter. As noted above however, it is also possible that, if automated enforcement becomes widespread under the bill, police enforcement may decrease substantially, particularly if necessary to shift Frederick County law enforcement resources to implement the bill.

Frederick County revenues may also increase significantly to the extent that fine revenue is distributed to the county. Of this revenue, the District Court would likely retain at least a small portion as court costs, with the remainder being split by the counties in which violations took place. Legislative Services advises that, if a significant portion of revenues is distributed to Frederick County, the increase in revenues would likely far exceed any increase in expenditures to equip school buses and for personnel costs for the Sheriff's Office.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 1197 (Frederick County Delegation) - Environmental Matters.

**Information Source(s):** Frederick County, Maryland State Department of Education, Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Education, *Journal of the American Academy of Pediatrics*, National Highway Traffic Safety Administration, Department of Legislative Services

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Analysis by: Evan M. Isaacson

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510