

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 664 (Delegate Frush)
Environmental Matters

Vehicle Laws - Speed Monitoring Systems - Enforcement

This bill alters the persons who may sign a statement in a citation alleging a speed monitoring system violation, and swear to or affirm for evidentiary reasons that a speed monitoring system violation occurred after inspection of a recorded image, to include persons trained in speed monitoring system enforcement.

Fiscal Summary

State Effect: Potential minimal decrease in workloads or expenditures for the State Highway Administration and the Department of State Police to the extent the bill allows State law enforcement resources to be allocated more efficiently.

Local Effect: Potential minimal decrease in workloads or expenditures for any jurisdiction that operates a speed monitoring system program to the extent that the bill allows local police departments to more efficiently allocate resources or to contract with an outside vendor trained in speed monitoring enforcement.

Small Business Effect: Minimal.

Analysis

Current Law: For a speed zone monitoring system citation, *a duly authorized law enforcement officer* employed by or under contract with an authorized agency of a local political subdivision must provide a signed statement that, based on inspection of recorded images, a motor vehicle was being operated in violation of the speed zone monitoring system laws. A certificate alleging that a violation occurred must be to the

satisfaction of, or sworn to or affirmed by, an agent or employee of an authorized agency of a local political subdivision.

For a *work zone* speed control system, a *police officer* employed by a local or State police department must provide a signed statement that, based on inspection of recorded images, a motor vehicle was being operated in violation of the speed zone monitoring system laws. A certificate alleging that a violation occurred must be to the satisfaction of, or sworn to or affirmed by, a police officer employed by a State or local police department.

Background: Chapter 15 of 2006 authorized the first use of speed monitoring systems in the State, but it only applied to highways in school zones and residential districts in Montgomery County. Chapter 500 of 2009 expanded statewide the authorization for the use of speed monitoring systems in school zones. 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.

A speed monitoring system may be placed in a school zone for operation between 6 a.m. and 8 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 only during the first 30 days, at a minimum, after the first speed monitoring system is placed in a local jurisdiction. Before activating an unmanned stationary speed monitoring system, a local jurisdiction must publish notice of its location on the local jurisdiction's website 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.

Chapter 500 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. A conspicuous road sign warning of the use of speed monitoring systems must be placed at a reasonable distance from the work zone.

A work zone is a segment of a highway identified as a temporary traffic control zone by a traffic control device in conformance with State specifications, and where highway construction, repair, maintenance, utility work, or related activities are being performed, regardless of whether workers are present. A work zone speed control system may only be used while being operated by a work zone speed control system operator. The maximum fine for a ticket issued by a work zone speed control system operator is \$40.

Chapter 474 of 2010 authorized the use of speed monitoring systems in Prince George's County on a highway located within the grounds of an institution of higher education or on a highway within a half mile of the institution's property if it is determined by generally accepted traffic and engineering practices that motor vehicle or other traffic on the highway is substantially generated or influenced by the institution. In addition, Chapter 474 authorized a municipal corporation in Prince George's County, under permission of the county, to implement a speed monitoring system on a county highway within a school zone.

A "speed monitoring system operator" is defined as a representative of a law enforcement agency of a local political subdivision or contractor that operates a speed monitoring system. A "work zone speed control system operator" is an individual who has been trained and certified to operate a work zone speed control system and is a police officer, a representative of a local police department, a representative of a State police department, or a State Highway Administration contractor.

Local Expenditures: The bill authorizes a person trained in speed monitoring system enforcement who is either employed by or under contract with a law enforcement agency to sign a citation or swear to or affirm that a speed monitoring system violation occurred. Thus, in addition to shifting these duties from duly authorized police officers to other trained employees of the law enforcement agency, agencies are authorized to utilize private contractors for this service. This additional flexibility may result in greater savings than using existing staff or hiring additional personnel. However, any decrease in local government expenditures under the bill is likely to be minimal.

Additional Information

Prior Introductions: None.

Cross File: SB 671 (Senator Rosapepe) - Judicial Proceedings.

Information Source(s): Montgomery County, Baltimore City, Judiciary (Administrative Office of the Courts), Department of State Police, Department of Legislative Services

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mc/ljm

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