

Department of Legislative Services  
Maryland General Assembly  
2011 Session

FISCAL AND POLICY NOTE

House Bill 786

(Delegate Conaway, *et al.*)

Environmental Matters

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Vehicle Laws - Speed Monitoring Systems - Penalties

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This bill reduces, from \$40 to \$30, the penalty for the owner or driver of a vehicle that is recorded by a speed monitoring system or work zone speed control system traveling at speeds at least 12 miles per hour above the posted speed limit in violation of the Maryland Vehicle Law.

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Fiscal Summary

**State Effect:** Transportation Trust Fund (TTF) and special fund revenues decrease, potentially by about \$4.2 million in FY 2012 and by about \$5.6 million annually, for the Maryland Department of Transportation (MDOT) and the Department of State Police (DSP) due to the lower fine established by the bill, under the assumptions discussed below. TTF revenues may decrease further to the extent that fewer administrative flag fees are collected as a result of fewer unpaid speed monitoring system citations. District Court workloads and expenditures may decrease minimally to the extent fewer drivers and vehicle owners contest speed monitoring system citations under the bill's lower fine.

**Local Effect:** Local government revenues decrease significantly for each jurisdiction that operates a speed monitoring system due to the lower fine established by the bill. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** Minimal.

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Analysis

**Current Law/Background:** Chapter 15 of 2006 authorized the first use of speed monitoring systems in the State, but it only applied to highways in residential districts

and school zones 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.

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 the school zone.

**State Revenues:** TTF and special fund revenues may decrease by about \$4.2 million in fiscal 2012 and by about \$5.6 million annually for MDOT and DSP due to the lower fine.

This estimate accounts for the bill's October 1, 2011 effective date and is based on the following information and assumptions:

- 594,000 work zone speed control system citations are generated in fiscal 2012;
- the number of citations generated remains constant in future years at fiscal 2012 levels;
- all work zone speed control system citations result in a \$40 fine currently;
- 90% of work zone speed control system citations are prepaid by the violator;
- 5% of these citations are contested in District Court; and
- 5% of citations are neither prepaid nor contested, but result in eventual payment after the violator's vehicle registration is flagged for suspension due to nonpayment.

Under these assumptions, total revenues will likely remain sufficient to cover the cost of State Highway Administration and DSP expenditures related to the implementation of work zone speed control systems. However, the estimate is based on the assumptions discussed above which reflects limited experience with the State's work zone speed monitoring program under full implementation. Thus, the estimate may significantly overstate or understate the actual revenue decline under the bill, particularly in future years.

TTF revenues may decrease further to the extent that fewer administrative flag fees are collected. If the fine is reduced to \$30, presumably fewer people will choose not to pay the fine. To the extent fewer citations result in nonpayment, the Motor Vehicle Administration will collect fewer administrative flag fees following actions taken against the registration of a vehicle whose owner has not paid the fine for a speed monitoring system citation. In addition, to the extent the lower fine results in fewer contested citations, District Court workloads may decrease minimally.

**Local Revenues:** Local government revenues decrease significantly for each jurisdiction that operates a speed monitoring system due to the lower fine established by the bill. For example, Baltimore City anticipates a revenue decrease of about \$2.2 million in fiscal 2012 and about \$2.9 million annually, as a result of the lower fine. Montgomery County anticipates a revenue decrease of about \$2 million in fiscal 2012 and about \$2.7 million annually.

## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Kent, Montgomery, and Worcester counties; Baltimore City; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 27, 2011  
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Analysis by: Evan M. Isaacson

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