

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 431

(Delegate Hogan)

Environmental Matters

Judicial Proceedings

Vehicle Laws - Use of School Bus Monitoring Cameras

This bill allows a school bus monitoring camera to record images of the front of a motor vehicle that fails to stop for a stopped school vehicle with its alternately flashing red lights, by altering the definition of a “recorded image” produced by a school bus monitoring camera and altering the requirement of what a recorded image must show. The bill also clarifies that school bus monitoring cameras may be placed by a local law enforcement agency on any school buses in the relevant county, rather than on “county school buses.”

The bill takes effect July 1, 2012.

Fiscal Summary

State Effect: General fund revenues increase due to penalties collected by the District Court in contested cases to the extent that a local government generates additional school bus monitoring camera citations under the bill. District Court caseloads increase to the extent additional citations are generated under the bill. Transportation Trust Fund (TTF) revenues increase to the extent additional actions are 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: Local government revenues increase to a greater extent than would otherwise occur in the absence of the bill to the extent that the bill results in the generation of additional citations by school bus monitoring cameras.

Small Business Effect: Minimal.

Analysis

Current Law/Background: Chapter 273 of 2011 authorizes a local law enforcement agency, in consultation with a county board of education, to place school bus monitoring cameras on county school buses if authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing. 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. A violation is a civil penalty and the maximum fine is \$250, which in an uncontested case is paid to the relevant county.

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 Maryland Vehicle Law governing traffic in the presence of a stopped school vehicle with alternately flashing red lights. “Recorded image” is defined to include images showing the *rear* of a motor vehicle, which on at least one image or portion of tape, clearly identifies the registration plate number of the vehicle. A recorded image must include an image of the motor vehicle’s *rear* license plate.

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 may elect to stand trial in District Court. 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 violation is not a moving violation for the purpose of assessing points on the driving record and may not be considered in the provision of motor vehicle insurance coverage. However, the violation may be treated as a parking violation and if the fine is not paid and the violation is not contested, MVA may suspend or refuse to register or reregister the registration of the motor vehicle.

Counties do not own school buses in Maryland; instead, about one-half of school buses are owned by local school systems and the other half are owned and operated by contractors. Legislative Services is not aware of any jurisdiction that implements a school bus camera system program. However, according to the Maryland State Department of Education, at least five counties (Charles, Frederick, Harford, Montgomery, and Washington) are currently considering the implementation of a school bus camera program.

Local Revenues: The impact of the bill on the generation of school bus monitoring camera citations is unknown due to the lack of implementation history of school bus monitoring cameras in the State, as well as uncertainty regarding the technical nature of these systems. However, the greater flexibility conferred upon the law enforcement agencies that operate school bus monitoring cameras to record the front of a vehicle in addition to or instead of the rear will presumably result in a greater number of violations being recorded. Additionally, by clarifying that a law enforcement agency may place school bus monitoring cameras on school buses within the county, rather than on “county school buses” may allow the implementation of monitoring cameras, to the extent that current law is interpreted to be limited to county property only. Legislative Services also notes that current law requires the authorization of a local governing body before monitoring cameras may be placed on any school buses.

County revenues may increase significantly to the extent that school bus monitoring camera citations increase significantly relative to what would otherwise occur in the absence of the bill.

State Revenues: Similarly, if additional school bus monitoring camera citations are generated, then general fund revenues increase due to penalties collected by the District Court in contested cases. District Court caseloads would also increase, though it is unclear whether or when the caseload increase will be significant enough to warrant the hiring of additional personnel.

Currently, a school bus monitoring camera citation that is unpaid may be treated as a parking violation for enforcement purposes. Thus, if the fine is not paid and the violation is not contested, MVA may suspend or refuse to register or reregister the registration of the motor vehicle, which may result in the placement of an administrative flag on the vehicle’s registration. TTF revenues increase to the extent that the bill results in additional citations that are initially unpaid, followed by the payment of additional \$30 flag removal fees to MVA. It is assumed that this additional revenue will be minimal and that the number of additional MVA actions will not result in a significant additional burden.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Carroll, Cecil, Harford, and St. Mary’s counties; Maryland State Department of Education; Department of State Police; Judiciary (Administrative

Office of the Courts); Maryland Department of Transportation; Department of Legislative Services

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