

Department of Legislative Services

Maryland General Assembly

2012 Session

FISCAL AND POLICY NOTE

House Bill 354 (Delegate Holmes)
Environmental Matters

Speed Monitoring Systems and School Bus Monitoring Cameras - Use of Fines - Public Education

This bill expands the authorized uses of fine revenue from the issuance of citations generated by speed monitoring systems or school bus monitoring cameras to include supporting public education purposes.

Fiscal Summary

State Effect: None.

Local Effect: To the extent that a local government that has authorized the use of speed monitoring or school bus camera systems opts to use fine revenues for public education purposes, county boards of education and other local educational programs benefit while revenues decrease for local public safety programs.

Small Business Effect: None.

Analysis

Current Law/Background:

Speed Monitoring Systems

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 and certain highway work zones. 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 nearby highways under certain circumstances.

Unless the driver of a motor vehicle received a citation from a police officer at the time of the violation, the owner or driver of the vehicle is subject to a civil penalty if the vehicle is recorded by a speed monitoring system in violation of specified speed restrictions in the Maryland Vehicle Law. However, a local law enforcement or other designated agency operating the speed monitoring system may mail a warning notice instead of a citation.

Before activating an unmanned stationary speed monitoring system, a local jurisdiction must:

- publish notice of the location on its website and in a newspaper of general circulation in the jurisdiction;
- ensure that each school zone sign indicates that speed monitoring systems are in use in school zones; and
- for a speed monitoring system near an institution of higher education, ensure that all speed limit signs approaching and within the segment of highway on which the speed monitoring system is located include signs that indicate that a speed monitoring system is in use and that are in accordance with the manual and specifications for a uniform system of traffic control devices adopted by the State Highway Administration.

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.

As shown in **Exhibit 1**, a number of counties and municipal corporations currently implement speed monitoring systems. Legislative Services advises that, as to municipal corporations, the exhibit only reflects the jurisdictions that reported revenues to the Comptroller in fiscal 2011, and therefore may not include all municipal corporations that *currently implement* speed monitoring systems. Further, additional jurisdictions may be *considering* the use of speed monitoring systems at this time.

Exhibit 1
Local Speed Monitoring System Enforcement

<u>County</u>	<u>Municipal Corporation</u>
Baltimore	Berwyn Heights
Charles	Bowie
Howard	Brentwood
Montgomery	Cheverly
Prince George's	Chevy Chase Village
Wicomico	College Park
Baltimore City	Forest Heights
	Fruitland
	Laurel
	Mount Rainier
	Riverdale Park
	Takoma Park

Source: Comptroller's Office; Department of Legislative Services

School Bus Monitoring Cameras

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 carries a civil penalty of up to \$250.

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. 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, the Motor Vehicle Administration may suspend or refuse to register or reregister the registration of the motor vehicle.

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.

Use of Speed Monitoring System and School Bus Camera System Fine Revenues

From the fines generated by a speed monitoring or school bus camera system, the relevant jurisdiction may recover the costs of implementing the systems and may spend any remaining balance solely for public safety purposes, including pedestrian safety programs. However, as to the fines generated by speed monitoring systems, if the balance of revenues after cost recovery for any fiscal year is greater than 10% of the jurisdiction's total revenues, the excess must be remitted to the Comptroller. According to data from the Comptroller, about \$2.2 million was remitted in fiscal 2011 from five municipal corporations. In addition, 12 municipal corporations and Baltimore City generated speed monitoring system fine revenues of about \$36.5 million, of which about \$20.6 million was retained by local jurisdictions for public safety programs after recovery of the costs of implementing the systems and remitting excess revenues to the Comptroller.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education, Comptroller's Office, Judiciary (Administrative Office of the Courts), Maryland Municipal League, Department of State Police, Department of Public Safety and Correctional Services, Department of Legislative Services

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Analysis by: Evan M. Isaacson

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