

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 848 (Delegate Conaway)
Environmental Matters

Vehicle Laws - Red Light and Speed Monitoring Systems - Emergency Vehicles

This bill prohibits the issuance of a citation based on recorded images of an emergency vehicle from a traffic control signal monitoring system, speed monitoring system, or work zone speed control system.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local operations or finances.

Small Business Effect: Minimal.

Analysis

Current Law: An emergency vehicle includes (1) vehicles of federal, State, or local law enforcement agencies; (2) vehicles of volunteer fire companies, rescue squads, fire departments, the Maryland Institute for Emergency Medical Services Systems, and the Maryland Fire and Rescue Institute; (3) State vehicles used in response to oil or hazardous materials spills; (4) State vehicles designated for emergency use by the Commissioner of Correction; (5) ambulances; and (6) special vehicles funded or provided by federal, State, or local government and used for emergency or rescue purposes in this State.

Emergency vehicles are entitled to certain exemptions and privileges set forth in the Maryland Vehicle Law. For example, the driver of an emergency vehicle registered in any state may exercise certain privileges while responding to an emergency call, pursuing

a violator or suspected violator of the law, or responding to a fire alarm. These privileges include passing a red or stop signal after slowing down as necessary for safety, exceeding any maximum speed limit as long as the driver does not endanger life or property, and disregarding any traffic control device or regulation governing direction of movement or turning in a specified direction. A traffic control device is any sign, signal, marking, or device that is placed by authority of an authorized public body or official to regulate, warn, or guide traffic, and is not inconsistent with the Maryland Vehicle Law.

These privileges only apply while the emergency vehicle is using audible and visual signals, except that an emergency vehicle operated as a police vehicle need not be equipped with or display the visual signals. The driver of an emergency vehicle may not use flashing lights or a bell, siren, or exhaust whistle while returning from an emergency call or fire alarm, except that fire apparatus carrying standing firemen may use flashing lights that are visible only to the rear. These privileges do not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons.

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.

The State and political subdivisions are authorized to operate traffic control signal monitoring systems on any roads or highways in the State. A "traffic control signal monitoring system" is a device with one or more motor vehicle sensors working in conjunction with a traffic control signal to produce recorded images of motor vehicles entering an intersection against a red signal indication.

According to SHA, an image of an emergency vehicle with its emergency lights activated produced by one of its speed monitoring systems is automatically rejected prior to the issuance of a citation. If the emergency lights are not activated, then a recorded image may be rejected on review by a police officer, though a minimal number of citations may be issued.

State/Local Fiscal Effect: While a reliable estimate cannot be made at this time, any decrease in revenues generated by various automated traffic enforcement system citations issued to emergency vehicles is likely to be negligible. In addition, the workloads of State and local law enforcement agencies may decrease minimally as fewer images recorded by various types of automated traffic enforcement systems will need to be investigated.

Additional Information

Prior Introductions: HB 1172 of 2011 was withdrawn without being heard.

Cross File: None.

Information Source(s): Charles and Frederick counties; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2012
mm/ljm

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