

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 929
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “clarifying” in line 3 down through “use” in line 5 and substitute “altering the standards and requirements for the required warning period for violations recorded by speed monitoring systems; establishing that speed monitoring systems placed in certain areas may only be placed on highways with a certain minimum speed limit”; in line 7, strike “stationary”; in line 8, after “systems;” insert “requiring certain local jurisdictions to designate certain persons to act in a certain liaison capacity; altering the standards and requirements for daily self-tests and annual calibrations for speed monitoring systems; requiring certain local jurisdictions to designate a certain program administrator; requiring a contract for a certain speed monitoring system to include certain provisions; establishing certain training requirements;”; and in line 10, after “officer;” insert “expanding the application of the prohibition against a speed monitoring system contractor’s fee being contingent on the number of citations issued or paid; providing that, except under certain circumstances, existing obligations, contracts, or contract rights may not be impaired by this Act; defining certain terms;”.

AMENDMENT NO. 2

On page 2, in line 7, after “(i)” insert ““ERRONEOUS VIOLATION” MEANS A POTENTIAL VIOLATION SUBMITTED BY A SPEED MONITORING SYSTEM CONTRACTOR FOR REVIEW BY AN AGENCY THAT IS:

1. CLEARLY NOT SUPPORTED BY THE AVAILABLE EVIDENCE OR APPLICABLE LAW; OR

2. BASED ON A TECHNICAL VARIABLE FOR WHICH THE CONTRACTOR IS RESPONSIBLE.

(Over)

(II) “ERRONEOUS VIOLATION” INCLUDES:

1. A POTENTIAL VIOLATION BASED ON INACCURATE RADAR IMAGING, INCLUDING THE PHENOMENON KNOWN AS THE “RADAR EFFECT”; OR

2. A POTENTIAL VIOLATION BASED ON A RECORDED IMAGE THAT IS GENERATED BY A SPEED MONITORING SYSTEM THAT IS AT AN IMPROPER DISTANCE OR ANGLE OR IN IMPROPER FOCUS.

(III) “ERRONEOUS VIOLATION” DOES NOT INCLUDE A POTENTIAL VIOLATION THAT AN AGENCY IS UNABLE TO VALIDATE BUT OTHERWISE COMPLIES WITH APPLICABLE LAWS AND CONTRACT PROVISIONS.

(4) (I);

in line 13, strike “(4)” and substitute “(5) “PROGRAM ADMINISTRATOR” MEANS AN EMPLOYEE OR REPRESENTATIVE OF THE LOCAL JURISDICTION DESIGNATED BY THE LOCAL JURISDICTION TO OVERSEE A CONTRACT WITH A SPEED MONITORING SYSTEM CONTRACTOR.

(6);

after line 26, insert:

“(7) “SCHOOL ZONE” MEANS A DESIGNATED ROADWAY SEGMENT WITHIN UP TO A HALF-MILE RADIUS OF A SCHOOL FOR ANY OF GRADES KINDERGARTEN THROUGH GRADE 12 THAT IS APPROACHING, ADJACENT TO, OR

BEYOND SCHOOL BUILDINGS OR GROUNDS WHERE SCHOOL RELATED ACTIVITY OCCURS, INCLUDING:

(I) TRAVEL BY STUDENTS TO OR FROM SCHOOL ON FOOT OR BY BICYCLE; OR

(II) THE DROPPING OFF OR PICKING UP OF STUDENTS BY SCHOOL BUSES OR OTHER VEHICLES.”;

and in line 27, strike “(5)” and substitute “**(8)**”.

On page 3, in line 1, strike “(6)” and substitute “**(9)**”.

AMENDMENT NO. 3

On page 4, strike beginning with “for” in line 13 down through “warning” in line 16 and substitute “IF THE LOCAL JURISDICTION MOVES OR PLACES A MOBILE OR STATIONARY SPEED MONITORING SYSTEM TO OR AT A LOCATION WHERE A SPEED MONITORING SYSTEM HAD NOT PREVIOUSLY BEEN MOVED OR PLACED, THE LOCAL JURISDICTION MAY NOT ISSUE A CITATION FOR A VIOLATION RECORDED BY THAT SPEED MONITORING SYSTEM:

1. UNTIL SIGNAGE IS INSTALLED IN ACCORDANCE WITH SUBPARAGRAPH (VII) OF THIS PARAGRAPH; AND

2. FOR AT LEAST THE FIRST 15 CALENDAR DAYS AFTER THE SIGNAGE IS INSTALLED”;

in lines 24 and 25, strike “established under § 21-803.1 of this subtitle” and substitute “WITH A POSTED SPEED LIMIT OF AT LEAST 20 MILES PER HOUR”; and in line 33, strike “stationary”.

(Over)

AMENDMENT NO. 4

On page 5, after line 18, insert:

“(IX) 1. A LOCAL JURISDICTION THAT AUTHORIZES A PROGRAM OF SPEED MONITORING SYSTEMS SHALL DESIGNATE AN OFFICIAL OR EMPLOYEE TO INVESTIGATE AND RESPOND TO QUESTIONS OR CONCERNS ABOUT THE LOCAL JURISDICTION’S SPEED MONITORING SYSTEM PROGRAM.

2. BEFORE THE DEADLINE FOR CONTESTING LIABILITY UNDER THIS SECTION, THE LOCAL DESIGNEE MAY REVIEW AND, IF A CITATION IS DETERMINED TO BE AN ERRONEOUS VIOLATION, VOID A SPEED MONITORING SYSTEM CITATION.

3. A LOCAL DESIGNEE MAY NOT BE EMPLOYED BY A SPEED MONITORING SYSTEM CONTRACTOR OR HAVE BEEN INVOLVED IN ANY PREVIOUS REVIEW UNDER THIS SECTION OF SPEED MONITORING SYSTEM CITATIONS.

4. ON RECEIPT OF A QUESTION OR CONCERN FROM A PERSON, THE LOCAL DESIGNEE SHALL PROVIDE A WRITTEN ANSWER OR RESPONSE TO THE PERSON WITHIN A REASONABLE TIME.

5. A LOCAL JURISDICTION SHALL MAKE ANY WRITTEN QUESTIONS OR CONCERNS RECEIVED UNDER THIS SUBPARAGRAPH, AND ANY SUBSEQUENT ANSWERS OR RESPONSES, AVAILABLE FOR PUBLIC INSPECTION.”.

AMENDMENT NO. 5

On page 5, in line 2, after “IS” insert “PROXIMATE TO A SIGN THAT”; in line 3, strike “PROXIMATE TO A SIGN THAT indicates” and substitute “INDICATES”; in line 5, strike “IN” and substitute “IS IN”; in line 29, after “performed” insert “OR REVIEWED AND EVALUATED”; and in the same line, before “self-test” insert “DAILY”.

On page 6, in line 2, after “laboratory” insert “THAT IS:”

1. SELECTED BY THE LOCAL JURISDICTION; AND
2. UNAFFILIATED WITH THE MANUFACTURER OF THE SPEED MONITORING SYSTEM”.

AMENDMENT NO. 6

On page 6, after line 7, insert:

“(5) IF A LOCAL JURISDICTION AUTHORIZES A PROGRAM OF SPEED MONITORING SYSTEMS UNDER THIS SECTION:

(i) THE LOCAL JURISDICTION SHALL DESIGNATE A PROGRAM ADMINISTRATOR, WHO MAY NOT BE AN EMPLOYEE OR REPRESENTATIVE OF THE SPEED MONITORING SYSTEM CONTRACTOR; AND

(ii) THE CONTRACT WITH THE SPEED MONITORING SYSTEM CONTRACTOR SHALL INCLUDE THE FOLLOWING PROVISIONS:

1. FOR POTENTIAL VIOLATIONS SUBMITTED BY A CONTRACTOR FOR REVIEW BY AN AGENCY, IF MORE THAN 5% OF THE VIOLATIONS IN A CALENDAR YEAR ARE ERRONEOUS VIOLATIONS, THEN THE CONTRACTOR SHALL BE SUBJECT TO LIQUIDATED DAMAGES FOR EACH ERRONEOUS VIOLATION EQUAL TO AT LEAST 50% OF THE FINE AMOUNT FOR

(Over)

THE ERRONEOUS VIOLATION, PLUS ANY REIMBURSEMENTS PAID BY THE LOCAL JURISDICTION; AND

2. THE LOCAL JURISDICTION MAY CANCEL A CONTRACT WITH A CONTRACTOR IF THE CONTRACTOR VIOLATES THE CONTRACT BEYOND A THRESHOLD SPECIFIED IN THE CONTRACT OR VIOLATES THE LAW IN IMPLEMENTING THE CONTRACT.

(6) (I) THE MARYLAND ASSOCIATION OF CHIEFS OF POLICE, IN CONSULTATION WITH THE MARYLAND SHERIFF'S ASSOCIATION AND THE ADMINISTRATION, SHALL DEVELOP A TRAINING PROGRAM CONCERNING THE OVERSIGHT AND ADMINISTRATION OF A SPEED MONITORING PROGRAM BY A LOCAL JURISDICTION, INCLUDING A CURRICULUM OF BEST PRACTICES IN THE STATE.

(II) 1. A PROGRAM ADMINISTRATOR SHALL PARTICIPATE IN THE TRAINING PROGRAM ESTABLISHED UNDER THIS PARAGRAPH BEFORE A LOCAL JURISDICTION INITIALLY IMPLEMENTS A SPEED MONITORING PROGRAM AND SUBSEQUENTLY AT LEAST ONCE EVERY 2 YEARS.

2. IF A LOCAL JURISDICTION DESIGNATES A NEW PROGRAM ADMINISTRATOR, THE NEW PROGRAM ADMINISTRATOR SHALL PARTICIPATE IN THE NEXT AVAILABLE TRAINING PROGRAM."

AMENDMENT NO. 7

On page 10, in line 1, after "contractor" insert "IN ANY MANNER"; in the same line, after "system" insert "OR ADMINISTERS OR PROCESSES CITATIONS GENERATED BY A SPEED MONITORING SYSTEM"; in line 2, after "contingent" insert "ON A PER-TICKET BASIS"; and in line 4, after "That" insert ", except as provided in Section 3 of this Act, a presently existing obligation, contract, or contract right may

not be impaired in any way by this Act and this Act does not abrogate any current obligation, contract, or contract right in existence before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That on or after October 1, 2014, but before the termination date of an obligation, contract, or contract right existing on the effective date of this Act, a local jurisdiction may alter without penalty an obligation, contract, or contract right existing on the effective date of this Act to comply with the provisions of this Act if the governing body of the local jurisdiction provides in writing that the alteration would serve the public interest.

SECTION 4. AND BE IT FURTHER ENACTED, That”.