

SENATE BILL 207

R5

3lr0912

By: **Senators Brochin, Klausmeier, Muse, Peters, and Zirkin**

Introduced and read first time: January 18, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Speed Monitoring and Work Zone Speed Control Systems**

3 FOR the purpose of altering the definition of “recorded image” for purposes of
4 provisions related to speed monitoring systems and work zone speed control
5 systems; requiring that certain time-stamped images of a motor vehicle provide
6 sufficient information to allow for the calculation of a certain speed of the motor
7 vehicle; establishing that a speed monitoring system placed in a school zone
8 may be placed in a school zone established only for an elementary or a
9 secondary school; requiring, for a certain purpose, markings to be applied to
10 portions of the roadway on which certain violations will be recorded; prohibiting
11 a speed monitoring system placed in a school zone from being placed beyond a
12 certain distance from the property of a certain school; altering certain
13 prohibitions to provide that the fee of a contractor that administers and
14 processes civil citations issued as a result of violations recorded by a speed
15 monitoring system or a work zone speed control system may not be contingent
16 on the number of citations issued or paid; and generally relating to speed
17 monitoring systems and work zone speed control systems.

18 BY repealing and reenacting, with amendments,

19 Article – Transportation

20 Section 21–809(a)(4), (b)(1)(vi) and (vii), and (j) and 21–810(a)(4) and (j)

21 Annotated Code of Maryland

22 (2012 Replacement Volume)

23 BY adding to

24 Article – Transportation

25 Section 21–809(b)(1)(ix)

26 Annotated Code of Maryland

27 (2012 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Transportation

21–809.

(a) (4) “Recorded image” means an image recorded by a speed monitoring system:

(i) On:

1. A photograph;
2. A microphotograph;
3. An electronic image;
4. Videotape; or
5. Any other medium; and

(ii) Showing:

1. The rear of a motor vehicle;
2. At least two time–stamped images of the motor vehicle that [include]:
 - A. **INCLUDE** the same stationary object near the motor vehicle; and

B. PROVIDE SUFFICIENT INFORMATION TO ALLOW FOR THE CALCULATION OF THE SPEED OF THE MOTOR VEHICLE DURING THE INTERVAL BETWEEN THE TWO TIME–STAMPED IMAGES; AND

3. On at least one image or portion of tape, a clear and legible identification of the entire registration plate number of the motor vehicle.

(b) (1) (vi) This section applies to a violation of this subtitle recorded by a speed monitoring system that meets the requirements of this subsection and has been placed:

1. In Montgomery County, on a highway in a residential district, as defined in § 21–101 of this title, with a maximum posted speed limit of 35 miles per hour, which speed limit was established using generally accepted traffic engineering practices;

2. In a school zone established **FOR AN ELEMENTARY OR A SECONDARY SCHOOL** under § 21–803.1 of this subtitle; or

3. In Prince George’s County, on that part of a highway located within the grounds of an institution of higher education as defined in § 10–101(h) of the Education Article, or within one-half mile of the grounds of a building or property used by the institution of higher education where generally accepted traffic and engineering practices indicate that motor vehicle, pedestrian, or bicycle traffic is substantially generated or influenced by the institution of higher education.

(vii) Before activating an unmanned stationary speed monitoring system, the local jurisdiction shall:

1. Publish notice of the location of the speed monitoring system on its website and in a newspaper of general circulation in the jurisdiction;

2. Ensure that each sign that designates a school zone indicates that speed monitoring systems are in use in school zones; [and]

3. With regard to a speed monitoring system established based on proximity to an institution of higher education under paragraph (1)(vi)3 of this subsection, ensure that all speed limit signs approaching and within the segment of highway on which the speed monitoring system is located include signs that:

A. Are in accordance with the manual and specifications for a uniform system of traffic control devices adopted by the State Highway Administration under § 25–104 of this article; and

B. Indicate that a speed monitoring system is in use;
AND

4. PAINT OR OTHERWISE APPLY MARKINGS TO THE PORTION OF THE ROADWAY ON WHICH VIOLATIONS WILL BE RECORDED TO ASSIST IN THE CALCULATION OF VEHICLE SPEED BASED ON A RECORDED IMAGE.

(ix) A SPEED MONITORING SYSTEM PLACED IN A SCHOOL ZONE MAY NOT BE PLACED BEYOND 500 FEET FROM THE PROPERTY OF THE SCHOOL FOR WHICH THE SCHOOL ZONE WAS ESTABLISHED.

(j) (1) An agency or an agent or contractor designated by the agency shall administer and process civil citations issued under this section in coordination with the District Court.

(2) If a contractor [operates a speed monitoring system] **ADMINISTERS AND PROCESSES CIVIL CITATIONS ISSUED UNDER THIS SECTION** on behalf of a local jurisdiction, the contractor's fee may not be contingent on the number of citations issued or paid.

21-810.

(a) (4) "Recorded image" means an image recorded by a work zone speed control system:

(i) On:

1. A photograph;
2. A microphotograph;
3. An electronic image;
4. Videotape; or
5. Any other medium; and

(ii) Showing:

1. The rear of a motor vehicle;
2. At least two time-stamped images of the motor vehicle that [include]:

A. INCLUDE the same stationary object near the motor vehicle; and

B. PROVIDE SUFFICIENT INFORMATION TO ALLOW FOR THE CALCULATION OF THE SPEED OF THE MOTOR VEHICLE DURING THE INTERVAL BETWEEN THE TWO TIME-STAMPED IMAGES; AND

3. On at least one image or portion of tape, a clear and legible identification of the entire registration plate number of the motor vehicle.

(j) (1) The Department of State Police or a contractor designated by the Department of State Police shall administer and process civil citations issued under this section in coordination with the District Court.

(2) If a contractor [provides, deploys, or operates a work zone speed control system] **ADMINISTERS AND PROCESSES CIVIL CITATIONS ISSUED UNDER**

1 **THIS SECTION** for a police department, the contractor's fee may not be contingent on
2 the number of citations issued or paid.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2013.