

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 350
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “Speed Monitoring Systems Reform Act of 2014”; in line 5, strike “only”; in the same line, after “placed” insert “only”; strike beginning with “establishing” in line 9 down through “year;” in line 11; in line 12, after the first “certain” insert “public”; strike beginning with “requiring” in line 12 down through “annually;” in line 13; and strike beginning with “providing” in line 22 down through “circumstances” in line 24 and substitute “requiring the Maryland Police Training Commission to compile and make publicly available an annual report containing certain information on each local speed monitoring system program; providing that, except under certain circumstances, existing obligations, contracts, or contract rights may not be impaired by this Act”.

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 15 down through “PROVISIONS” in line 29 and substitute “APPARENTLY INACCURATE BASED ON A TECHNICAL VARIABLE THAT IS UNDER THE CONTROL OF THE CONTRACTOR.”

(II) “ERRONEOUS VIOLATION” INCLUDES A POTENTIAL VIOLATION BASED ON:

1. A RECORDED IMAGE OF A REGISTRATION PLATE THAT DOES NOT MATCH THE REGISTRATION PLATE ISSUED FOR THE MOTOR VEHICLE IN THE RECORDED IMAGE;

2. A RECORDED IMAGE THAT SHOWS A STOPPED VEHICLE OR NO PROGRESSION;

(Over)

3. AN INCORRECTLY MEASURED SPEED FOR A MOTOR VEHICLE;

4. A MEASURED SPEED OF A MOTOR VEHICLE THAT IS BELOW THE THRESHOLD SPEED THAT WOULD SUBJECT THE OWNER TO A CIVIL CITATION UNDER THIS SECTION;

5. A RECORDED IMAGE THAT WAS TAKEN OUTSIDE OF THE HOURS AND DAYS THAT SPEED MONITORING SYSTEMS ARE AUTHORIZED FOR USE IN SCHOOL ZONES; AND

6. A RECORDED IMAGE THAT WAS TAKEN BY A SPEED MONITORING SYSTEM WITH AN EXPIRED CALIBRATION CERTIFICATE”.

On page 5, in line 22, before “IF” insert a comma.

On page 6, in line 22, strike “AND” and substitute “FOR AND THE”.

On page 7, strike beginning with “SPEED” in line 8 down through “JURISDICTION” in line 9 and substitute “LOCAL JURISDICTION’S SPEED MONITORING SYSTEM PROGRAM”; strike in their entirety lines 10 through 13, inclusive, and substitute:

“2. A. THE LOCAL DESIGNEE SHALL REVIEW A CITATION GENERATED BY A SPEED MONITORING SYSTEM IF THE PERSON WHO RECEIVED THE CITATION REQUESTS REVIEW BEFORE THE DEADLINE FOR CONTESTING LIABILITY UNDER THIS SECTION.

B. IF THE LOCAL DESIGNEE DETERMINES THAT THE CITATION IS AN ERRONEOUS VIOLATION, THE LOCAL DESIGNEE SHALL VOID THE CITATION.

C. IF THE LOCAL DESIGNEE DETERMINES THAT A PERSON DID NOT RECEIVE NOTICE OF A CITATION ISSUED UNDER THIS SECTION DUE TO AN ADMINISTRATIVE ERROR, THE LOCAL DESIGNEE MAY RESEND THE CITATION IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION OR VOID THE CITATION.

D. A LOCAL DESIGNEE THAT TAKES ANY ACTION DESCRIBED UNDER SUBSUBSUBPARAGRAPH C OF THIS SUBSUBPARAGRAPH SHALL NOTIFY THE ADMINISTRATION OF THE ACTION FOR THE PURPOSE OF RESCINDING ANY ADMINISTRATIVE PENALTIES IMPOSED UNDER SUBSECTION (G) OF THIS SECTION.

E. A LOCAL DESIGNEE MAY NOT DETERMINE THAT A CITATION IS AN ERRONEOUS VIOLATION BASED SOLELY ON THE DISMISSAL OF THE CITATION BY A COURT.”;

strike beginning with “PREVIOUS” in line 16 down through “CITATIONS” in line 17 and substitute “**REVIEW OF A SPEED MONITORING SYSTEM CITATION, OTHER THAN A REVIEW OF A CITATION UNDER THIS SUBPARAGRAPH**”; in line 18, after “A” insert “**WRITTEN**”; in lines 22 and 23, in each instance, strike the comma; and in line 23, after “SUBSEQUENT” insert “**WRITTEN**”.

On page 8, in lines 7 and 14, in each instance, strike the bracket; in lines 7 and 8, strike “A QUARTERLY”; and in line 14, strike “QUARTERLY”.

On page 9, in line 3, strike “BEYOND” and substitute “BY SUBMITTING ERRONEOUS VIOLATIONS TO THE AGENCY THAT EXCEED”; strike beginning with “ASSOCIATION” in line 5 down through “ADMINISTRATION” in line 7, and substitute “POLICE TRAINING COMMISSION, IN CONSULTATION WITH THE STATE HIGHWAY ADMINISTRATION AND OTHER INTERESTED STAKEHOLDERS”; in line 13, after the second “A” insert “NEW”; and in line 15, after “2.” insert “A PROGRAM ADMINISTRATOR FOR A PROGRAM IN EXISTENCE ON JUNE 1, 2014, SHALL INITIALLY PARTICIPATE IN THE TRAINING PROGRAM ON OR BEFORE DECEMBER 31, 2014, AND SUBSEQUENTLY AT LEAST ONCE EVERY 2 YEARS.”

3.”.

On page 10, in line 27, strike “subsection” and substitute “SUBSECTIONS (B)(1)(IX) AND”.

On page 13, strike in their entirety lines 13 through 21, inclusive, and substitute:

“(K) (1) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE MARYLAND POLICE TRAINING COMMISSION SHALL:

(I) COMPILE AND MAKE PUBLICLY AVAILABLE A REPORT FOR THE PREVIOUS FISCAL YEAR ON EACH SPEED MONITORING SYSTEM PROGRAM OPERATED BY A LOCAL JURISDICTION UNDER THIS SECTION; AND

(II) SUBMIT THE REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(2) THE REPORT SHALL INCLUDE:

- (I) THE TOTAL NUMBER OF CITATIONS ISSUED;
- (II) THE NUMBER OF CITATIONS ISSUED AND THE NUMBER VOIDED AS ERRONEOUS VIOLATIONS FOR EACH CAMERA;
- (III) THE GROSS REVENUE GENERATED BY THE PROGRAM;
- (IV) THE EXPENDITURES INCURRED BY THE PROGRAM;
- (V) THE NET REVENUE GENERATED BY THE PROGRAM;
- (VI) THE TOTAL AMOUNT OF ANY PAYMENTS MADE TO A CONTRACTOR UNDER THE PROGRAM;
- (VII) A DESCRIPTION OF HOW THE NET REVENUE GENERATED BY THE PROGRAM WAS USED;
- (VIII) THE NUMBER OF EMPLOYEES OF THE LOCAL JURISDICTION INVOLVED IN THE PROGRAM;
- (IX) THE TYPE OF SPEED MONITORING SYSTEM USED BY THE LOCAL JURISDICTION;
- (X) THE LOCATIONS AT WHICH EACH SPEED MONITORING SYSTEM WAS USED IN THE LOCAL JURISDICTION;
- (XI) THE ACTIVATION START AND STOP DATES OF EACH SPEED MONITORING SYSTEM FOR EACH LOCATION AT WHICH IT WAS USED; AND

(Over)

(XII) THE NUMBER OF CITATIONS ISSUED BY EACH SPEED MONITORING SYSTEM AT EACH LOCATION.

(3) EACH LOCAL JURISDICTION WITH A SPEED MONITORING SYSTEM PROGRAM SHALL SUBMIT THE INFORMATION REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION TO THE COMMISSION BY OCTOBER 31 OF EACH YEAR AND ASSIST THE COMMISSION IN THE PREPARATION OF THE ANNUAL REPORT.

SECTION 2. AND BE IT FURTHER ENACTED, That, 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 a local jurisdiction shall alter without penalty an obligation, a contract, or a contract right existing on May 31, 2014, to comply with the provisions of this Act by June 1, 2017.”;

and in line 23, strike “October” and substitute “June”.