

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 132

(Senator Brochin, *et al.*)

Judicial Proceedings

Environment and Transportation

Speed Monitoring Systems - Local Designees - Approval

This bill requires the governing body of a local jurisdiction to approve the jurisdiction's designation of an official to investigate and respond to questions or concerns about its speed monitoring program.

Fiscal Summary

State Effect: None.

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

Small Business Effect: Minimal.

Analysis

Current Law: A local jurisdiction that authorizes speed monitoring systems must designate an official or employee to investigate and respond to questions or concerns.

Before the deadline for contesting liability, if the person that receives a citation requests review of the citation, the designee must do so and, if a citation is determined to be an "erroneous violation," must void the citation. An "erroneous violation" is a potential violation submitted by a speed monitoring system contractor for review by an agency that is apparently inaccurate based on a technical variable under the control of the contractor; an erroneous violation includes (1) a recorded image of a registration plate that does not match the plate issued to the vehicle; (2) an image that shows a stopped vehicle; (3) an incorrectly measured speed; (4) a measured speed below the liability threshold; (5) an image recorded when a citation cannot be issued; and (6) an image taken by a system with

an expired calibration certificate. The designee may not be employed by a contractor and may not be otherwise involved in the review of speed monitoring system citations. On receipt of a written question or concern from a person, the local designee must provide a written answer or response to the person within a reasonable time, and the jurisdiction must make the question or concern, and any subsequent written answer or response, available for public inspection.

Background:

Speed Monitoring Systems

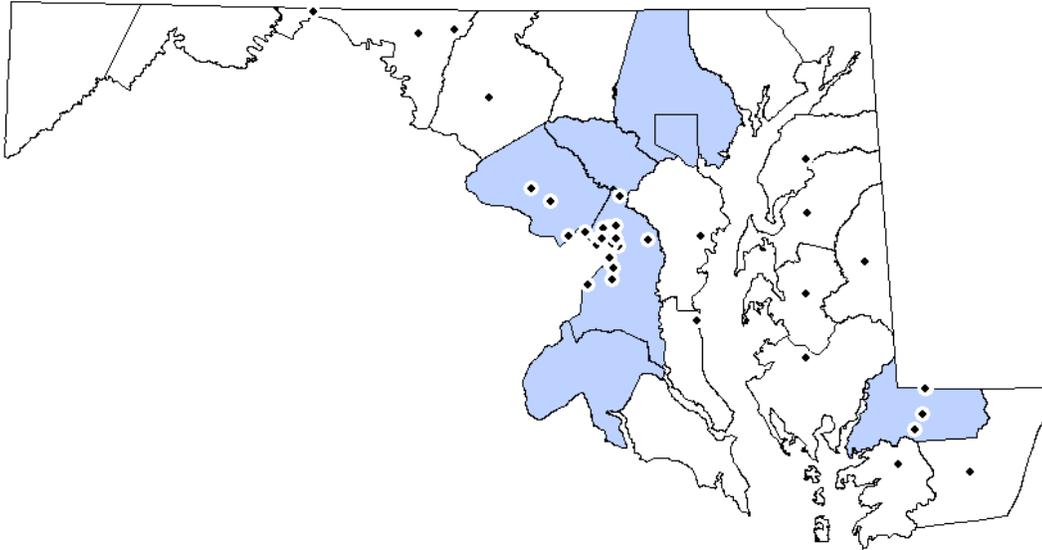
Chapter 15 of 2006 authorized the first use of speed monitoring systems in the State, but it only applied to highways in school zones and residential districts in Montgomery County. Chapter 500 of 2009 expanded statewide the authorization for the use of speed monitoring systems in school zones only. 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 speeding at least 12 miles per hour above the posted speed limit by a speed monitoring system in violation of specified speed restrictions in the Maryland Vehicle Law. The maximum fine for a citation issued by a speed monitoring system operator is \$40. However, a local law enforcement or other designated agency operating the speed monitoring system may mail a warning notice instead of a citation.

A speed monitoring system may be placed in a school zone for operation between 6:00 a.m. and 8:00 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 and its location must be published on the jurisdiction's website and in a newspaper of general circulation in the jurisdiction.

As shown in **Exhibit 1**, a number of counties and municipal corporations currently implement speed monitoring systems. The Department of Legislative Services advises that the map only reflects jurisdictions that have reported revenues to the Comptroller in fiscal 2014 and, therefore, may not include all jurisdictions that *currently* implement speed monitoring systems. Further, additional jurisdictions may be considering the use of (or discontinuance of the use of) speed monitoring systems at this time.

Exhibit 1 Local Speed Monitoring System Enforcement



Note: ● represents municipal corporations that operate speed monitoring systems;
■ represents counties that operate speed monitoring systems

Source: Comptroller's Office; Department of Legislative Services

From the fines generated by a speed monitoring system, the relevant jurisdiction may recover the costs of implementing the system and may spend any remaining balance solely for public safety purposes, including for pedestrian safety programs. However, 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, but no money has been remitted in the three years since.

In fiscal 2014, the Comptroller reports that 46 local jurisdictions generated speed monitoring system fine revenues of about \$51.5 million, of which about \$19.7 million (38%) was retained by local jurisdictions for public safety programs after recovery of the costs of implementing the systems. The total revenues, expenditures, and net revenues retained for public safety declined significantly between fiscal 2013 and 2014, although most of the decrease in total and net revenues was due to the temporary cessation of speed monitoring in Baltimore City. Nevertheless, nearly two-thirds of the jurisdictions that reported revenues to the Comptroller in both fiscal 2013 and 2014 reported a decrease in revenues for fiscal 2014.

Speed Monitoring System Reform – Chapter 491 of 2014

The General Assembly passed House Bill 929 of 2014 (enacted as Chapter 491) in response to significant concerns from the public and media scrutiny of speed cameras in Baltimore City and several other jurisdictions. These concerns centered around two common criticisms of speed cameras: (1) that technical issues and insufficient review of recorded images result in erroneously generated citations; and (2) that the contracts with vendors are structured in such a manner as to establish an incentive to generate more citations and revenues, thereby casting doubt on the integrity or purpose of speed monitoring programs. Thus, Chapter 491 required jurisdictions to impose new restrictions and requirements on their contracts with speed monitoring vendors and established numerous additional requirements and restrictions pertaining to the issuance of citations, the calibration and self-testing of systems, the review of erroneous citations, and the use and placement of systems in school zones.

Local Expenditures: No material increase in local government expenditures is anticipated unless, as a result of the bill's approval process, it is determined that an additional person is needed to fill the designated official's position.

Additional Comments: It is assumed that the bill's requirement does not apply to a local jurisdiction that has already designated an official until such time as the jurisdiction is required to designate a new official.

Additional Information

Prior Introductions: None.

Cross File: HB 1086 (Delegate Lam) – Environment and Transportation.

Information Source(s): Baltimore, Howard, and Montgomery counties; Baltimore City; Maryland Municipal League; Department of Legislative Services

Fiscal Note History: First Reader - February 2, 2015
mar/ljm Revised - Senate Third Reader - March 23, 2015

Analysis by: Evan M. Isaacson

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