SENATE BILL 961

R5   6lr3343
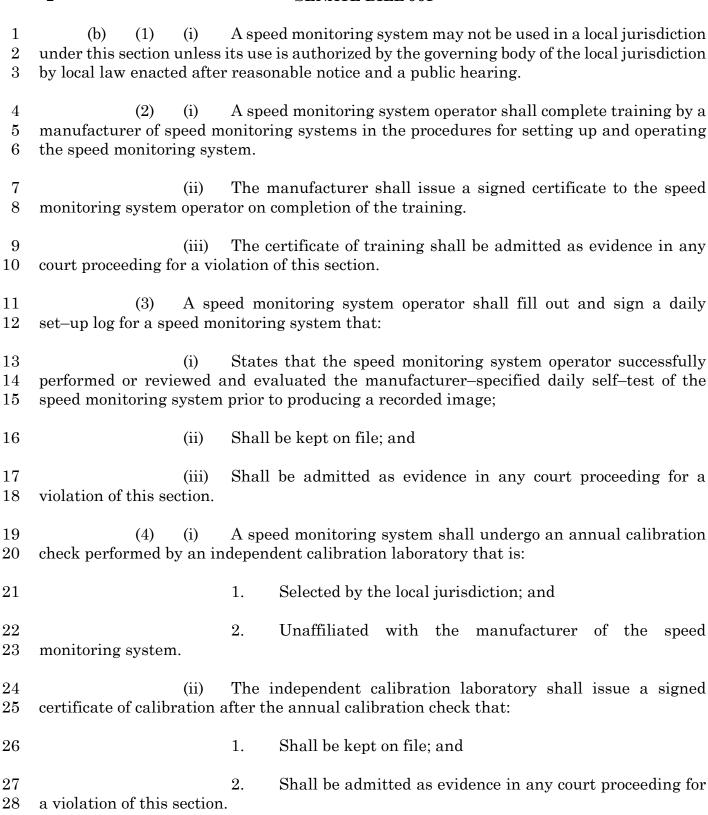   CF 6lr3207

By: **Senator Muse**
Introduced and read first time: February 5, 2016
Assigned to: Judicial Proceedings

A BILL ENTITLED

1   AN ACT concerning

2   **Motor Vehicles – Speed Monitoring Systems – Automated Audits**

3   FOR the purpose of requiring that a speed monitoring system be subject to an automated,
4   real–time audit; prohibiting an audit from being conducted by an employee or
5   representative of the speed monitoring system contractor; requiring that the results
6   of the audit remain in the custody and be the property of the local jurisdiction that
7   authorized the speed monitoring system and be admitted as evidence in any court
8   proceeding for certain violations; and generally relating to automated audits for
9   speed monitoring systems.

10 BY repealing and reenacting, without amendments,
11   Article – Transportation
12   Section 21–809(b)(1)(i), (2), (3), and (4)
13   Annotated Code of Maryland
14   (2012 Replacement Volume and 2015 Supplement)

15 BY repealing and reenacting, with amendments,
16   Article – Transportation
17   Section 21–809(b)(5) and (6)
18   Annotated Code of Maryland
19   (2012 Replacement Volume and 2015 Supplement)

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

Article – Transportation

23 21–809.

1   (b)   (1)   (i)   A speed monitoring system may not be used in a local jurisdiction
2 under this section unless its use is authorized by the governing body of the local jurisdiction
3 by local law enacted after reasonable notice and a public hearing.

4   (2)   (i)   A speed monitoring system operator shall complete training by a
5 manufacturer of speed monitoring systems in the procedures for setting up and operating
6 the speed monitoring system.

7   (ii)   The manufacturer shall issue a signed certificate to the speed
8 monitoring system operator on completion of the training.

9   (iii)   The certificate of training shall be admitted as evidence in any
10 court proceeding for a violation of this section.

11   (3)   A speed monitoring system operator shall fill out and sign a daily
12 set–up log for a speed monitoring system that:

13   (i)   States that the speed monitoring system operator successfully
14 performed or reviewed and evaluated the manufacturer–specified daily self–test of the
15 speed monitoring system prior to producing a recorded image;

16   (ii)   Shall be kept on file; and

17   (iii)   Shall be admitted as evidence in any court proceeding for a
18 violation of this section.

19   (4)   (i)   A speed monitoring system shall undergo an annual calibration
20 check performed by an independent calibration laboratory that is:

21   1.   Selected by the local jurisdiction; and

22   2.   Unaffiliated with the manufacturer of the speed
23 monitoring system.

24   (ii)   The independent calibration laboratory shall issue a signed
25 certificate of calibration after the annual calibration check that:

26   1.   Shall be kept on file; and

27   2.   Shall be admitted as evidence in any court proceeding for
28 a violation of this section.

29   (5)   **(I)   A SPEED MONITORING SYSTEM SHALL BE SUBJECT TO AN**
30 **AUTOMATED, REAL–TIME AUDIT.**

1   **(II)** **AN AUDIT UNDER THIS PARAGRAPH MAY NOT BE**
2 **CONDUCTED BY AN EMPLOYEE OR REPRESENTATIVE OF THE SPEED MONITORING**
3 **SYSTEM CONTRACTOR.**

4   **(III)** **THE RESULTS OF AN AUDIT UNDER THIS PARAGRAPH**
5 **SHALL:**

6   **1.** **REMAIN IN THE CUSTODY AND BE THE PROPERTY OF**
7 **THE LOCAL JURISDICTION; AND**

8   **2.** **BE ADMITTED AS EVIDENCE IN ANY COURT**
9 **PROCEEDING FOR A VIOLATION THAT IS THE SUBJECT OF THE AUDIT.**

10   **(6)** If a local jurisdiction authorizes a program of speed monitoring systems
11 under this section:

12   (i) The local jurisdiction shall designate a program administrator
13 who may not be an employee or representative of the speed monitoring system contractor;
14 and

15   (ii) The contract with the speed monitoring system contractor shall
16 include the following provisions:

17   1. For potential violations submitted by a contractor for
18 review by an agency, if more than 5% of the violations in a calendar year are erroneous
19 violations, then the contractor shall be subject to liquidated damages for each erroneous
20 violation equal to at least 50% of the fine amount for the erroneous violation, plus any
21 reimbursements paid by the local jurisdiction; and

22   2. The local jurisdiction may cancel a contract with a
23 contractor if the contractor violates the contract by submitting erroneous violations to the
24 agency that exceed a threshold specified in the contract or violates the law in implementing
25 the contract.

26   **[(6)] (7)** (i) The Maryland Police Training Commission, in
27 consultation with the State Highway Administration and other interested stakeholders,
28 shall develop a training program concerning the oversight and administration of a speed
29 monitoring program by a local jurisdiction, including a curriculum of best practices in the
30 State.

31   (ii) 1. A program administrator shall participate in the training
32 program established under this paragraph before a local jurisdiction initially implements
33 a new speed monitoring program and subsequently at least once every 2 years.

1   2.   A program administrator for a program in existence on
2 June 1, 2014, shall initially participate in the training program on or before December 31,
3 2014, and subsequently at least once every 2 years.

4   3.   If a local jurisdiction designates a new program
5 administrator, the new program administrator shall participate in the next available
6 training program.

7   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2016.