

Chapter 806

(House Bill 175)

AN ACT concerning

Prince George's County – Speed Monitoring Systems – Intersection of Old Fort Road and Maryland Route 210 (Indian Head Highway)**PG 302–18**

FOR the purpose of authorizing local jurisdictions to use one speed monitoring system at the intersection of Old Fort Road and Maryland Route 210 (Indian Head Highway) in Prince George's County, subject to certain placement and signage and device requirements; making a stylistic change; providing for the termination of this Act; and generally relating to the use of speed monitoring systems in Prince George's County.

BY repealing and reenacting, with amendments,Article – Courts and Judicial ProceedingsSection 7–302(e)(4)Annotated Code of Maryland(2013 Replacement Volume and 2017 Supplement)BY repealing and reenacting, without amendments,Article – Criminal ProcedureSection 11–819(a)(1)Annotated Code of Maryland(2008 Replacement Volume and 2017 Supplement)BY repealing and reenacting, with amendments,Article – Criminal ProcedureSection 11–819(a)(2)Annotated Code of Maryland(2008 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 21–809(a), (b)(1)(i), and (c)

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 21–809(b)(1)(vi) and (vii)

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

BY adding to

Article – Transportation

Section 21-809(b)(1)(vii)

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

Preamble

WHEREAS, Maryland Route 210 (Indian Head Highway), an approximately 21-mile-long highway in Prince George's and Charles counties, is an old road with outdated safety design features; and

WHEREAS, Regional population growth surrounding the Maryland Route 210 corridor combined with a constant influx of visitors to the recently opened National Harbor have contributed to a significant increase in vehicular traffic on the highway; and

WHEREAS, As a result of these and other factors, Maryland Route 210 has become one of the deadliest highways in Maryland; and

WHEREAS, From 2007 through 2017, 46 fatal crashes resulting in 58 fatalities occurred on Maryland Route 210; now, therefore,

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

Article – Courts and Judicial Proceedings

7-302.

(e) (4) (i) From the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems or school bus monitoring cameras, a political subdivision:

1. May recover the costs of implementing and administering the speed monitoring systems or school bus monitoring cameras; and

2. Subject to [subparagraph] SUBPARAGRAPHS (ii) AND (III) of this paragraph, may spend any remaining balance solely for public safety purposes, including pedestrian safety programs.

(ii) 1. For any fiscal year, if the balance remaining from the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems, after the costs of implementing and administering the systems are recovered in accordance with subparagraph (i)1 of this paragraph, is greater than 10% of the total

revenues of the political subdivision for the fiscal year, the political subdivision shall remit any funds that exceed 10% of the total revenues to the Comptroller.

2. The Comptroller shall deposit any money remitted under this subparagraph to the General Fund of the State.

(III) THE FINES COLLECTED BY PRINCE GEORGE’S COUNTY AS A RESULT OF VIOLATIONS ENFORCED BY A SPEED MONITORING SYSTEM AT THE INTERSECTION OF OLD FORT ROAD AND MARYLAND ROUTE 210 SHALL BE REMITTED TO THE COMPTROLLER FOR DEPOSIT INTO THE CRIMINAL INJURIES COMPENSATION FUND UNDER § 11–819 OF THE CRIMINAL PROCEDURE ARTICLE.

Article – Criminal Procedure

11–819.

(a) (1) There is a Criminal Injuries Compensation Fund.

(2) The Fund consists of:

(i) [moneys] MONEY distributed to the Fund from the additional court costs collected from defendants under § 7–409 of the Courts Article;

(ii) **MONEY DISTRIBUTED TO THE FUND UNDER § 7–302(E)(4)(III) OF THE COURTS ARTICLE FROM FINES COLLECTED FOR VIOLATIONS ENFORCED BY A SPEED MONITORING SYSTEM AT THE INTERSECTION OF OLD FORT ROAD AND MARYLAND ROUTE 210;**

(III) any investment earnings or federal matching funds received by the State for criminal injuries compensation; and

[(iii)] (IV) funds made available to the Fund from any other source.

Article – Transportation

21–809.

(a) (1) In this section the following words have the meanings indicated.

(2) “Agency” means:

(i) A law enforcement agency of a local political subdivision that is authorized to issue a citation for a violation of the Maryland Vehicle Law or of local traffic laws or regulations; or

(ii) For a municipal corporation that does not maintain a police force, an agency established or designated by the municipal corporation to implement this subtitle using speed monitoring systems in accordance with this section.

(3) (i) “Erroneous violation” means a potential violation submitted by a speed monitoring system contractor for review by an agency that is 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;
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.

(4) (i) “Owner” means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or more.

(ii) “Owner” does not include:

1. A motor vehicle rental or leasing company; or
2. A holder of a special registration plate issued under Title 13, Subtitle 9, Part III of this article.

(5) “Program administrator” means an employee or a representative of the local jurisdiction designated by the local jurisdiction to oversee a contract with a speed monitoring system contractor.

(6) “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 the same stationary object near the motor vehicle; 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.

(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 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.

(8) “Speed monitoring system” means a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at speeds at least 12 miles per hour above the posted speed limit.

(9) “Speed monitoring system operator” means a representative of an agency or contractor that operates a speed monitoring system.

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

(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 with a posted speed limit of at least 20 miles per hour; or

3. In Prince George's County, ~~on~~ [that]:

A. SUBJECT TO SUBPARAGRAPH (VII) OF THIS PARAGRAPH, AT THE INTERSECTION OF OLD FORT ROAD AND MARYLAND ROUTE 210 (INDIAN HEAD HIGHWAY); OR

B. ~~THAT 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) 1. NOT MORE THAN ONE SPEED MONITORING SYSTEM MAY BE PLACED AT THE INTERSECTION OF OLD FORT ROAD AND MARYLAND ROUTE 210 (INDIAN HEAD HIGHWAY).

2. A SPEED MONITORING SYSTEM PLACED IN ACCORDANCE WITH THIS SUBPARAGRAPH MAY RECORD ONLY VEHICLES TRAVELING IN THE SOUTHBOUND LANE OF THE ROADWAY.

~~[(vii)]~~ **(VIII)** Before activating a 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 is proximate to a sign that:

A. Indicates that speed monitoring systems are in use in the school zone; and

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

3. With regard to a speed monitoring system established ~~ON~~ **AT THE INTERSECTION OF OLD FORT ROAD AND MARYLAND ROUTE 210 (INDIAN**

HEAD HIGHWAY) OR 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. WITH REGARD TO A SPEED MONITORING SYSTEM PLACED ON MARYLAND ROUTE 210 (INDIAN HEAD HIGHWAY), ENSURE THAT EACH SIGN THAT INDICATES THAT A SPEED MONITORING SYSTEM IS IN USE IS PROXIMATE TO A DEVICE THAT DISPLAYS A REAL-TIME POSTING OF THE SPEED AT WHICH A DRIVER IS TRAVELING.

(c) (1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection (f)(4) of this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a speed monitoring system while being operated in violation of this subtitle.

(2) A civil penalty under this subsection may not exceed \$40.

(3) For purposes of this section, the District Court shall prescribe:

(i) A uniform citation form consistent with subsection (d)(1) of this section and § 7–302 of the Courts Article; and

(ii) A civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

SECTION 2. AND BE IT FURTHER ENACTED, That on or before January 1, 2023, Prince George’s County shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on:

(1) the number of speed monitoring citations issued under this Act by month;

(2) the number of fatal motor vehicle crashes and fatalities by month on Maryland Route 210 during any period during which speed monitoring systems are active; and

(3) any measurable decreases in the speed of vehicles traveling on Maryland Route 210.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018. It shall remain effective for a period of 5 years and, at the end of September 30, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 26, 2018.