

HOUSE BILL 175

R5

8lr0784

By: **Prince George's County Delegation**

Introduced and read first time: January 18, 2018

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Speed Monitoring Systems – Maryland Route 210**
3 **(Indian Head Highway)**

4 **PG 302–18**

5 FOR the purpose of authorizing local jurisdictions to use speed monitoring systems on
6 Maryland Route 210 (Indian Head Highway) in Prince George's County, subject to
7 certain signage requirements; and generally relating to the use of speed monitoring
8 systems in Prince George's County.

9 BY repealing and reenacting, without amendments,
10 Article – Transportation
11 Section 21–809(a), (b)(1)(i), and (c)
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2017 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 21–809(b)(1)(vi) and (vii)
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2017 Supplement)

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

21 **Article – Transportation**

22 21–809.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) “Agency” means:

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

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

8 (3) (i) “Erroneous violation” means a potential violation submitted by a
9 speed monitoring system contractor for review by an agency that is apparently inaccurate
10 based on a technical variable that is under the control of the contractor.

11 (ii) “Erroneous violation” includes a potential violation based on:

12 1. A recorded image of a registration plate that does not
13 match the registration plate issued for the motor vehicle in the recorded image;

14 2. A recorded image that shows a stopped vehicle or no
15 progression;

16 3. An incorrectly measured speed for a motor vehicle;

17 4. A measured speed of a motor vehicle that is below the
18 threshold speed that would subject the owner to a civil citation under this section;

19 5. A recorded image that was taken outside of the hours and
20 days that speed monitoring systems are authorized for use in school zones; and

21 6. A recorded image that was taken by a speed monitoring
22 system with an expired calibration certificate.

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

25 (ii) “Owner” does not include:

26 1. A motor vehicle rental or leasing company; or

27 2. A holder of a special registration plate issued under Title
28 13, Subtitle 9, Part III of this article.

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

1 (6) “Recorded image” means an image recorded by a speed monitoring
2 system:

3 (i) On:

4 1. A photograph;

5 2. A microphotograph;

6 3. An electronic image;

7 4. Videotape; or

8 5. Any other medium; and

9 (ii) Showing:

10 1. The rear of a motor vehicle;

11 2. At least two time-stamped images of the motor vehicle
12 that include the same stationary object near the motor vehicle; and

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

15 (7) “School zone” means a designated roadway segment within up to a
16 half-mile radius of a school for any of grades kindergarten through grade 12 where
17 school-related activity occurs, including:

18 (i) Travel by students to or from school on foot or by bicycle; or

19 (ii) The dropping off or picking up of students by school buses or
20 other vehicles.

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

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

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

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

1 placed:

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

6 2. In a school zone with a posted speed limit of at least 20
7 miles per hour; or

8 3. In Prince George’s County, on [that]:

9 A. **MARYLAND ROUTE 210 (INDIAN HEAD HIGHWAY);**
10 **OR**

11 B. **THAT** part of a highway located within the grounds of an
12 institution of higher education as defined in § 10–101(h) of the Education Article, or within
13 one-half mile of the grounds of a building or property used by the institution of higher
14 education where generally accepted traffic and engineering practices indicate that motor
15 vehicle, pedestrian, or bicycle traffic is substantially generated or influenced by the
16 institution of higher education.

17 (vii) Before activating a speed monitoring system, the local
18 jurisdiction shall:

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

21 2. Ensure that each sign that designates a school zone is
22 proximate to a sign that:

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

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

28 3. With regard to a speed monitoring system established **ON**
29 **MARYLAND ROUTE 210 (INDIAN HEAD HIGHWAY) OR** based on proximity to an
30 institution of higher education under paragraph (1)(vi)³ of this subsection, ensure that all
31 speed limit signs approaching and within the segment of highway on which the speed
32 monitoring system is located include signs that:

33 A. Are in accordance with the manual and specifications for
34 a uniform system of traffic control devices adopted by the State Highway Administration

1 under § 25–104 of this article; and

2 B. Indicate that a speed monitoring system is in use.

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

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

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

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

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2018.