SENATE BILL 43

By: Senator Reilly
Requested: October 21, 2021
Introduced and read first time: January 12, 2022
Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning

Anne Arundel County – Speed Monitoring Systems – Maryland Route 648
(Baltimore–Annapolis Boulevard)

FOR the purpose of authorizing the placement and use of speed monitoring systems on Maryland Route 648 (Baltimore–Annapolis Boulevard) in Anne Arundel County between Hoyle Lane and Cypress Creek Road, subject to certain placement and signage requirements; requiring that the fines collected by Anne Arundel County as a result of violations enforced by certain speed monitoring systems be used to assist in covering the cost of speed reduction measures and roadway and pedestrian safety measures on Maryland Route 648 (Baltimore–Annapolis Boulevard) between Hoyle Lane and Cypress Creek Road; and generally relating to the placement and use of speed monitoring systems in Anne Arundel County.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings
Section 7–302(e)(4)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation
Section 21–809(a)(1) and (8), (b)(1)(i), and (c)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation
Section 21–809(b)(1)(vi) and (viii)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
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 subparagraphs (ii), (iii), and (iv) 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 speed monitoring systems on Maryland Route 210 shall be remitted
to the Comptroller for distribution to the State Highway Administration to be used solely
to assist in covering the costs of:

1. Examining the engineering, infrastructure, and other
relevant factors that may contribute to safety issues on Maryland Route 210 in Prince
George’s County;

2. Reporting its findings and recommendations on any
solutions to these safety issues; and

3. Implementing any solutions to these safety issues.

(iv) 1. From the fines collected by Baltimore City as a result of
violations enforced by speed monitoring systems on Interstate 83, any balance remaining
after the allocation of fines under subparagraph (i)1 of this paragraph shall be remitted to
the Comptroller for distribution to the Baltimore City Department of Transportation to be
used solely to assist in covering the cost of roadway improvements on Interstate 83 in
Baltimore City.

2. Fines remitted to the Baltimore City Department of
Transportation under subparagraph (iv)1 of this paragraph are supplemental to and are
not intended to take the place of funding that would otherwise be appropriated for uses
described under subparagraph (iv)1 of this paragraph.

(v) From the fines collected by Anne Arundel County as a result of
violations enforced by speed monitoring systems on Maryland Route 175 (Jessup Road)
between the Maryland Route 175/295 interchange and the Anne Arundel County—Howard
County line, any balance remaining after the allocation of fines under subparagraph (i)1 of
this paragraph shall be remitted to the Comptroller for distribution to the State Highway
Administration to be used solely to assist in covering the cost of speed reduction measures
and roadway and pedestrian safety improvements on Maryland Route 175 (Jessup Road)
between the Maryland Route 175/295 interchange and the Anne Arundel County—Howard
County line.

(vi) **From the fines collected by Anne Arundel County as a result of violations enforced by speed monitoring systems on Maryland Route 648 (Baltimore–Annapolis Boulevard) between Hoyle Lane and Cypress Creek Road, any balance remaining after the allocation of fines under subparagraph (i)1 of this paragraph shall be remitted to the Comptroller for distribution to the State Highway Administration to be used solely to assist in covering the cost of speed reduction measures and roadways and pedestrian safety improvements on Maryland Route 648 (Baltimore–Annapolis Boulevard) between Hoyle Lane and Cypress Creek Road.**

Article – Transportation

21–809.

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

(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.

(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 or Prince George’s 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;

3. In Prince George’s County:

   A. Subject to subparagraph (vii)1 of this paragraph, on Maryland Route 210 (Indian Head Highway); or

   B. 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;

4. Subject to subparagraph (vii)2 of this paragraph, on Interstate 83 in Baltimore City; [or]

5. In Anne Arundel County, on Maryland Route 175 (Jessup Road) between the Maryland Route 175/295 interchange and the Anne Arundel County–Howard County line; OR

6. IN ANNE ARUNDEL COUNTY, ON MARYLAND ROUTE 648 (BALTIMORE–ANNAPOLIS BOULEVARD) BETWEEN HOYLE LANE AND CYPRUS CREEK ROAD.

(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;

3. With regard to a speed monitoring system established on Maryland Route 210 (Indian Head Highway) in Prince George's County, based on proximity to an institution of higher education under subparagraph (vi) of this paragraph, on Interstate 83 in Baltimore City, [or] in Anne Arundel County on Maryland Route 175 (Jessup Road) between the Maryland Route 175/295 interchange and the Anne Arundel County–Howard County line, OR IN ANNE ARUNDEL COUNTY ON MARYLAND ROUTE 648 (BALTIMORE–ANNAPOLIS BOULEVARD) BETWEEN HOYLE LANE AND CYPRESS CREEK ROAD, 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) in Prince George's County, Interstate 83 in Baltimore City, [or] in Anne Arundel County on Maryland Route 175 (Jessup Road) between the Maryland Route 175/295 interchange and the Anne Arundel County–Howard County line, OR IN ANNE ARUNDEL COUNTY ON MARYLAND ROUTE 648 (BALTIMORE–ANNAPOLIS BOULEVARD) BETWEEN HOYLE LANE AND CYPRESS CREEK ROAD, 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 this Act shall take effect October 1, 2022. It shall remain effective for a period of 5 years and, at the end of September 30, 2027, this Act, with no further action required by the General Assembly, shall be
1 abrogated and of no further force and effect.