

Department of Legislative Services
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FISCAL AND POLICY NOTE
First Reader

House Bill 353 (Delegate Healey, *et al.*)
Environment and Transportation

Traffic Control Device Monitoring Systems - Authorization

This bill authorizes the use of traffic control device monitoring systems on State and local highways to record violations of State law requiring obedience to traffic control devices. Unless the driver of the motor vehicle received a citation from a police officer at the time of a specified violation, the owner or driver of a motor vehicle is subject to a civil penalty of up to \$40 if the motor vehicle is recorded by a traffic control device monitoring system during the commission of the violation. The bill expands existing statutory provisions governing the collection and disposition of fines collected as a result of automated monitoring systems to apply to traffic control device monitoring systems. The District Court has exclusive original civil jurisdiction in a civil infraction under the bill. In consultation with law enforcement agencies, the Chief Judge of the District Court must adopt procedures for the issuance of citations, trials for violations, and the collection of civil penalties imposed under the bill.

Fiscal Summary

State Effect: Because the bill is authorizing in nature, the impact on State finances generally depends on the extent to which the systems are deployed, as discussed below. Nevertheless, the District Court must be prepared should any systems be deployed, with programming costs totaling \$22,800 in FY 2024 only. The District Court can likely adopt procedures as required under the bill with existing resources.

Local Effect: The bill is authorizing in nature. The impact on local government finances depends on the extent to which the systems are deployed, as discussed below.

Small Business Effect: None.

Analysis

Bill Summary:

Definitions

“Agency” means (1) a law enforcement agency that is authorized to issue a citation for a violation of the Maryland Vehicle Law or of local traffic laws or regulations or (2) for a municipal corporation that does not maintain a police force, an agency established or designated by the municipal corporation to implement specified provisions of the Maryland Vehicle Law using traffic control device monitoring systems in accordance with the bill.

“Traffic control device monitoring system” means a device designed to capture a recorded image of a violation. “Violation,” as defined under the bill, means a violation of specified offenses under the Maryland Vehicle Law relating to obedience to a traffic control device.

“Owner” means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of six months or more. “Owner” does not include a motor vehicle leasing company or a specified holder of a special registration plate.

“Recorded image” means images recorded by a traffic control device monitoring system (1) on at least two photographs, microphotographs, or electronic images; on videotape; or on any other medium and (2) showing a motor vehicle and, on at least one image or portion of tape, clearly identifying the registration plate number of the motor vehicle.

Issuance of Citations and Collection and Disposition of Fines

The bill expands existing statutory provisions governing the issuance of citations and the collection and disposition of fines collected as a result of automated monitoring systems to apply to traffic control device monitoring systems. Accordingly, a citation issued as a result of a traffic control device monitoring system controlled by a political subdivision must provide that, in an uncontested case, the penalty be paid directly to the political subdivision; a citation issued as a result of a traffic control device monitoring system in a case contested in District Court must provide that the penalty be paid directly to the District Court. Civil penalties resulting from citations issued using a traffic control device monitoring system that are collected by the District Court must be collected and distributed in accordance with existing statutory provisions.

A political subdivision is not explicitly authorized to recover the costs of implementing and administering traffic control device monitoring systems from fines collected by the political subdivision as a result of violations enforced by traffic control device monitoring systems. Nevertheless, a political subdivision may spend the “remaining balance” solely

for public safety purposes, including pedestrian safety programs, as specified under existing statutory provisions.

Admissibility of Recorded Images as Evidence

Consistent with existing evidentiary provisions pertaining to images recorded by automated monitoring systems, a recorded image of a motor vehicle produced by a traffic control device monitoring system in accordance with the bill is admissible in a proceeding concerning a civil citation issued under the bill for a violation of specified offenses without authentication. In any other judicial proceeding, a recorded image produced by a traffic control device monitoring system is admissible as otherwise provided by law.

Authorized Use of Traffic Control Device Monitoring Systems

An agency may use traffic control device monitoring systems (1) on highways maintained by a local jurisdiction, if authorized by the governing body of the local jurisdiction or (2) on State highways, if authorized by the State Highway Administration (SHA). A traffic control device monitoring system may not be used in a local jurisdiction unless its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing.

Required Approval and Notice

Before a county may use a traffic control device monitoring system on State highways located within a municipal corporation, the county must (1) obtain the approval of SHA; (2) notify the municipal corporation of SHA's approval; and (3) grant the municipal corporation 60 days from the date of the county's notice to enact an ordinance authorizing the municipal corporation, instead of the county, to use a traffic control device monitoring system.

Before beginning the use of traffic control device monitoring systems, an agency must publish notice that the agency has adopted the use of traffic control device monitoring systems on its website and in a newspaper of general circulation in the jurisdiction in which the traffic control device monitoring system will be used.

Required Signage

A local jurisdiction that uses a traffic control device monitoring system must prominently place signs on highways within the local jurisdiction providing notice that traffic control device monitoring systems are in use in the jurisdiction. Similarly, SHA must place signs prominently providing notice that traffic control device monitoring systems are in use on State highways.

Recorded Violations

A recorded image by a traffic control device monitoring system indicating that the driver of a motor vehicle has committed a violation must include specified information.

Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or driver of a motor vehicle is subject to a civil penalty of up to \$40 if the motor vehicle is recorded by a traffic control device monitoring system during the commission of a violation. The District Court must prescribe a uniform citation form, as specified, and a civil penalty, which must be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

Citations

An agency generally must mail to the owner liable for a violation recorded by a traffic control device monitoring system a citation that includes specified information in accordance with the bill. The agency may mail a warning notice in place of a citation. Generally, a citation must be issued within two weeks of the alleged violation. A person who receives a citation may pay the civil penalty in accordance with the instructions on the citation or elect to stand trial.

Certifications Alleging a Violation

A certification alleging that a violation occurred, sworn to or affirmed by a duly authorized law enforcement officer employed by (or under contract with) an agency, based on the inspection of a recorded image, is evidence of the facts contained in the certificate and is admissible in any proceeding concerning the alleged violation. Adjudication of liability must be based on a preponderance of the evidence.

Defense of Violations

The District Court may consider in defense of a violation (1) that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation; (2) evidence that the person named in the citation was not operating the vehicle at the time of the violation; and (3) any other issues and evidence that the District Court considers pertinent, as specified.

If the District Court finds that the person named in the citation was not operating the vehicle at the time of the violation or receives specified evidence identifying the person driving the vehicle at the time of the violation, the clerk of the court must provide the agency issuing the citation a copy of any evidence substantiating who was operating the vehicle at the time

of the violation. The issuing agency may, within two weeks of receipt of such evidence, issue a citation to the person whom the evidence indicates was operating the vehicle at the time of the violation.

Penalties

If the citation is not paid and the violation not contested, the Motor Vehicle Administration may refuse to register or reregister or may suspend the registration of the motor vehicle. A violation for which a civil penalty is imposed is not a moving violation for the purpose of points assessment, may not be recorded on the driving record of the owner or driver of the vehicle, and may not be considered in the provision of motor vehicle insurance.

Requirements for Administering Agencies and Contractors

Any agency, or an agent or contractor designated by the agency, must administer and process civil citations issued under the bill in coordination with the District Court. A contractor's fee may not be contingent on a pre-ticket basis on the number of citations issued or paid.

Current Law:

Duty to Obey Traffic Control Devices

Except as otherwise specified or unless otherwise directed by a police officer, the driver of any vehicle must obey any traffic control devices. A driver may not leave the roadway or drive across private property to avoid a traffic control device. A violation is a misdemeanor with a maximum \$500 fine. The prepayment penalty is \$90 with one point assessed against the license. If the violation contributes to an accident, the prepayment penalty is \$130 and three points must be assessed against the license.

Automated Monitoring Systems

State law authorizes the use of various automated monitoring systems, including traffic control system monitoring systems, speed monitoring systems, school bus monitoring systems, vehicle height monitoring systems, and work zone speed control systems.

State Revenues: To the extent the District Court collects fines for citations issued under the bill, general fund revenues increase. Any such impact depends on the extent to which traffic control device monitoring systems are deployed in the State and the amount of the fine established for a violation.

State Expenditures: As noted above, the bill authorizes the use of traffic control device monitoring systems by specified law enforcement agencies in the State and other specified local agencies. The bill's impact on State expenditures depends on the extent to which traffic control device monitoring system programs are implemented in the State.

To the extent that State law enforcement agencies utilize traffic control device monitoring systems under the bill, State expenditures increase as a result of related start-up costs and ongoing implementation costs. To the extent that traffic control device monitoring systems are used on State highways, Transportation Trust Fund expenditures increase to install required signage and for potential planning costs.

In addition, in anticipation of any traffic control device monitoring systems being deployed by State and/or local agencies, general fund expenditures for the District Court increase for programming changes necessary to collect payments for citations that may be issued under the bill. Programming-related costs total approximately \$22,800. The District Court advises that, to the extent that the bill results in significantly increased workloads, additional personnel may be needed, and general fund expenditures increase further.

Local Fiscal Effect: To the extent that local jurisdictions deploy traffic control device monitoring systems, local government expenditures increase as a result of start-up costs, ongoing implementation costs, and for public safety purposes. Local revenues also increase to the extent local jurisdictions collect penalties from citations issued as a result of locally controlled traffic control device monitoring systems.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 151 of 2022.

Designated Cross File: None.

Information Source(s): Caroline, Howard, and Prince George's counties; Baltimore City; Maryland Association of Counties; Maryland Municipal League; Judiciary (Administrative Office of the Courts); Department of State Police; Department of Legislative Services

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