

**Department of Legislative Services**  
 Maryland General Assembly  
 2023 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 367 (Delegate Charkoudian)  
 Environment and Transportation

**Vehicle Laws - Stop Sign Monitoring Systems - Authorization**

This bill authorizes the use of stop sign monitoring systems on State and local highways to record specified violations of State laws related to required stops when approaching a stop sign. Unless the driver of the motor vehicle received a citation from a police officer at the time of a violation, the owner or driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a stop sign monitoring system during the commission of the violation. The amount of the civil penalty varies based on the annual income of the individual cited as well as the type of vehicle; the maximum civil penalty is \$120.

**Fiscal Summary**

**State Effect:** Because the bill is authorizing in nature, the full impact on State finances generally depends on the extent to which the systems are deployed. Nevertheless, the District Court, Comptroller’s Office, and State Highway Administration (SHA) must be prepared should any systems be deployed, with staff and programming costs totaling approximately \$1.1 million in FY 2024. Future years reflect annualization, elimination of one-time costs, and ongoing costs. Revenues from contested citations accrue to the Transportation Trust Fund (TTF) to be used for Complete Streets.

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
SF Revenue	-	-	-	-	-
GF Expenditure	\$1,077,700	\$1,031,200	\$1,076,900	\$1,125,200	\$1,185,100
SF Expenditure	\$44,000	\$20,000	\$20,000	\$20,000	\$20,000
Net Effect	(\$1,121,700)	(\$1,051,200)	(\$1,096,900)	(\$1,145,200)	(\$1,205,100)

*Note: ( ) = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**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:** The bill expands existing statutory provisions governing the collection and disposition of automated monitoring system fines to apply to stop sign monitoring systems. The District Court has exclusive original civil jurisdiction in a civil infraction under the bill. In consultation with local jurisdictions, the Chief Judge of the District Court must adopt procedures for the issuance of citations, the trial of civil violations, and the collection of civil penalties under the bill.

### *Definitions*

“Agency” means (1) for a stop sign maintained at an intersection under the control of the State, the law enforcement agency primarily responsible for traffic control at that intersection or (2) for a stop sign maintained at an intersection under the control of a political subdivision, a law enforcement agency of the political subdivision that is authorized to issue citations for a violation of the Maryland Vehicle Law (or of local traffic laws or regulations).

“Annual income” means the total income from all sources of a designated household for the immediately preceding income tax year as reported on federal or State income tax returns.

“Stop sign monitoring system” means a device with one or more motor vehicle sensors that produce recorded images of motor vehicles that fail to come to a complete stop before entering an intersection.

“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 rental or leasing company or a specified holder of a special registration plate.

“Recorded images” means images recorded by a stop sign monitoring system (1) on videotape or any other continuous recording 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.

### *Violations Subject to Stop Sign Monitoring System Citations*

Stop sign monitoring systems established by the bill are authorized to capture violations of specified [provisions](#) of State law related to required stops when approaching a stop sign.

### *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 stop sign monitoring systems. Accordingly, a citation issued as a result of a stop sign 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 stop sign 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 stop sign monitoring system that are collected by the District Court must be collected and distributed in accordance with existing statutory provisions and distributed to the Maryland Department of Transportation (MDOT) for the benefit of the Complete Streets Program.

A political subdivision is authorized to recover the costs of implementing and administering any stop sign monitoring systems from the fines it collected. A political subdivision *must* spend the remaining balance solely on pedestrian safety programs.

### *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 stop sign 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 stop sign monitoring system is admissible as otherwise provided by law.

### *Authorized Use of Stop Sign Monitoring Systems*

An agency may use a stop sign monitoring system if:

- its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing;
- the local jurisdiction uses safety data to determine the placement of the system;
- the local jurisdiction conducts a community engagement process when determining the placement of the system and – as part of that process – demonstrates that implementing the stop sign monitoring system will decrease the use of law enforcement officers for stop sign violations; and
- the local jurisdiction places signs and other notices to alert drivers of the presence and use of the system.

*Required Approval and Notice*

Before a county may use a stop sign 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 stop sign monitoring system.

The bill prohibits a local jurisdiction from (1) using stop sign monitoring system data for immigration investigations or enforcement or (2) sharing stop sign monitoring system data with any local, state, or federal immigration official.

*Recorded Violations*

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 if the motor vehicle is recorded by a stop sign monitoring system during the commission of a violation. An owner or a driver of a commercial vehicle is subject to a penalty of up to \$110; in other cases, the amount of the civil penalty generally varies by income level. **Exhibit 1** shows the maximum civil penalty by income level.

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**Exhibit 1**  
**Maximum Civil Penalties by Income Level\***

<u>Annual Income Level</u>	<u>Maximum Civil Penalty under the Bill</u>
Less than \$20,000	\$10
\$20,000 to \$39,999	15
\$40,000 to \$59,999	25
\$60,000 to \$99,999	40
\$100,000 to \$149,999	80
\$150,000 or more	120

\* Income level provisions do not apply to commercial vehicle drivers/owners who are issued citations.

Source: Department of Legislative Services

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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 and Income Verification Provisions*

Generally, an agency must mail to the owner liable for a violation recorded by a stop sign monitoring system a citation that includes specified information; however, the agency may mail a warning notice in place of a citation. A citation generally must be issued within seven days of the alleged violation, and an agency may not mail a citation to a person who is not an owner. A person who receives a citation may pay the civil penalty in accordance with the instructions on the citation or elect to stand trial.

A person who pays the civil penalty directly to the political subdivision may pay the maximum fine established by the District Court without providing an income attestation. Otherwise, the person *must* provide an attestation of the person's annual income on an appropriate form and authorize the political subdivision to verify the person's annual income with the Comptroller.

If a person elects to stand trial for an alleged violation, the District Court may determine the annual income of the defendant, which may be established through records or testimony. The District Court may consider income from any legal source, as specified. However, a pension or other retirement income may not be used in determining the annual income of a defendant.

An individual who experiences an unexpected hardship following the imposition of a fine may petition the District Court for a fine reduction.

#### *Certifications Alleging a Violation*

A certification alleging that a violation occurred, sworn to or affirmed by a duly authorized agent of the agency, based on the inspection of recorded images produced by a stop sign monitoring system, 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 driver passed through the intersection to yield the right-of-way to an emergency vehicle or as part of a funeral procession; (2) 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; (3) evidence that the person named in the citation was not operating the vehicle at the time of the violation; and (4) any other issues and evidence that the District Court deems 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 the finding or of any evidence substantiating who was operating the vehicle at the time of the violation. The issuing agency may, within seven days 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 the motor vehicle. A violation for which a civil penalty is imposed is (1) not a moving violation for the purpose of points assessment and may not be recorded on the driving record of the owner or driver of the vehicle; (2) may be treated as a parking violation for enforcement purposes; and (3) may not be considered in the provision of motor vehicle insurance.

### **Current Law:**

#### *Required Stops when Approaching a Stop Sign*

Unless otherwise directed by a police officer or traffic control signal, the driver of a vehicle approaching a stop sign at an intersection must:

- stop at the near side of the intersection at a clearly marked stop line;
- stop at the near side of the intersection and, if there is no clearly marked stop line, before entering any crosswalk; and
- stop at the near side of an intersection and, if there is no crosswalk, at the nearest point before entering the intersection that gives the driver a view of traffic approaching on the intersecting roadway.

A violation of any of these requirements 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, bus lane monitoring systems (in Baltimore City only), school bus monitoring systems, vehicle height monitoring systems, and work zone speed control systems.

### *Complete Streets Program*

Chapters 721 and 722 of 2018 established the Complete Streets Program as a competitive matching local grant program within MDOT. The Acts did not mandate a specific appropriation for the program; instead, the Acts required that funding be as provided by the Governor in the State budget. Under the program, a local government that develops a complete streets policy and is certified by MDOT may apply for matching grants to finance the design and planning of eligible projects. The stated purpose of the program is to encourage local governments to, among other things, adopt and utilize complete streets design elements in transportation projects. The stated goals of the program include, among other things, improving safety, reducing traffic congestion, promoting healthy communities, and providing health food and other alternatives, especially in food deserts (added by Chapters 571 and 572 of 2019).

Once certified by MDOT, a local government may apply for matching grants from the program. Grant funds may only be used for costs associated with the implementation of the complete streets policy, as specified, and the design and planning of eligible projects, which are specified projects that include the addition of or significant repair to facilities that provide access for users of multiple modes of transportation. Chapters 721 and 722 of 2018 also established a workgroup to assist MDOT in developing and reviewing the regulations required to implement the program.

By December 31 of each year, MDOT must report to specified committees of the General Assembly on the status of any grant projects funded by the program and include a discussion of whether there is a need to reevaluate the program to ensure it is meeting its goals. The report must be made available on MDOT's website.

The Complete Streets Program has received no funding since its inception, and there is no funding included in the fiscal 2024 budget as introduced.

**State Fiscal Effect:** Even though the bill is authorizing in nature, State agencies affected by the bill's requirements must be prepared to implement the bill should any local governments choose to use the authorization. In total, general fund expenditures increase by \$1,077,698 in fiscal 2024, reflecting additional staff and one-time programming costs for both the Judiciary and the Comptroller's Office. Some of the staffing costs may be delayed

if uptake of stop sign monitoring systems is slow. Additionally, TTF expenditures increase by approximately \$44,000 for the development of stop sign monitoring system guidance and to issue approvals as required by the bill.

*Judiciary (District Court)*

The Judiciary advises, and the Department of Legislative Services (DLS) concurs, that additional District Court personnel are needed to handle the likely significant increase in workload under the bill. The Judiciary further advises that one-time programming changes (totaling approximately \$58,300 in fiscal 2024) are necessary to implement the bill's requirements.

Accordingly, general fund expenditures for the Judiciary increase by \$811,619 in fiscal 2024, which accounts for the bill's October 1, 2023 effective date. This estimate reflects the cost of hiring 12 District Court clerks to implement the functions required by the bill. It includes salaries, fringe benefits, one-time start-up costs, programming-related costs, and ongoing operating expenses.

Positions	12.0
Salaries and Fringe Benefits	\$664,422
Programming-related Costs	58,289
Operating Expenses	<u>88,908</u>
<b>Total FY 2024 State Expenditures</b>	<b>\$811,619</b>

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

*Comptroller's Office*

The Comptroller's Office advises that the bill likely requires significant programming changes to establish a procedure for matching cited individuals with taxpayer data based on identification information (*e.g.*, Social Security numbers and Individual Taxpayer Identification numbers) provided by localities. Moreover, given the likely significant number of citations that will be issued on an ongoing basis, the Comptroller's Office advises (and DLS concurs) that additional personnel are needed to implement the bill's requirements.

Accordingly, general fund expenditures for the Comptroller's Office increase by \$266,079 in fiscal 2024, which accounts for the bill's October 1, 2023 effective date. This estimate reflects the cost of hiring two communications technicians to handle requests from local governments. It includes salaries, fringe benefits, one-time start-up costs, programming-related costs, and ongoing operating expenses.



Positions	2.0
Salaries and Fringe Benefits	\$150,731
Programming-related Costs	100,000
Operating Expenses	<u>15,348</u>
<b>Total FY 2024 State Expenditures</b>	<b>\$266,079</b>

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

The Comptroller’s Office notes that it only has income data on individuals who file a personal income tax return and, thus, is unable to provide any information on non-filers.

*State Highway Administration and Maryland Department of Transportation/Complete Streets Program*

SHA advises that the bill likely results in administrative expenses related to the development of guidance and the issuance of approvals for the appropriate use of stop sign monitoring systems on State roadways. Assuming a limited number of requests from local jurisdictions on an annual basis, TTF expenditures increase by \$44,000 in fiscal 2024 and by approximately \$20,000 annually in subsequent years.

The bill requires any revenues received as a result of contested citations to be distributed to MDOT for the Complete Streets Program. As a result, to the extent stop sign monitoring systems are deployed, TTF revenues and expenditures increase correspondingly as contested citation revenues are paid into the fund and subsequently distributed to local governments through the program. DLS notes that the program has received no funding since its establishment in 2018, and the fiscal 2024 budget, as introduced, includes no funding for the program.

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

Local revenues and expenditures are further affected to the extent grants are received and used for authorized purposes under the Complete Streets Program. Expenditures also increase to provide matching funds under the program. However, as noted above, the program has received no funding since its inception.

## **Additional Information**

**Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Caroline and Prince George's counties; City of Salisbury; Town of Bel Air; Town of Leonardtown; Comptroller's Office; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 16, 2023  
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