

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 139
(Delegates Kerr and Fair)
Environment and Transportation

**Speed Monitoring Systems - Municipal Corporations - Statements and
Certificates of Violation**

This bill alters the persons who may (1) sign a statement in a citation alleging a speed monitoring system violation and (2) swear to or affirm (for evidentiary reasons) that a speed monitoring system violation occurred (after inspection of a recorded image). Under the bill, an employee of a designated agency (rather than only a duly authorized law enforcement officer) may do so, but only if designated by a municipal corporation. The bill also repeals a requirement that a municipal corporation may establish or designate a non-police force implementing agency only if it does not maintain a police force. As a result, *all* municipal corporations may establish (or designate) any agency to implement local speed monitoring systems.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations.

Local Effect: To the extent any municipal corporations in the State that operate speed monitoring systems designate an alternative agency to implement speed monitoring systems, local government expenditures may shift from police departments to the newly designated agencies. In some jurisdictions, administrative efficiencies may be realized. However, the bill is generally not anticipated to materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Under current law, for purposes of speed monitoring systems implementation, an “agency” means:

- 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
- for a municipal corporation that *does not maintain a police force*, an agency established (or designated) by the municipal corporation to implement speed monitoring systems.

Under current law, a citation mailed to a person whose vehicle was recorded by a speed monitoring system must include specified information, including a copy of the recorded image and a signed statement by a *duly authorized law enforcement officer* employed by, or under contract with, an agency that, based on an inspection of recorded images, the motor vehicle was being operated in violation of a speed restriction. The bill expands this provision by specifying that the statement may instead be signed by an *employee of an agency* established (or designated) by a municipal corporation to implement speed monitoring systems.

Under current law, 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 produced by a traffic control device monitoring system, is evidence of the facts contained in the certificate and is admissible in any proceeding concerning the alleged violation. The bill expands this provision by specifying the certificate may instead be sworn to or affirmed by *an employee of an agency* established (or designated) by a municipal corporation to implement speed monitoring systems.

Additional Information

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

Designated Cross File: None.

Information Source(s): City of Laurel; Maryland Municipal League; Comptroller's Office; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Department of Legislative Services

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km/ljm

Analysis by: Eric F. Pierce

Direct Inquiries to:
(410) 946-5510
(301) 970-5510