

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 849

(Delegate Moon, *et al.*)

Environment and Transportation

Judicial Proceedings

School Bus Stops - Violations - Enforcement and Safety Measures

This bill *requires* a law enforcement agency to issue a warning for a first violation captured by a school bus monitoring camera if (1) the violation occurred on a road that has four or more lanes of traffic and (2) the motor vehicle was traveling in the opposite direction of the school bus. The bill no longer allows a warning to be mailed instead of a citation for *other* first violations captured by a school bus monitoring camera; however, for *any* second or subsequent violation captured, a warning may be mailed instead of a citation. The bill also requires the State Highway Administration (SHA), in consultation with law enforcement agencies, to identify school bus stops located on State highways in Montgomery County that experience high incidences of specified violations related to overtaking and passing school vehicles. SHA must also develop a plan (including a timeline) for the implementation of additional safety measures for those school bus stops. Any such plan must include consideration of the feasibility of constructing medians on undivided State highways with high incidence of violations. By December 1, 2023, SHA must submit its plan to the Montgomery County Council, the county delegation to the General Assembly, and other specified local government entities. **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase by approximately \$50,000 in FY 2024 only to develop the required plan. General fund revenues may decrease minimally to the extent fewer citations are issued and subsequently contested in District Court; there may be an offsetting effect, as discussed below.

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	50,000	0	0	0	0
Net Effect	(\$50,000)	\$0	\$0	\$0	\$0

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

Local Effect: Local government revenues likely decrease in any jurisdictions that operate school bus monitoring cameras; for example, Montgomery County advises revenues decrease significantly. Expenditures decrease correspondingly for public safety programs. However, there may be an offsetting effect, as discussed below.

Small Business Effect: None.

Analysis

Current Law:

Duty to Stop

If a school vehicle stops on a roadway and is operating alternately flashing red lights, the driver of any other vehicle meeting or overtaking the school vehicle must stop at least 20 feet from the rear of the school vehicle, if approaching from its rear, or at least 20 feet from the front of the school vehicle, if approaching the school vehicle from its front.

The driver of any vehicle meeting or overtaking the school bus may not proceed until the school vehicle resumes motion or the alternately flashing red lights are deactivated. The requirement does not apply to the driver of a vehicle on a divided highway, if the school vehicle is on a different roadway.

A person convicted of a violation of either of these requirements is subject to a fine of up to \$1,000. The prepayment penalty for either violation is \$570, with three points assessed against the individual's driver's license.

School Bus Monitoring Cameras

Local jurisdictions may use school bus monitoring camera systems if expressly authorized by the governing body. If authorized, a law enforcement agency, in consultation with the local board of education, may place school bus monitoring cameras on school buses in the county. A recorded image indicating a violation must include (1) an image of the motor vehicle; (2) an image of at least one of the motor vehicle's registration plates; (3) the time and date of the violation; and (4) to the extent possible, the location of the violation.

Unless the driver receives a citation from a police officer at the time of the violation, the owner of the vehicle is subject to a civil penalty if the vehicle is recorded by a school bus monitoring camera. (If the District Court finds that the person named in the citation – the owner – was not operating the vehicle at the time of the violation or receives evidence identifying the driver, the law enforcement agency may issue a citation to the operator of

the vehicle instead.) The civil penalty may not exceed \$500. The District Court must prescribe a uniform citation form and a civil penalty that may be paid if the person chooses to prepay the civil penalty without appearing in District Court.

A law enforcement agency is authorized to mail a warning notice in place of a citation.

From the fines collected, a political subdivision may recover the costs of implementing and administering the school bus monitoring cameras and may spend any remaining balance solely for public safety purposes, including pedestrian safety programs.

State Fiscal Effect: Among other things, the bill requires SHA to develop a plan for the implementation of additional safety measures for school bus stops in Montgomery County with a high incidence of violations related to overtaking and passing school vehicles. SHA advises it likely incurs costs totaling about \$50,000 to develop the required plan. Thus, TTF expenditures increase in fiscal 2024 only to do so.

Because the bill *requires* a warning to be issued for specified initial violations captured by school bus monitoring cameras, fewer citations are generally assumed to be issued under the bill. As a result, fewer individuals are likely to contest a citation in District Court. If an individual is found guilty after contesting a citation in District Court, any fine revenues assessed are remitted to the general fund. Thus, general fund revenues may decrease under the bill. However, any impact is assumed to be minimal. In addition, any decrease in the number of trials in District Court is also assumed to be minimal, given that the bill's requirement applies in limited circumstances.

Alternatively, the bill no longer allows a warning to be issued for other initial violations captured by school bus monitoring cameras. Hence, to the extent that a law enforcement agency had been using the current authorization to issue a warning instead of a citation, additional individuals may contest the citation in District Court. If so, there may be an offsetting impact on the revenue loss described above.

Local Fiscal Effect: As noted above, because the bill requires a warning to be mailed for certain initial violations captured by a school bus monitoring camera, local revenues for jurisdictions that operate school bus monitoring cameras likely decrease. However, under current law, law enforcement agencies are already authorized to issue warnings in place of citations. Thus, the local revenue impact depends on the extent to which the current authorization to issue a warning instead of a citation had been used – both for the new requirement to issue a warning for certain initial violations and the inability to issue a warning for other initial violations (which would subject additional individuals to fines).

Montgomery County advises that the bill likely results in reduced fine collections totaling approximately \$2.1 million annually. This estimate is based on a manual review of

1,000 “stop arm” violations, which revealed the bill could result in a 41% reduction in issued citations. As school bus monitoring systems are operated by several jurisdictions in the State, the Department of Legislative Services is unable to assess the exact impact on each jurisdiction.

To the extent revenues decrease, local expenditures are similarly affected, as school bus monitoring camera revenues are authorized to be used for cost recovery and public safety purposes. Also, although not assumed to be a significant impact of the bill, the requirement that a warning be issued in specified circumstances may require some local jurisdictions operating school bus monitoring programs to modify camera systems to comply with the requirement.

Additional Comments: In 2022, Montgomery County advised that approximately 10 locations in the county had 1,000 or more citations issued over a 12-month period for school bus camera violations. One potential safety enhancement (median construction on highways) was estimated to total between \$20,000 and \$150,000 per location. SHA also advised that additional costs for such projects may be incurred for right-of-way purchases.

Additional Information

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

Designated Cross File: None.

Information Source(s): Baltimore, Frederick, and Montgomery counties; Maryland Department of Transportation; Department of Legislative Services

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rh/ljm
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