

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 282

(Delegate Kerr)

Environment and Transportation

Judicial Proceedings

Speed Monitoring Systems - Agencies - Statements and Certificates of Violations

This bill authorizes a technician employed by an agency (rather than only a duly authorized law enforcement officer) to (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). However, this authorization only applies to a municipal corporation that does not maintain a police force.

Fiscal Summary

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

Local Effect: The bill is 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, for a municipal corporation that does not maintain a police force, the statement may instead be signed *by a technician* employed by an agency.

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 that, for a municipal corporation that does not maintain a police force, the certificate may instead be sworn to or affirmed *by a technician* employed by an agency.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 139 of 2023.

Designated Cross File: None.

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

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