

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1186 (Delegate Metzgar)
Environment and Transportation

Vehicle Laws – Interstate Highways – Interstate Speed Monitoring Systems

This bill requires the State Highway Administration (SHA) to install and use at least one interstate speed monitoring system (speed camera) on each interstate highway in the State. The “State police department” (defined by the bill as the Department of State Police (DSP) and the Maryland Transportation Authority (MDTA) Police Force) as well as SHA must jointly adopt regulations establishing standards and procedures for interstate monitoring systems. 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 an interstate speed monitoring system during the commission of the violation. A person who receives a citation may (1) pay the civil penalty (in accordance with the instructions on the citation) directly to the District Court or (2) elect to stand trial in the District Court for the alleged violation.

Fiscal Summary

State Effect: General fund revenues increase, likely by at least several million dollars annually beginning in FY 2025, due to additional automated enforcement citations issued under the bill. General fund expenditures increase by approximately \$14,200 in FY 2025 only for reprogramming costs. Transportation Trust Fund (TTF) expenditures increase, likely significantly as discussed below, annually beginning in FY 2025 for equipment, vendor costs, and additional personnel.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Bill Summary:

Definitions

“Interstate speed monitoring system” means a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at speeds at least 12 miles per hour above the posted speed limit.

“Erroneous violation” means a potential violation that is (1) apparently inaccurate based on a technical variable that is under the control of an interstate speed monitoring system contractor and (2) submitted by the contractor for review by the State police department or requested by a person in accordance with the bill for review by an individual designated by SHA.

“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 an image recorded by an interstate speed monitoring system on (1) a photograph, microphotograph, electronic image, videotape, or any other medium and (2) showing the rear of a motor vehicle, the at least two time-stamped images of the motor vehicle that include the same stationary object near the vehicle, and (on at least one image or portion of tape) a clear and legible identification of the entire registration plate number of the vehicle.

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 generally apply to interstate speed monitoring systems. Accordingly, a citation issued as a result of an interstate speed monitoring system that is contested must provide that the penalty be paid directly to the District Court. In addition, however, citations that are prepaid must also be paid directly to the District Court. Civil penalties resulting from citations issued using an interstate speed monitoring system that are collected by the District Court must be collected and distributed in accordance with existing statutory provisions. In consultation with the relevant State police department, 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.

Required Notice, Signage, and Prohibited Usage

Before activating an interstate speed monitoring system, SHA must publish notice of the system's location on its website and in a newspaper of general circulation in the State. SHA must also ensure that all speed limit signs approaching (and within) the segment of interstate highway on which the interstate speed monitoring system is located includes signage that (1) conforms with specifications adopted by SHA and (2) indicates that an interstate monitoring system is in use. SHA is prohibited from using an interstate speed monitoring system to enforce speed limits on any portion of an interstate highway for which the speed limit has been decreased *without* performing an engineering and traffic investigation.

State Highway Administration Designee and Review of Citations

SHA must designate at least one official or employee to investigate and respond to questions or concerns about the program. The bill requires the designee to review a citation if the person who received the citation requested review within the appropriate timeline.

Specifically, if requested, the designee must review a citation and, if the designee determines it was erroneously issued, must void it. A designee may not determine that a citation is an erroneous citation based solely on the dismissal of the citation by a court. If the designee determines no error was made, the designee may resend the warning notice or citation *or* void it. The Motor Vehicle Administration (MVA) must be notified of any such action.

The bill prohibits a designee from being employed by a system contractor (or from having been involved in any review of an interstate speed monitoring system citation, other than the review process noted above).

Upon receipt of a written question or concern from a person, the designee must provide a written answer or response to the person within a reasonable time. Any such questions or concerns (as well as any subsequent written answers or responses) must be made available for public inspection.

Program Administrator, Contract with Interstate Speed Monitoring System Contractor, and Training Requirements

SHA must designate a program administrator to oversee a contract with an interstate speed monitoring system contractor; the individual may not be an employee or representative of the interstate speed monitoring system contractor. A contract with an interstate speed monitoring system must include specified provisions related to erroneous violations; SHA may also cancel a contract if the contractor violates the contract by submitting erroneous

violations that exceed any specified thresholds (or violates the law in implementing the contract).

The Maryland Police Training and Standards Commission (MPTSC), in consultation with SHA and other interested parties, must develop a training program concerning the oversight and administration of an interstate speed monitoring program by SHA, including a curriculum of best practices in the State. The program administrator must complete the required training according to a specified schedule.

The bill also establishes training requirements for system operators, including the completion of daily logs and the performance of calibration checks as specified by an independent laboratory.

Civil Penalty

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 an interstate speed monitoring system during the commission of the 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. If the citation is not paid and the violation not contested, MVA may refuse to register or reregister 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, may be treated as parking violation for enforcement purposes, and may not be considered in the provision of motor vehicle insurance.

Requirements Related to Agency Issuance and Processing of Citations

The State police department or a designated contractor, 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 per-ticket basis on the number of citations issued or paid if a contractor in any manner operates an interstate speed monitoring system (or administers or processes citations generated by such systems) on behalf of SHA.

The State police department generally must mail to the owner liable for a violation recorded by an interstate speed monitoring system a citation that includes specified information in accordance with the bill.

Generally, a citation must be issued within two weeks of the alleged violation (or 30 days after the alleged violation for vehicles registered in another state). 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) the State police department, 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 State police department issuing the citation a copy of any evidence substantiating who was operating the vehicle at the time of the violation. The State police department 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.

By December 31 each year, MPTSC must (1) compile and make publicly available a report for the previous fiscal year on the interstate speed monitoring system program and (2) submit the report to the Governor and the General Assembly. The report must include specified information (*e.g.*, the total number of citations issued, the number of citations issued, and the number voided as erroneous violations for each camera, gross revenue generated, expenditures incurred, net revenue, etc.).

Current Law: 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: The deployment of interstate speed monitoring systems is anticipated to result in a significant increase in general fund revenues. (Under the bill, *all* citation revenues, including prepaid citations, are paid into the general fund.)

The exact number of citations that may be issued once the bill takes effect depends on several factors (*e.g.*, the total number of interstate speed monitoring systems SHA chooses to deploy, whether additional cameras are added over time, the volume of traffic at each location, any deterrent effect the cameras may have, etc.). Nevertheless, the Department of Legislative Services advises that the number of citations issued under the bill may be significant.

Under current law, only work zone speed control systems are permitted on interstate highways. Based on program data from work zone speed control systems, however, revenues received from a broader interstate speed monitoring system authorization may be at least equal to (if not greater) than work zone speed camera revenues. In fiscal 2023, 335,888 citations were issued for work zone speed camera violations, resulting in approximately \$9.7 million in prepaid fine revenues. Thus, based on these citation levels, the amount of general fund revenues received from interstate speed monitoring systems is likely to be significant.

State Expenditures: General fund expenditures for the District Court increase by \$14,189 in fiscal 2025 for programming changes necessary to collect payments for citations issued under the bill. This estimate includes about 113 hours of reprogramming. Additionally, given the bill requires *all* citations to be paid to the District Court, court operations may be significantly affected (depending on the number of interstate speed cameras installed and the corresponding number of citations issued). The Judiciary advises that speed monitoring system citations are handled manually. Thus, given the significant influx of citations likely to occur under the bill, court operations may be negatively impacted.

The exact cost to implement the required interstate speed monitoring systems on each interstate throughout the State cannot be determined at this time. Generally, SHA and DSP assume that such a system will have costs similar to the State's work zone speed control program. Based on that program, TTF expenditures likely increase to cover the costs of both SHA and DSP (and the MDTA Police Force). For example, of the \$9.7 million in revenues received under the work zone speed control system (noted above), SHA and DSP received approximately \$8.0 million to cover implementation and administrative costs (approximately \$1.24 million for DSP and \$6.74 million for SHA). The remaining \$1.7 million and an additional \$446,990 (which was a carryover from the previous fiscal year) was also distributed to DSP in fiscal 2023 for the purchase of replacement vehicles and related motor vehicle equipment used to outfit police vehicles.

Similar costs are expected under the bill and are assumed to be incurred by TTF, rather than the general fund, as the bill specifies that *SHA must install and use* at least one interstate speed monitoring system on each interstate highway in the State. Moreover, while program revenues are likely to exceed costs (although less so over time as drivers adapt to the locations of the cameras and their behavior otherwise changes), the bill does not appear to allow for cost recovery. Thus, it is unclear whether program revenues (paid into the general fund) could be used to reimburse TTF. This analysis assumes no such cost recovery for the likely several million dollars expended by TTF to implement the bill.

MPTSC can handle its responsibilities under the bill with existing resources, assuming it receives relevant information from other agencies involved in the program.

Additional Information

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

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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