



FREDERICK

MARYLAND

Chairman Kumar P. Barve
Environment and Transportation Committee
Room 251
House Office Building
Annapolis, MD 21401

January 31, 2023

LETTER OF SUPPORT HB0139 - SPEED MONITORING SYSTEMS – MUNICIPAL CORPORATIONS – STATEMENTS AND CERTIFICATES OF VIOLATIONS

Dear Chairman Barve,

We respectfully request the Environment and Transportation Committee take a position of support for HB0139 to amend the Maryland Transportation Article. This amendment would give trained non-sworn employees of a municipality the authority to issue of a certificate of violation detected by an Automated Speed Enforcement camera (ASE).

Section 21-809(d)(viii) requires that the statement of violation (citation) must be, “A signed statement by a duly authorized law enforcement officer employed by or under contract with an agency....” Further, the law requires in Section (e)(1) that only a duly authorized law enforcement officer’s signature ensures admissibility of the citation in court as evidence.

However, violations issued under Section 21-809 are civil violations, no different than municipal infractions, parking citations, and code violations. All these civil violations can be issued and signed by *non-sworn personnel, and their testimony is accepted by the courts.*

Jurisdictions that have ASE programs contract for these services through private sector vendors. The vendor provides camera installation and maintenance, software, video review and other support. The programs have inspection and audit requirements. None of these functions necessitates a sworn officer.

We submit that a non-sworn member of an Agency as defined in 21-809(a)(2), given appropriate training, should have the ability to certify these violations and that their signature be adequate for admissibility of the citation in court. This measure would free up sworn officers who are being taken out of service for this administrative function and put them back in service. Additionally, it will enable municipalities and towns with no police department to stand up their own ASE program on their own without the need to contract with other jurisdictions and pay officers from an outside agency for issuance of violations and court testimony.

New Market Mayor Winslow Burhans and the City of Frederick worked together to request this bill. New Market had been unable to stand up a speed camera program because they have no police department. As a stop gap remedy, they have contracted with the Frederick Police Department (which already has a

successful program) to provide review and court testimony by off-duty officers at an hourly overtime rate. New Market's program is now up and running, but with unnecessary costs and logistical coordination.

At their February 24, 2022, meeting, the Frederick County Chapter of the Maryland Municipal League (MML) discussed this measure. With a quorum, the chapter voted to support a request for a bill and sent a letter of support to the full delegation on April 15, 2022. Additionally, a Legislative Action Request (LAR) was submitted by the Chapter to the MML Legislative Committee. HB0139, sponsored by Frederick Delegates Kerr and Fair, was drafted and has been reviewed by the Legislative Committee of the MML and they have taken a position of support.

We appreciate your consideration and ask for your finding of support.

Sincerely,



Kelly Russell
Alderman



Maryland Municipal League Frederick County Chapter

April 15, 2022

Delegate Carol L. Krimm – District 3A
Delegate Karen Lewis Young – District 3A
Delegate Kenneth P. Kerr – District 3B
Delegate Barrie S. Ciliberti – District 4
Delegate Daniel L. Cox – District 4
Delegate Jesse T. Pippy – District 4

Ref: Maryland Code, Transportation, Section 21-809
Speed Monitoring Systems

At the February 24, 2022, meeting of the Frederick County Chapter MML, a discussion with a quorum of municipalities occurred regarding the Speed Monitoring legislation, enacted on October 1, 2020. The issue at hand was the requirement that citations issued under this legislation must be signed by a “duly authorized law enforcement officer.”

Section 21-809(d)(viii) states that the statement of violation (citation) must be, “A signed statement by a duly authorized law enforcement officer employed by or under contract with an agency....” Further, the law requires in Section (e)(1) that only a duly authorized law enforcement officer’s signature ensures admissibility of the citation in court as evidence.

Violations issued under Section 21-809 are civil violations, just like a municipal infraction, parking citation, or code violation. All these civil violations can be issued and signed by non-sworn personnel with appropriate training.

We respectfully submit that a non-sworn member of an Agency as defined in 21-809(a)(2), given appropriate training, should have the ability to sign these violations and have that signature be adequate for admissibility of the citation.

As it stands, sworn officers are being diverted from their regular duties and underutilized in an administrative capacity due to this requirement. Smaller agencies may not have the resources to divert to this task so, like municipalities without law enforcement agencies, they are left to contract sworn officers from other jurisdictions to fulfill this requirement. All scenarios create an unnecessary burden on the municipality.

We respectfully request consideration of an amendment affording flexibility to municipalities to utilize non-sworn personnel, appropriately trained, to issue the certificate of violation (citation) in the next Session.

We also agreed unanimously that we fully support broader ability to deploy speed monitoring systems in areas that have verified speeding violations but are outside the scope of the current legislation.

Respectfully,

Vaughn Ripley,
Chair, Frederick County Chapter MML

2023 MML LEGISLATIVE REQUEST

Name of Municipality, Chapter or Department submitting request: Frederick County Chapter

Contact Person/Title Councilman Vaughn Ripley, Chair

Address/City/State/Zip: 1 W. Potomac Street, Brunswick, MD 21716

Telephone numbers: (Work) 301-834-7500 (Home) _____ E-mail: vripley@brunswickmd.gov

LAR FORM MUST BE RETURNED VIA MAIL OR E-MAIL NO LATER THAN FRIDAY, JULY 1, 2022.

1. Describe the problem or situation the request is intended to address:

Regarding Title 21 - Vehicle Laws -- Rules of the Road Subtitle 8 - Speed Restrictions Section 21-201.1

2. Describe the requested legislation:

We respectfully request consideration of an amendment that would afford the flexibility for municipalities to set speed limits on roads that are not part of the state highway system.

3. Describe how the requested legislation would remedy the problem:

The legislation would enable municipalities to utilize appropriately trained non-sworn staff to perform speed enforcement on roads that are not part of the state highway system.

4. The proposed legislation would address:

Only your municipality

Only municipalities in your county

Municipalities in the entire state

All counties and municipalities in the entire state

5. Would the proposed remedy have a significant fiscal impact on your municipality?

The fiscal impact to municipalities would be one of savings, not expense.

BACKGROUND INFORMATION

1. Could the problem be resolved by something other than a new law, i.e., action by another level of government or changes in administrative procedures?

No

2. If administrative remedies have already been pursued, what were they and what was the outcome?

N/A

3. What other state and/or local agencies, if any, would be affected by this proposal?

Any Maryland jurisdiction that has an automated speed enforcement program.

4. Have any state agencies been contacted about the proposal? If yes, what was their reaction?

No

HISTORICAL INFORMATION

1. Has the League considered this proposal in a previous year? If yes, describe any significant changes in circumstances that might improve its chances of success in 2023:

No

2. Has this request been considered by the General Assembly in prior sessions? If yes, please provide the bill number, year, and outcome of legislation, if known:

No

3. Has this proposed legislation been implemented by any other city, county or state? If yes, please describe where it has been implemented and cite any existing law or model code upon which the proposal is based:

Unknown

Vaughn Ripley

Digitally signed by Vaughn Ripley
Date: 2022.05.17 13:08:53 -0400

Signature of authorized municipal, chapter or departmental official

Councilman Vaughn Ripley, Frederick County MML Chapter Chair

Print name & Title

Date

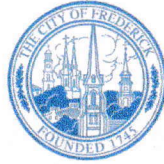
Please return LAR form to:
MML Legislative Committee
1212 West Street
Annapolis, MD 21401
ATTN: Bill Jorch
410-268-5514
E-mail: abigaild@mdmunicipal.org
& copy billj@mdmunicipal.org

Please indicate the date of the meeting where the governing body of the municipality, chapter or department endorsed/approved this request: April 28, 2022.

Please complete this form in its entirety. Attach additional sheets, if necessary, as well as documents related to your request. **Please return to MML NO LATER THAN FRIDAY, JULY 1, 2022.**

How MML Legislative Priority Issues Are Selected

1. The League shall inform all member municipalities, chapters, and departments that they may **submit up to three legislative requests each for consideration** as MML initiatives before the Maryland General Assembly by a deadline selected by the League.
2. The staff reviews these requests and prepares background information for the **Legislative Committee**.
3. The Legislative Committee meets to discuss these requests and to consider MML priority issues not resolved during the previous session.
4. A legislative request that is the same or as substantially similar to a request that has previously been considered and rejected by the committee twice within a four-year period coinciding with the current term of the General Assembly shall be excluded from consideration by the committee.
5. The LAR submission form requires verification that the elected body of a municipality or the membership of a chapter or department has endorsed a legislative request prior to submission.
6. The committee shall limit legislative sponsorship proposals to the membership for consideration at the fall conference to no more than four (4) non-prioritized items and limit the proposals adopted by the membership to four (4).



FREDERICK

MARYLAND

September 21, 2022

Delegate Kenneth P. Kerr
209 Lowe House Office Building
6 Bladen Street
Annapolis, MD 21401

Request for Amendment to Maryland Code, Transportation, Section 21-809 - Speed Monitoring Systems

Dear Delegate Kerr,

Greetings to you, Delegate. At the February 24, 2022, meeting of the Frederick County Chapter of the Maryland Municipal League (MML), a discussion with a quorum of municipalities occurred regarding the Speed Monitoring Systems legislation enacted on October 1, 2020. The issue at hand was the requirement that citations issued under this legislation must be signed by a "duly authorized law enforcement officer." The Chapter sent a letter to the full delegation on April 15, 2022, requesting consideration of an amendment to this requirement. Additionally, a Legislative Action Request (LAR) was submitted by the Chapter to the MML Legislative Committee.

Section 21-809(d)(viii) states that the statement of violation (citation) must be, "A signed statement by a duly authorized law enforcement officer employed by or under contract with an agency...." Further, the law requires in Section (e)(1) that only a duly authorized law enforcement officer's signature ensures admissibility of the citation in court as evidence.

Violations issued under Section 21-809 are civil violations, just like a municipal infraction, parking citation, or code violation. All these civil violations can be issued and signed by non-sworn personnel with appropriate training.

We respectfully submit that a non-sworn member of an Agency as defined in 21-809(a)(2), given appropriate training, should have the ability to sign these violations and have that signature be adequate for admissibility of the citation.

As it stands, sworn officers are being diverted from their regular duties and underutilized in an administrative capacity due to this requirement. Smaller agencies may not have the sworn resources to divert to this task. Municipalities or towns without their own law enforcement agencies, must find other resources at a cost.

We bring forward this request in support of the Frederick County MML Chapter's vote, which was initiated by New Market Mayor Winslow Burhans on behalf of New Market. The town had been unable, on its own, to stand a speed camera program because they have no sworn officers. As a stop gap remedy, they have contracted with the Frederick Police Department (which already has a successful program) to provide review and court testimony by off-duty officers at an hourly overtime rate. New Market's program is now up and running, but with an unnecessary cost.

We respectfully request your support by initiating a bill to amend the current legislation to provide flexibility to municipalities to utilize trained non-sworn personnel to issue the certificate of violation (citation). This would free up sworn personnel who are being taken out of service for this administrative function and put them back in service. Additionally, it will enable municipalities and towns with no police department to participate in this traffic safety program without the need to contract with other jurisdictions to pay officers from an outside agency.

Respectfully,



Kelly Russell
Alderman
City of Frederick

Cc: Michael O'Connor, Mayor, City of Frederick
Winslow Burhans III, Mayor, Town of New Market
Board of Aldermen, City of Frederick
MML Frederick County Chapter
MML Legislative Committee