

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2024 Legislative Session

Bill No. CB-084-2024

Chapter No. 65

Proposed and Presented by Council Members Dernoga and Oriadha

Introduced by Council Members Dernoga, Oriadha, Watson, Blegay, Olson, Ivey,

Hawkins and Fisher

Co-Sponsors Council Member Burroughs

Date of Introduction October 22, 2024

EMERGENCY BILL

AN ACT concerning

Stop Sign Monitoring Systems – School Zones - Authorization

For the purpose of authorizing and implementing the use of stop sign monitoring systems on State and local highways located in Prince George's County in a school zone to record violations of State law requiring obedience to stop signs pursuant to Md. Code Transportation Article Section 21-707, made a part hereof and set forth wholly within this Act; making this Act an emergency bill; providing for the effective date of this Act; providing for the adoption of this Act; and other related provisions to the use and enforcement of stop sign monitoring systems in Prince George's County.

BY adding:

SUBTITLE 26. VEHICLES AND TRAFFIC.

Sections 26-120.02,

The Prince George's County Code

(2023 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 26-120.02 of the Prince George's County Code be and the same is hereby added:

SUBTITLE 26. VEHICLES AND TRAFFIC.

DIVISION 7. STOP, YIELD, AND SIGNALIZED INTERSECTIONS.

Section 26-120.02. Stop Sign Monitoring Systems.

(a) **Definitions.** In this Section, the following words have the meanings indicated below:

(1) **Agency** means a law enforcement agency that is authorized to issue a citation for a violation of the Maryland Vehicle Law or of local traffic laws or regulations.

(2) **Owner:**

(A) Means the registered owner of a motor vehicle or lessee of a motor vehicle under a lease of 6 months or more.

(B) Owner does not include:

i. A motor vehicle leasing company; or

ii. A holder of a special registration plate issued under Title 13, Subtitle 9, Part iii of the Transportation Article.

(3) **Recorded image** means images recorded by a stop sign monitoring system

(A) On:

i. Two or more photographs;

ii. Two or more microphotographs;

iii. Two or more electronic images;

iv. Videotape; or

v. Any other medium; and

(B) Showing a motor vehicle and, on at least one image or portion of tape, clearly identifying the registration plate number of the motor vehicle.

(4) **Stop sign monitoring system** means a device designed to capture a recorded image of a violation.

(5) **Violation:**

(A) Means a failure to come to a complete stop at a stop sign in violation of § 21-707 of Subtitle 7 of the Md. Code Transportation Article.

(B) Does not include any action a driver is instructed to take by a police officer.

(b) **Action Required of Drivers.**

(1) Unless otherwise directed by a police officer or traffic control signal, the driver of a vehicle approaching a stop sign at an intersection shall:

(A) Stop at the near side of the intersection at a clearly marked stop line; or

(B) If there is no clearly marked stop line, before entering any crosswalk;

1 or

2 (C) If there is no crosswalk, at the nearest point before entering the
 3 intersection that gives the driver a view of traffic approaching on the intersecting roadway.

4 (2) The driver of a vehicle approaching a yield sign at an intersection, if required for
 5 safety to stop, shall:

6 (A) Stop at the near side of the intersection at a clearly marked stop line; or

7 (B) If there is no clearly marked stop line, before entering any crosswalk;

8 or

9 (C) If there is no crosswalk, at the nearest point before entering the
 10 intersection that gives the driver a view of traffic approaching on the intersecting roadway.

11 (c) Placement of Stop Sign Monitoring Systems.

12 (1) Subject to Paragraphs (b) through (e) of this Subsection, an agency may use stop
 13 sign monitoring systems:

14 (A) On highways located in a school zone maintained by a local
 15 jurisdiction, if authorized by the governing body of the local jurisdiction; or

16 (B) On state highways located in a school zone, if authorized by the State
 17 Highway Administration.

18 (2) A stop sign monitoring system:

19 (A) May not be used in a local jurisdiction under this section unless its use
 20 is authorized by the governing body of the local jurisdiction by local law enacted after
 21 reasonable notice and a public hearing; and

22 (B) May only be used at a location approved by the Prince George's
 23 County Council; and

24 (C) Council approval of the location of stop sign monitoring systems used
 25 by municipalities shall be by Council resolution upon receipt of a letter requesting such approval.

26 (3) The County shall prioritize the placement of stop sign monitoring systems
 27 within municipalities that have high violation rates.

28 (4) Before beginning use of stop sign monitoring systems, an agency shall publish
 29 notice that the agency has adopted the use of stop sign monitoring systems on its website and in a
 30 newspaper of general circulation in the jurisdiction in which the stop sign monitoring system will
 31 be used.

1 (5) Placement of signs:

2 (A) The County shall prominently place signs on highways within the
 3 County providing notice that stop sign monitoring systems are used in the County.

4 (B) The State Highway Administration shall place signs prominently
 5 providing notice that stop sign monitoring systems are in use on state highways.

6 (d) Recorded Images Requirements. A recorded image under this Section indicating that the
 7 driver of a motor vehicle has committed a violation shall include:

8 (1) The time and date of the violation; and

9 (2) To the extent possible, the location of the violation.

10 (e) Penalties.

11 (1) Unless the driver of the motor vehicle received a citation from a police officer
 12 at the time of the violation, the owner or, in accordance with Subsection (f)(3) or (h)(4) or (5) of
 13 this Section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is
 14 recorded by a stop sign monitoring system during the commission of a violation.

15 (2) A civil penalty under this Subsection may not exceed \$40.

16 (3) For purposes of this Section, the District Court shall prescribe:

17 (A) A uniform citation form consistent with Subsection (f)(1) of this
 18 Section
 19 and § 7-302 of the Courts Article; and

20 (B) A civil penalty, which shall be indicated on the citation, to be paid by
 21 persons who choose to prepay the civil penalty without appearing in District Court.

22 (f) Citations.

23 (1) Subject to the provisions of Paragraphs (2) through (5) of this Subsection, an
 24 agency shall mail to the owner liable under Subsection (e) of this Section a citation that shall
 25 include:

26 (A) The name and address of the registered owner of the vehicle;

27 (B) The registration number of the motor vehicle involved in the violation;

28 (C) The violation charged;

29 (D) To the extent possible, the location of the violation;

30 (E) The date and time of the violation;

(F) A copy of the recorded image;

(G) The amount of the civil penalty imposed and the date by which the civil

penalty must be paid;

(H) a signed statement by a technician employed by the agency that, based on the inspection of the recorded image, the motor vehicle was being operated during the commission of a violation;

(I) a statement that the recorded image is evidence of a violation; and

(J) information advising the person alleged to be liable under this Section:

i. Of the manner and time in which liability as alleged in the citation may be contested in the District Court; and

ii. That failure to pay the civil penalty or to contest liability in a Timely manner is an admission of liability and may result in refusal or suspension of the motor vehicle registration.

(2) The agency may mail a warning notice in place of a citation to the owner liable under Subsection (e) of this Section.

(3) (a) Before mailing a citation to a motor vehicle rental company liable under Subsection (e) of this Section, an agency shall mail a notice to the motor vehicle rental company stating that a citation will be mailed to the motor vehicle rental company unless, within 45 days after receiving the notice, the motor vehicle rental company provides the agency with:

1. A statement made under oath that states the name and last known mailing address of the individual driving or renting the motor vehicle when the violation occurred;

2. (a) A statement made under oath that states that the motor vehicle rental company is unable to determine who was driving the vehicle at the time the violation occurred because the motor vehicle was stolen at the time of the violation; and

(b) A copy of the police report associated with the motor vehicle theft claimed under item a of this item; or

3. Payment for the penalty associated with the violation.

(b) An agency may not mail a citation to a motor vehicle rental company liable under subsection (e) of this Section if The motor vehicle rental company complies with Subparagraph (i) of this Paragraph.

(4) Except as provided in Paragraph (3) of this Subsection and Subsection (h)(4) and (5) of this Section, a citation issued under this Section shall be mailed not later than 2 weeks after the alleged violation.

(5) A person who receives a citation under Paragraph (1) of this Subsection may:

(i) pay the civil penalty in accordance with instructions on the citation; or

(ii) elect to stand trial for the alleged violation.

(G) (1) A certificate 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, shall be evidence of the facts contained in the certificate and shall be admissible in any proceeding concerning the alleged violation.

(2) Adjudication of liability shall be based on preponderance of the evidence.

(H) (1) The District Court may consider in defense of a violation:

(i) Subject to Paragraph (2) of this Subsection, 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;

(ii) Subject to Paragraph (3) of this Subsection, evidence that the person named in the citation was not operating the vehicle at the time of the violation; and

(iii) any other issues and evidence that the District Court considers pertinent.

(2) To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a police report about the stolen motor vehicle or registration plates was filed in a timely manner.

(3) To satisfy the evidentiary burden under Paragraph (1)(ii) of this Subsection, the person named in the citation shall provide to the District Court evidence to the satisfaction of the District Court of who was operating the vehicle at the time of the violation, including, at a minimum, the operator's name and current address.

(4) (i) The provisions of this Paragraph apply only to a citation that involves a class e (truck) vehicle with a registered gross weight of 26,001 pounds or more, class f (tractor) vehicle, class g (trailer) vehicle operated in combination with a class f (tractor) vehicle, or class p (passenger bus) vehicle.

(ii) To satisfy the evidentiary burden under Paragraph (1)(ii) of this Subsection,

1 the person named in a citation described under Subparagraph (i) of this Paragraph may provide
 2 to the District Court a letter, sworn to or affirmed by the person and mailed by certified mail,
 3 return receipt requested, that:

4 1. States that the person named in the citation was not operating the vehicle
 5 at the time of the violation; and

6 2. Provides the name, address, and driver's license identification number of
 7 the person who was operating the vehicle at the time of the violation.

8 (5) (i) If the District Court finds that the person named in the citation was not operating
 9 the vehicle at the time of the violation or receives evidence under Paragraph (4)(ii)2 of this
 10 Subsection identifying the person driving the vehicle at the time of the violation, the Clerk of
 11 Court shall provide to the agency issuing the citation a copy of any evidence substantiating who
 12 was operating the vehicle at the time of the violation.

13 (ii) On receipt of substantiating evidence from the District Court under
 14 Subparagraph (i) of this Paragraph, the agency may issue a citation as provided in Subsection (f)
 15 of this Section to the person who the evidence indicates was operating the vehicle at the time of
 16 the violation.

17 (iii) A citation issued under Subparagraph (ii) of this Paragraph shall be mailed not later
 18 than 2 weeks after receipt of the evidence from the District Court.

19 (i) If the civil penalty is not paid and the violation is not contested, the Administration may
 20 refuse to register or reregister or may suspend the registration of the motor vehicle.

21 (j) A violation for which a civil penalty is imposed under this Section:

22 (1) Is not a moving violation for the purpose of assessing points under § 16-402 of the
 23 Md. Code Transportation Article and may not be recorded by the Administration on the driving
 24 record of the owner or driver of the vehicle; and

25 (2) May not be considered in the provision of motor vehicle insurance coverage.

26 (k) In consultation with law enforcement agencies, the Chief Judge of the District Court
 27 shall adopt procedures for the issuance of citations, trials for violations, and the collection of
 28 civil penalties imposed under this Section.

29 (l) (1) An agency or an agent or a contractor designated by the agency shall administer and
 30 process civil citations issued under this Section in coordination with the District Court.

31 (2) if a contractor in any manner operates a stop sign monitoring system or administers

1 or processes citations generated by a monitoring system on behalf of a local jurisdiction, the
 2 contractor's fee may not be contingent on a per-ticket basis on the number of citations issued or
 3 paid.

4 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 5 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 6 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 7 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 8 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 9 Act, since the same would have been enacted without the incorporation in this Act of any such
 10 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
 11 or section.

12 SECTION [2.] 3. AND BE IT FURTHER ENACTED, That, on or before December 1,
 13 2025, the Prince George's County Police Department [Department of Public Works and
 14 Transportation] shall report to the Governor and, in accordance with § 2-1257 of the State
 15 Government Article, the General Assembly on:

16 (1) Through October 1, 2025:

17 (i) The time period during which stop sign monitoring systems were in use in the
 18 county; and

19 (ii) The number of warnings and citations issued as a result of violations recorded by a
 20 stop sign monitoring system in the county over the reported time period, by location and date;

21 (2) (i) The costs associated with implementing and operating stop sign monitoring
 22 systems; and

23 (ii) The revenue collected on a monthly basis as a result of violations recorded by stop
 24 sign monitoring systems;

25 (3) Appropriate locations for the deployment of stop sign monitoring systems;

26 (4) The performance and reliability of stop sign monitoring systems used by the county; and

27 (5) The effectiveness of stop sign monitoring systems in reducing violations, crashes, and
 28 pedestrian injuries in the county and in areas where the stop sign monitoring systems were
 29 implemented and used.

30 SECTION 4. BE IT FURTHER ENACTED that in accordance with the provisions of
 31 Section 317 of the Charter, the County Council hereby declares that a public emergency exists

1 affecting the public health, safety, and welfare; said emergency being to significantly reduce
2 delay for municipalities to implement stop sign monitoring systems to prevent further incidents
3 in school zones thereby positively effecting the public safety in the County.

4 [SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
5 calendar days after it becomes law.]

SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect on the date it becomes law.

Adopted this 19th day of November, 2024, by an affirmative vote of two-thirds of the members of the full County Council.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: Jolene Ivey
Jolene Ivey
Chair

ATTEST:

Donna J. Brown
Donna J. Brown
Clerk of the Council

APPROVED:

DATE: December 18, 2024 BY: Tara H. Jackson
Tara H. Jackson
Acting County Executive