SENATE BILL 124

By: Senators Brochin, Kittleman, and Zirkin
Introduced and read first time: January 15, 2010
Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning

Vehicle Laws – Use of Work Zone Speed Control Systems – Presence of Workers Required

FOR the purpose of altering the definition of “work zone” as it relates to work zone speed control systems; providing that a work zone speed control system may be used only when a worker is present on the roadway, median divider, or shoulder within or adjacent to the work zone; and generally relating to work zone speed control systems.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–810(a)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–810(a)(6) and (b)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Transportation

21–810.

(a) (1) In this section the following words have the meanings indicated.

(6) “Work zone” means a segment of a highway:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
(i) That is identified as a temporary traffic control zone by traffic control devices that are placed or installed in general conformance with the State manual and specifications adopted for a uniform system of traffic control devices; and

(ii) Where highway construction, repair, maintenance, utility work, or a related activity, including the placement, installation, maintenance, or removal of a work zone traffic control device, is being performed [regardless of whether workers are present].

(b) (1) A work zone speed control system that meets the requirements of this subsection may be used to record the images of motor vehicles traveling on a highway:

(i) Within a work zone;

(ii) That is an expressway or a controlled access highway as defined in § 21–101 of this title; and

(iii) On which the speed limit, established using generally accepted traffic engineering practices, is 45 miles per hour or greater.

(2) A work zone speed control system may be used only:

(i) On a highway as specified in paragraph (1) of this subsection;

(ii) When being operated by a work zone speed control system operator; [and]

(iii) WHEN AT LEAST ONE WORKER IS PRESENT ON THE ROADWAY, MEDIAN DIVIDER, OR SHOULDER WITHIN OR ADJACENT TO THE WORK ZONE; AND

(IV) If, in accordance with the Maryland manual on uniform traffic control devices, a conspicuous road sign is placed at a reasonable distance consistent with national guidelines before the work zone alerting drivers that a speed monitoring system may be in operation in the work zone.

(3) A work zone speed control system may be used only to record the images of vehicles that are traveling at speeds at least 12 miles per hour above the posted work zone speed limit.

(4) (i) A work zone speed control system operator shall complete training by the manufacturer of the work zone speed control system in the procedures for setting up, testing, and operating the work zone speed control system.
(ii) On completion of the training, the manufacturer shall issue a signed certificate to the work zone speed control system operator.

(iii) The certificate of training shall be admitted as evidence in any court proceeding for a violation of this section.

(5) A work zone speed control system operator shall fill out and sign a daily set-up log for a work zone speed control system that:

(i) States the date and time when and the location where the system was set up;

(ii) States that the work zone speed control system operator successfully performed, and the device passed, the manufacturer-specified self-tests of the work zone speed control system before producing a recorded image;

(iii) Shall be kept on file; and

(iv) Shall be admitted as evidence in any court proceeding for a violation of this section.

(6) (i) A work zone speed control system shall undergo an annual calibration check performed by an independent calibration laboratory.

(ii) The independent calibration laboratory shall issue a signed certificate of calibration after the annual calibration check that:

1. Shall be kept on file; and

2. Shall be admitted as evidence in any court proceeding for a violation of this section.

(7) The procurement of a work zone speed control system by a unit of State government shall be conducted in accordance with Title 13, Subtitle 1 of the State Finance and Procurement Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.