

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

Senate Bill 1101 (Senator Ramirez)
Judicial Proceedings

Red Light, Speeding, and Parking Violations - Civil Penalties - Late Payment Fee

This emergency bill authorizes a local government to charge a late fee to a person who pays a fine generated by a traffic control signal monitoring system or speed monitoring system, or from a parking violation, after the deadline specified in the citation. The Chief Judge of the District Court, in consultation with local governments, must set the late fee. The bill specifies that the authorized late fee is to cover administrative costs associated with processing late payments, including administrative flagging fees under specified State regulations.

Fiscal Summary

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

Local Effect: Because the bill is generally consistent with long-standing practice, it is not anticipated to materially affect local government finances. However, local government revenues decrease, potentially significantly beginning in FY 2012, if the bill is not enacted and the District Court's recent interpretation of current law is enforced.

Small Business Effect: Minimal.

Analysis

Current Law: If a speed or traffic control signal monitoring system fine or parking fine is not paid and the violation is not contested, the Motor Vehicle Administration (MVA) may refuse to register or reregister, or may suspend, the registration of the motor vehicle. Current law does not explicitly authorize a late fee to be charged. State transportation regulations authorize MVA to place an administrative flag on the vehicle registration of

an individual that has not paid the fine before the date specified in the citation. MVA may distribute \$5 of the administrative flagging fee it collects to a local government that acts as an agent for MVA.

Background:

District Court Advises Local Governments Late and Flagging Fees Are Unconstitutional

On March 21, 2012, the Chief Judge of the District Court issued a letter advising local governments that, despite current references in the District Court Uniform Speed Monitoring Citation to local administrative, flagging, and/or late fees, such fees likely violate the requirement in Article IV, Section 41A of the Maryland Constitution that the District Court be uniform throughout the State. The District Court had allowed a local government to charge administrative, flagging, and/or late fees for fines generated by traffic control signal monitoring systems if the jurisdiction had submitted a copy of a local ordinance authorizing such fees. The letter indicates that 31 jurisdictions authorize such fees. However, this practice was determined to likely be in violation of the uniformity requirement of the Maryland Constitution, and the District Court will revise the Uniform Speed Monitoring Citation to eliminate any reference to the local authorization.

Traffic Control Signal and Speed Monitoring Systems

Chapter 15 of 2006 authorized the first use of speed monitoring systems in the State, but it only applied to highways in residential districts and school zones in Montgomery County. Chapter 500 of 2009 expanded statewide the authorization for the use of speed monitoring systems in school zones. In school zones, local law enforcement agencies or their contractors may issue citations or warnings to vehicle owners for speeding at least 12 miles per hour above the posted speed limit. The maximum fine for a citation is \$40.

A speed monitoring system may be placed in a school zone for operation between 6 a.m. and 8 p.m., Monday through Friday. Before a speed monitoring system may be used in a local jurisdiction, its use must be authorized by the governing body by ordinance or resolution adopted after reasonable notice and a public hearing. The ordinance or resolution must require the issuance of warnings only during the first 30 days, at a minimum, after the first speed monitoring system is placed in a local jurisdiction. Before activating an unmanned stationary speed monitoring system, a local jurisdiction must publish notice of its location on the local jurisdiction's website and in a general circulation newspaper in the jurisdiction. The local jurisdiction must also ensure that each school zone sign indicates that speed monitoring systems are used in school zones.

Chapter 474 of 2010 authorized the use of speed monitoring systems in Prince George's County on a highway located within the grounds of an institution of higher education or on a highway within a half mile of the institution's property if it is determined by generally accepted traffic and engineering practices that motor vehicle or other traffic on the highway is substantially generated or influenced by the institution. In addition, Chapter 474 authorized a municipal corporation in Prince George's County, under permission of the county, to implement a speed monitoring system on a county highway within the school zone.

The State and local governments are also authorized to operate traffic control signal monitoring systems on any roads or highways in the State. A "traffic control signal monitoring system" is a device with one or more motor vehicle sensors working in conjunction with a traffic control signal to produce recorded images of motor vehicles entering an intersection against a red signal indication.

Local Parking Regulation

The Maryland Vehicle Law governs the stopping, standing, and parking of vehicles, with various restrictions applicable under certain circumstances or within certain jurisdictions. However, a local authority, in the reasonable exercise of its police power, may also regulate or prohibit the stopping, standing, or parking of vehicles on highways within its jurisdiction.

Local Revenues: A reliable estimate of the impact on local government revenues cannot be made at this time without additional data regarding the number of speed or traffic control signal monitoring system or parking fines that are paid late in each jurisdiction, and due to uncertainty regarding the amount of the late fee to be set by the Chief Judge of the District Court, or whether or when each jurisdiction will adopt the late fee in each year.

However, to the extent late fees have been a significant revenue source for jurisdictions, the bill allows for their continued collection. For example, Baltimore City advises that in fiscal 2011 it received \$1.5 million in flagging fees from late payments on traffic control signal and speed monitoring system fines. Thus, the bill will allow Baltimore City to continue to collect a similar amount in late and flagging fees in fiscal 2013 and future years, which would be prohibited in the absence of the bill, assuming the Uniform Speed Monitoring Citation applies to speed monitoring systems as well as traffic control signal monitoring systems.

Local government revenues may also be impacted to the extent that late fees have provided an incentive for drivers to pay the citation. However, it is unclear what effect these fees may have on incentivizing the payment of fines. Under current law, a

jurisdiction may still report an unpaid fine to MVA for purposes of flagging or suspending the offender's vehicle registration, which is likely to be a more effective incentive.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Prince George's County, Baltimore City, Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Legislative Services

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