

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 1044

(Delegate McComas, *et al.*)

Environmental Matters

Vehicle Laws - Speed Monitoring Systems - Local Jurisdictions

This bill makes various changes pertaining to the operation of local government speed monitoring systems.

Fiscal Summary

State Effect: District Court caseloads may decrease significantly in FY 2013 due to fewer speed monitoring system citations issued by local law enforcement agencies. General fund revenues may decrease negligibly in FY 2013 due to the collection of fewer fines in contested cases. However, workloads may increase in future years to manually process additional summonses; general fund expenditures may increase to the extent that this cannot be handled with existing resources. Transportation Trust Fund revenues decrease in FY 2013 due to the collection of fewer administrative flag removal fees associated with nonpayment of speed monitoring system fines.

Local Effect: Local law enforcement operations and finances are significantly impacted for jurisdictions that operate speed monitoring systems as the bill will result in the cessation of speed monitoring system operations in FY 2013 and potentially in future years. Future law enforcement expenditures may increase significantly as existing speed monitoring systems are replaced with ones that are consistent with the bill's requirements, and to the extent that additional law enforcement officers and document management resources are needed under the bill's requirements. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Bill Summary/Current Law: The bill specifies that an independent calibration laboratory that performs an annual calibration check of a speed monitoring system, as currently required, must be unaffiliated with the manufacturer of the speed monitoring system.

The bill requires a local government to (1) use only a speed monitoring system that is included in the Conforming Product List (CPL) of the International Association of Chiefs of Police (IACP); and (2) keep on file and available for inspection by the public all documentation related to operator training, daily set-up logs, and calibration checks, as well as all recorded images, regardless of whether the recorded images led to the issuance of citations. The bill also authorizes a person named in a citation generated by a recorded image that is produced by a speed monitoring system to use the recorded image in defense of the violation charged. Currently, speed monitoring system operator certificates of training and daily operator set-up logs must be kept on file and must be admitted as evidence in a court proceeding. However, there is no similar requirement currently specified for recorded images. A District Court may consider any issues or evidence deemed pertinent.

The bill alters the persons who may swear to or affirm for evidentiary reasons that a speed monitoring system violation occurred after inspection of a recorded image – to be a duly authorized law enforcement officer employed by or under contract with a law enforcement agency, instead of an “agent or employee” of the agency as specified in current law.

Under current law, if a person who received a speed monitoring system citation desires that the speed monitoring system operator be present and testify at trial, the person must notify the court and the State in writing no later than 20 days before trial. The bill specifies that a court is *required* to issue a summons requiring an operator to be present and testify at trial if requested by a person who received a citation.

Finally, the bill expands the current prohibition against contractor payments being contingent on the number of citations issued or paid, to specifically encompass payments to contractors that administer and process speed monitoring system citations.

Background:

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.

As shown in **Exhibit 1**, a number of counties and municipal corporations currently implement speed monitoring systems. Legislative Services advises that, as to municipal corporations, the exhibit only reflects municipal corporations that have reported revenues to the Comptroller in fiscal 2011, and therefore may not include all municipal corporations that *currently implement* speed monitoring systems. Further, additional jurisdictions may be *considering* the use of speed monitoring systems at this time.

From the fines generated by a speed monitoring system, the relevant jurisdiction may recover the costs of implementing the systems and may spend any remaining balance solely for public safety purposes, including for pedestrian safety programs. However, if the balance of revenues after cost recovery for any fiscal year is greater than 10% of the jurisdiction's total revenues, the excess must be remitted to the Comptroller. According to data from the Comptroller, about \$2.2 million was remitted in fiscal 2011 from 5 municipal corporations. In addition, 12 municipal corporations and Baltimore City generated speed monitoring system fine revenues of about \$36.5 million, of which about \$20.6 million was retained by local jurisdictions for public safety programs after recovery of the costs of implementing the systems and remitting the excess revenues to the Comptroller.

Exhibit 1
Local Speed Monitoring System Enforcement

<u>County</u>	<u>Municipal Corporation</u>
Baltimore	Berwyn Heights
Charles	Bowie
Howard	Brentwood
Montgomery	Cheverly
Prince George's	Chevy Chase Village
Wicomico	College Park
Baltimore City	Forest Heights
	Fruitland
	Laurel
	Mount Rainier
	Riverdale Park
	Takoma Park

Source: Comptroller's Office; Department of Legislative Services

Conforming Product List of IACP

IACP publishes a CPL list for enforcement-technology equipment. According to IACP, the device models that appear on CPL have been tested and found to be in compliance with IACP's performance specifications that were in effect when the device model was first placed on CPL. IACP recommends that law enforcement agencies use CPL as one criterion when purchasing enforcement-technology equipment. However, IACP has not developed standards for speed monitoring systems at this time.

Local Fiscal Effect: Local law enforcement expenditures may increase significantly, and revenues may decrease significantly, as jurisdictions will be required to cease operations of local speed monitoring programs until the speed monitoring systems operated by the jurisdiction are added to the CPL list of IACP. To the extent that a speed monitoring system technology is added to the CPL list at some time in the future, local law enforcement agencies may need to replace all existing speed monitoring systems with equipment that is contained on the list before reinstating the local speed monitoring program. For example, Prince George's County advises that the bill will result in the cessation of its current speed monitoring program resulting in a loss of several million dollars annually in speed monitoring enforcement revenues and potentially an indeterminate but significant increase in future equipment costs.

In addition, to the extent that the bill results in a greater number of cases involving the presence of law enforcement officers in court cases in which a speed monitoring system citation is contested, additional law enforcement personnel may need to be hired at significant cost to the jurisdiction. Finally, the requirement to keep specified documents on record and available for inspection by the public may result in a significant increase in document and data warehousing costs for local jurisdictions.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Calvert, Howard, and Prince George's counties; Baltimore City; the cities of Frederick and Havre de Grace; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; The International Association of Chiefs of Police; Department of Legislative Services

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