

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

House Bill 381

(Delegate Moe, *et al.*)

Judiciary

Judicial Proceedings

Vehicle Laws - Interference with Operation of Traffic Control Device or Railroad
Sign or Signal – Prohibitions

This bill provides that a person without lawful authority may not possess, with an intent to use, any device capable of transmitting an infrared, electronic, or other signal to a traffic control device or railroad sign or signal for the purpose of altering or interfering with the operation of the device, sign, or signal. The bill also clarifies the existing prohibition on altering a traffic control device or signal by including a prohibition on interfering with the operation of a traffic control device or railroad sign or signal. A violation of this provision is a misdemeanor and a violator is subject to imprisonment of up to two months and/or a fine of up to \$500. A person charged with this offense must appear in court.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

Local Effect: Potential minimal increase in revenues and expenditures due to the bill's penalty provision.

Small Business Effect: None.

Analysis

Current Law: The Maryland Vehicle Law does not prohibit the possession, use, sale, or purchase of electronic traffic signal preemption devices. However, the Maryland Vehicle Law does provide that a person without lawful authority may not willfully alter any

traffic control device or any railroad sign or signal, including any inscription, insignia, or shield. A violation of this provision is a misdemeanor and the violator is subject to maximum imprisonment of up to two months or a maximum fine of \$500, or both. A person charged with this offense must appear in court.

Background: Mobile infrared transmitters, known as “MIRTs,” are devices intended to change traffic lights in two seconds. The technology was developed by the 3M Company and sold exclusively to police and fire departments, which have used it for years to clear intersections and halt opposing traffic in emergency situations. A MIRT has a range of about 1,500 feet and sends out an infrared beam.

The cost for a MIRT, as marketed by 3M, starts at about \$1,400, excluding installation. However, with the increasing prevalence of miniaturized electronics, reduced component costs, and advanced lamp technology, other companies have been able to make copycat versions of the MIRT for a much lower cost, usually about \$300 to \$500. These devices are usually sold on the Internet, and, as a result, have become available to the general public. Some dealers that sell the device limit sales to small law enforcement and emergency services departments. One company, FAC America, reports that the use of traffic signal preemption equipment has grown beyond emergency personnel to use by mass transit, private detectives, funeral processions, and street maintenance crews.

At this time, neither federal nor state laws ban the manufacture, sale, purchase, or use of MIRTs. While state and local governments are considering legal prohibitions on these devices, the highway departments in many metropolitan areas are also looking into ways to upgrade the receivers on traffic control signals to lock out preemption signals, except for those signals coming from authorized emergency vehicles. The State Highway Administration (SHA) reports that to date, there have not been any incidents of unauthorized traffic signal preemption and that it has begun a program to upgrade traffic signals to prevent unauthorized preemption.

SHA advises that 450 preemptive signals are either hard-wired to emergency services facilities or encrypted with unpublished codes that would be difficult to thwart. SHA is currently working with a consultant and contractor to retrofit remaining signal preemption locations with encryption that would prevent preemption by unauthorized persons. The preliminary estimate to provide new equipment and complete reprogramming is about \$2 million. This initial estimate could be reduced if fire departments upgrade their signal emitters. SHA plans to continue its program to upgrade traffic signals to prevent unauthorized preemption, which will be financed within existing resources.

State Revenues: General fund revenues could increase minimally as a result of the bill’s monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to increased payments to counties for reimbursement of inmate costs and more people being committed to Division of Correction (DOC) facilities. The number of people convicted of this proposed crime is expected to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2005 are estimated to range from \$14 to \$58 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility. Currently, the DOC average total cost per inmate, including overhead, is estimated at \$1,850 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$350 per month.

Local Expenditures: Expenditures could increase as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$29 to \$97 per inmate in fiscal 2005.

Additional Information

Prior Introductions: None.

Cross File: None. However, an identical bill, HB 465, and a similar bill, HB 174, have been introduced and referred to the Judiciary Committee.

Information Source(s): Department of State Police, Maryland Department of Transportation, FAC America, *The Washington Post*, *The Detroit News*, kenneke.com, Department of Legislative Services

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