

HOUSE BILL 820

R5

3lr0544

By: **Montgomery County Delegation**

Introduced and read first time: February 8, 2023

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Speed Monitoring Systems – Maryland Route 200**
3 **(Intercounty Connector)**

4 **MC 8–23**

5 FOR the purpose of requiring the placement and use of a certain number of mobile speed
6 monitoring systems in a certain location on Maryland Route 200 (Intercounty
7 Connector) in Montgomery County; requiring the Maryland Transportation
8 Authority and Montgomery County to enter into a memorandum of understanding
9 requiring Montgomery County to implement and administer the speed monitoring
10 systems placed and used under this Act; and generally relating to the placement and
11 use of speed monitoring systems on Maryland Route 200 (Intercounty Connector) in
12 Montgomery County.

13 BY repealing and reenacting, without amendments,
14 Article – Courts and Judicial Proceedings
15 Section 7–302(e)(4)(i)
16 Annotated Code of Maryland
17 (2020 Replacement Volume and 2022 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Transportation
20 Section 21–809(a)(1) and (8) and (c)
21 Annotated Code of Maryland
22 (2020 Replacement Volume and 2022 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Transportation
25 Section 21–809(b)(1)(i), (ii), (vi), and (vii)
26 Annotated Code of Maryland
27 (2020 Replacement Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Courts and Judicial Proceedings

7–302.

(e) (4) (i) Except as provided in paragraph (5) of this subsection, from the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems, school bus monitoring cameras, or bus lane monitoring systems, a political subdivision:

1. May recover the costs of implementing and administering the speed monitoring systems, school bus monitoring cameras, or bus lane monitoring systems; and

2. Subject to subparagraphs (ii), (iii), and (iv) of this paragraph, may spend any remaining balance solely for public safety purposes, including pedestrian safety programs.

Article – Transportation

21–809.

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

(8) “Speed monitoring system” means a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at speeds at least 12 miles per hour above the posted speed limit.

(b) (1) (i) **1. [A] EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH,** A speed monitoring system may not be used in a local jurisdiction under this section unless its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing.

2. A. SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH DOES NOT APPLY TO A SPEED MONITORING SYSTEM PLACED AND USED ON MARYLAND ROUTE 200 (INTERCOUNTY CONNECTOR) IN MONTGOMERY COUNTY.

B. THE MARYLAND TRANSPORTATION AUTHORITY AND MONTGOMERY COUNTY SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING REQUIRING MONTGOMERY COUNTY TO IMPLEMENT AND ADMINISTER THE SPEED MONITORING SYSTEMS PLACED AND USED ON MARYLAND ROUTE 200 (INTERCOUNTY CONNECTOR) UNDER SUBPARAGRAPH (VII)3 OF THIS PARAGRAPH.

(ii) Before a county may use a speed monitoring system on a State highway at a location within a municipal corporation **IN ACCORDANCE WITH SUBPARAGRAPH (VI)1 THROUGH 5 OF THIS PARAGRAPH**, the county shall:

1. Obtain the approval of the State Highway Administration;

2. Notify the municipal corporation of the State Highway Administration's approval of the use of a speed monitoring system at that location; and

3. Grant the municipal corporation 60 days from the date of the county's notice to the municipal corporation to enact an ordinance authorizing the municipal corporation instead of the county to use a speed monitoring system at that location.

(vi) This section applies to a violation of this subtitle recorded by a speed monitoring system that meets the requirements of this subsection and has been placed:

1. In Montgomery County or Prince George's County, on a highway in a residential district, as defined in § 21–101 of this title, with a maximum posted speed limit of 35 miles per hour, which speed limit was established using generally accepted traffic engineering practices;

2. In a school zone with a posted speed limit of at least 20 miles per hour;

3. In Prince George's County:

A. Subject to subparagraph (vii)1 of this paragraph, on Maryland Route 210 (Indian Head Highway); or

B. On that part of a highway located within the grounds of an institution of higher education as defined in § 10–101(h) of the Education Article, or within one-half mile of the grounds of a building or property used by the institution of higher education where generally accepted traffic and engineering practices indicate that motor vehicle, pedestrian, or bicycle traffic is substantially generated or influenced by the institution of higher education;

4. Subject to subparagraph (vii)2 of this paragraph, on Interstate 83 in Baltimore City; [or]

5. In Anne Arundel County, on Maryland Route 175 (Jessup Road) between the Maryland Route 175/295 interchange and the Anne Arundel County–Howard County line; **OR**

6. SUBJECT TO SUBPARAGRAPH (VII)3 OF THIS

PARAGRAPH, ON MARYLAND ROUTE 200 (INTERCOUNTY CONNECTOR) IN MONTGOMERY COUNTY BETWEEN THE SHADY GROVE ROAD EXIT RAMPS AND THE ROUTE 29 EXIT RAMPS.

(vii) 1. Not more than three speed monitoring systems may be placed on Maryland Route 210 (Indian Head Highway).

2. Not more than two speed monitoring systems may be placed on Interstate 83 in Baltimore City.

3. A. FOUR MOBILE SPEED MONITORING SYSTEMS SHALL BE PLACED AND USED ON MARYLAND ROUTE 200 (INTERCOUNTY CONNECTOR) IN MONTGOMERY COUNTY.

B. NOT MORE THAN TWO MOBILE SPEED MONITORING SYSTEMS MAY BE OPERATIONAL ON MARYLAND ROUTE 200 (INTERCOUNTY CONNECTOR) AT ANY TIME.

(c) (1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection (f)(4) of this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a speed monitoring system while being operated in violation of this subtitle.

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

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

(i) A uniform citation form consistent with subsection (d)(1) of this section and § 7-302 of the Courts Article; and

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023.