

SENATE BILL 450

R5, L2
HB 1171/23 – ENT

4lr1406
CF HB 58

By: **Senators Brooks, Hettleman, Klausmeier, Sydnor, M. Washington, and West**

Introduced and read first time: January 22, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2024

CHAPTER _____

1 AN ACT concerning

2 **Baltimore County – Speed Monitoring Systems – Residential Districts and**
3 **Mailing of Citations**

4 FOR the purpose of establishing that certain provisions of law authorizing the use of speed
5 monitoring systems in certain residential districts apply in Baltimore County;
6 requiring the fines collected by Baltimore County as a result of violations enforced
7 by the speed monitoring systems authorized under certain provisions of this Act to
8 be used to assist in covering the costs of traffic calming devices in the county;
9 requiring that all speed limit signs within certain segments of certain highways in
10 Baltimore County include certain signs; making placement and use of a speed
11 monitoring system under this Act ~~contingent on a determination by the Baltimore~~
12 ~~County Police Department that the speed monitoring system is necessary and on the~~
13 ~~approval of the Baltimore County Council~~ subject to certain requirements; altering
14 a certain reporting requirement of the Maryland Police Training and Standards
15 Commission to include certain information on a speed monitoring system program
16 in Baltimore County; providing a certain person whose motor vehicle or registration
17 plates are stolen a certain expedited appeals process if the person is issued a certain
18 citation in Baltimore County, subject to certain conditions; providing that a certain
19 law enforcement agency in Baltimore County may not mail a certain citation until
20 the agency consults with the Motor Vehicle Administration to ensure that the
21 citation is mailed to the current owner using the owner's current mailing address
22 and confirms that the motor vehicle or its registration plates were not reported as
23 stolen; and generally relating to speed monitoring systems in Baltimore County.

24 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Courts and Judicial Proceedings
Section 7–302(e)(4)(i)
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

BY adding to

Article – Courts and Judicial Proceedings
Section 7–302(e)(4)(vii)
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation
~~Section 21–101(a) and (s) and 21–809(a)(1) and (8) and (b)(1)(i)~~ Section 11–102,
21–101(a) and (s), and 21–809(a)(1), (2), and (8), (b)(1)(i) and (x)1., and (d)(1)(i)
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation
Section 21–809(b)(1)(vi) and (viii), (viii), and (x)2., (d)(5), and (k)
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

BY adding to

Article – Transportation
Section 21–809(b)(1)(xii) and (d)(5)
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

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
finest 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.

(VII) FROM THE FINES COLLECTED BY BALTIMORE COUNTY AS A RESULT OF VIOLATIONS ENFORCED BY SPEED MONITORING SYSTEMS IN RESIDENTIAL DISTRICTS AUTHORIZED UNDER § 21-809(B)(1)(VI)1 OF THE TRANSPORTATION ARTICLE, ANY BALANCE REMAINING AFTER THE ALLOCATION OF FINES UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH SHALL BE USED SOLELY TO ASSIST IN COVERING THE COST OF SITING, CONSTRUCTING, INSTALLING, AND MAINTAINING TRAFFIC CALMING DEVICES IN BALTIMORE COUNTY.

Article – Transportation

21-101.

(a) In this title and Title 25 of this article the following words have the meanings indicated.

(s) “Residential district” means an area that:

(1) Is not a business district; and

(2) Adjoins and includes a highway where the property along the highway, for a distance of at least 300 feet, is improved mainly with residences or residences and buildings used for business.

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) 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.

(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 Anne Arundel County, **BALTIMORE COUNTY**, 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;

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, at the intersection of Maryland Route 333 (Oxford Road) and Bonfield Avenue in Talbot County.

(viii) Before activating a speed monitoring system, the local jurisdiction shall:

1. Publish notice of the location of the speed monitoring system on its website and in a newspaper of general circulation in the jurisdiction;

2. Ensure that each sign that designates a school zone is proximate to a sign that:

A. Indicates that speed monitoring systems are in use in the school zone; and

B. Is in accordance with the manual for and the specifications for a uniform system of traffic control devices adopted by the State Highway Administration under § 25–104 of this article;

3. With regard to a speed monitoring system established on Maryland Route 210 (Indian Head Highway) in Prince George’s County, based on proximity to an institution of higher education under subparagraph (vi)3 of this paragraph, on

Interstate 83 in Baltimore City, **IN BALTIMORE COUNTY UNDER SUBPARAGRAPH (VI)1 OF THIS PARAGRAPH**, 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 at the intersection of Maryland Route 333 (Oxford Road) and Bonfield Avenue in Talbot County, ensure that all speed limit signs approaching and within the segment of highway on which the speed monitoring system is located include signs that:

A. Are in accordance with the manual and specifications for a uniform system of traffic control devices adopted by the State Highway Administration under § 25–104 of this article; and

B. Indicate that a speed monitoring system is in use; and

4. With regard to a speed monitoring system placed on Maryland Route 210 (Indian Head Highway) in Prince George’s County, Interstate 83 in Baltimore City, 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 at the intersection of Maryland Route 333 (Oxford Road) and Bonfield Avenue in Talbot County, ensure that each sign that indicates that a speed monitoring system is in use is proximate to a device that displays a real–time posting of the speed at which a driver is traveling.

(XII) A SPEED MONITORING SYSTEM MAY NOT BE PLACED OR USED IN BALTIMORE COUNTY UNDER SUBPARAGRAPH (VI)1 OF THIS PARAGRAPH UNLESS, IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BALTIMORE COUNTY ADMINISTRATION TO CARRY OUT THIS SUBPARAGRAPH:

1. THE BALTIMORE COUNTY POLICE DEPARTMENT:

A. ~~DETERMINES~~ DETERMINES THAT THE SPEED MONITORING SYSTEM IS NECESSARY BASED ON A TRAFFIC SAFETY ANALYSIS FOR THE PROPOSED LOCATION CONDUCTED IN CONJUNCTION WITH THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS; AND

B. TO THE EXTENT PRACTICABLE, CONSIDERS WHETHER THE PLACEMENT OF THE SPEED MONITORING SYSTEM AT THE PROPOSED LOCATION DISPARATELY IMPACTS MOTOR VEHICLE OWNERS AND RESIDENTIAL COMMUNITIES BASED ON RACE OR SOCIOECONOMIC STATUS; AND

2. ~~THE PLACEMENT AND USE OF THE SPEED MONITORING SYSTEM IS APPROVED BY THE BALTIMORE COUNTY COUNCIL AFTER NOTICE AND AN OPPORTUNITY FOR PUBLIC INPUT ARE PROVIDED~~ PUBLIC NOTICE AND AN OPPORTUNITY FOR COMMENT HAS BEEN PROVIDED.

(k) (1) On or before December 31 of each year, the Maryland Police Training and Standards Commission shall:

(i) Compile and make publicly available a report for the previous fiscal year on each speed monitoring system program operated by a local jurisdiction under this section; and

(ii) Submit the report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

(2) The report shall include:

(i) The total number of citations issued;

(ii) The number of citations issued and the number voided as erroneous violations for each camera;

(iii) The gross revenue generated by the program;

(iv) The expenditures incurred by the program;

(v) The net revenue generated by the program;

(vi) The total amount of any payments made to a contractor under the program;

(vii) A description of how the net revenue generated by the program was used;

(viii) The number of employees of the local jurisdiction involved in the program;

(ix) The type of speed monitoring system used by the local jurisdiction;

(x) The locations at which each speed monitoring system was used in the local jurisdiction;

(xi) The activation start and stop dates of each speed monitoring system for each location at which it was used; [and]

(xii) The number of citations issued by each speed monitoring system at each location; AND

(XIII) FOR A SPEED MONITORING SYSTEM PROGRAM IN BALTIMORE COUNTY:

1 1. THE NUMBER OF TRAFFIC ACCIDENTS AT THE
2 LOCATION OF EACH SPEED MONITORING SYSTEM COMPARED WITH THE NUMBER OF
3 TRAFFIC ACCIDENTS AT THE SAME LOCATION DURING EACH OF THE 2 PRIOR FISCAL
4 YEARS;

5 2. THE NUMBER OF VIOLATIONS FOR WHICH A CITATION
6 WAS ISSUED THAT OCCURRED IN EACH CENSUS TRACT;

7 3. A DESCRIPTION OF ANY CHANGES IN THE LOCATION
8 OF A SPEED MONITORING SYSTEM; AND

9 4. THE TOTAL AMOUNT OF CIVIL PENALTIES
10 COLLECTED UNDER THE PROGRAM, DISAGGREGATED BY SPEED MONITORING
11 SYSTEM.

12 (3) Each local jurisdiction with a speed monitoring system program shall
13 submit the information required under paragraph (2) of this subsection to the Commission
14 by October 31 of each year and assist the Commission in the preparation of the annual
15 report.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
17 as follows:

18 Article – Transportation

19 11–102.

20 “Administration” means the Motor Vehicle Administration.

21 21–809.

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

23 (2) “Agency” means:

24 (i) A law enforcement agency of a local political subdivision that is
25 authorized to issue a citation for a violation of the Maryland Vehicle Law or of local traffic
26 laws or regulations; or

27 (ii) For a municipal corporation that does not maintain a police force,
28 an agency established or designated by the municipal corporation to implement this
29 subtitle using speed monitoring systems in accordance with this section.

30 (b) (1) (x) 1. A local jurisdiction that authorizes a program of speed
31 monitoring systems shall designate an official or employee to investigate and respond to
32 questions or concerns about the local jurisdiction’s speed monitoring system program.

1 2. A. The local designee shall review a citation generated
2 by a speed monitoring system if the person who received the citation requests review before
3 the deadline for contesting liability under this section.

4 B. If the local designee determines that the citation is an
5 erroneous violation, the local designee shall void the citation.

6 C. **IN BALTIMORE COUNTY, IF THE LOCAL DESIGNEE**
7 **DETERMINES THAT THE CITATION WAS MAILED BEFORE THE MOTOR VEHICLE**
8 **INVOLVED IN THE VIOLATION OR ITS REGISTRATION PLATES WERE REPORTED AS**
9 **STOLEN AND THE MOTOR VEHICLE OR REGISTRATION PLATES WERE NOT IN THE**
10 **PERSON'S CONTROL OR POSSESSION AT THE TIME THE VIOLATION OCCURRED, THE**
11 **LOCAL DESIGNEE SHALL VOID THE CITATION.**

12 [C.] D. If the local designee determines that a person did
13 not receive notice of a citation issued under this section due to an administrative error, the
14 local designee may resend the citation in accordance with subsection (d) of this section or
15 void the citation.

16 [D.] E. A local designee that takes any action described
17 under subsubsubparagraph C of this subsubparagraph shall notify the Administration of
18 the action for the purpose of rescinding any administrative penalties imposed under
19 subsection (g) of this section.

20 [E.] F. A local designee may not determine that a citation
21 is an erroneous violation based solely on the dismissal of the citation by a court.

22 (d) (1) Subject to the provisions of paragraphs (2) through (4) of this
23 subsection, an agency shall mail to an owner liable under subsection (c) of this section a
24 citation that shall include:

25 (i) The name and address of the registered owner of the vehicle;

26 (5) **WITH REGARD TO A CITATION FOR A VIOLATION RECORDED BY A**
27 **SPEED MONITORING SYSTEM IN BALTIMORE COUNTY, AN AGENCY MAY NOT MAIL**
28 **THE CITATION UNTIL THE AGENCY:**

29 (I) **CONSULTS WITH THE ADMINISTRATION TO ENSURE THE**
30 **CITATION IS MAILED TO THE CURRENT OWNER OF THE VEHICLE USING:**

31 1. **THE CURRENT MAILING ADDRESS ON FILE WITH THE**
32 **ADMINISTRATION; OR**

1 **2. IF A MAILING ADDRESS IS UNAVAILABLE, THE**
2 **CURRENT RESIDENTIAL ADDRESS ON FILE WITH THE ADMINISTRATION; AND**

3 **(II) CONFIRMS THAT THE MOTOR VEHICLE INVOLVED IN THE**
4 **VIOLATION OR ITS REGISTRATION PLATES WERE NOT REPORTED AS STOLEN.**

5 **[(5)] (6) A person who receives a citation under paragraph (1) of this**
6 **subsection may:**

7 **(i) Pay the civil penalty, in accordance with instructions on the**
8 **citation, directly to the political subdivision; [or]**

9 **(ii) Elect to stand trial in the District Court for the alleged violation;**
10 **OR**

11 **(III) WITH REGARD TO A CITATION FOR A VIOLATION RECORDED**
12 **BY A SPEED MONITORING SYSTEM IN BALTIMORE COUNTY, REQUEST REVIEW OF**
13 **THE CITATION BY A LOCAL DESIGNEE UNDER SUBSECTION (B)(1)(X)2A OF THIS**
14 **SECTION IF THE MOTOR VEHICLE OR ITS REGISTRATION PLATES WERE:**

15 **1. REPORTED AS STOLEN AFTER THE CITATION WAS**
16 **MAILED; AND**

17 **2. NOT IN THE PERSON'S CONTROL OR POSSESSION AT**
18 **THE TIME THE VIOLATION OCCURRED.**

19 **SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect**
20 **October 1, 2024. Section 1 of this Act shall remain effective for a period of 10 years and, at**
21 **the end of September 30, 2034, Section 1 of this Act, with no further action required by the**
22 **General Assembly, shall be abrogated and of no further force and effect.**

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.