

HOUSE BILL 665

R5, L2

4lr0869

By: **Montgomery County Delegation**

Introduced and read first time: January 25, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Speed Monitoring Systems – High-Risk Highways**

3 **MC 15–24**

4 FOR the purpose of authorizing the placement and use of speed monitoring systems on
5 highways in Montgomery County that are at high risk for certain motor vehicle
6 accidents; prohibiting the placement and use of speed monitoring systems on certain
7 highways in Montgomery County; requiring the fines collected by Montgomery
8 County or by a municipal government in Montgomery County as a result of violations
9 enforced by a speed monitoring system to be used to fund the study, design, and
10 construction of certain safety-related projects; requiring the Montgomery County
11 Department of Transportation, in conjunction with the Montgomery County Police
12 Department, to conduct an evaluation of certain speed monitoring systems with a
13 certain frequency; and generally relating to the placement and use of a speed
14 monitoring system in Montgomery County.

15 BY repealing and reenacting, without amendments,
16 Article – Courts and Judicial Proceedings
17 Section 7–302(e)(4)(i) and (ii)
18 Annotated Code of Maryland
19 (2020 Replacement Volume and 2023 Supplement)

20 BY adding to
21 Article – Courts and Judicial Proceedings
22 Section 7–302(e)(4)(vii)
23 Annotated Code of Maryland
24 (2020 Replacement Volume and 2023 Supplement)

25 BY repealing and reenacting, without amendments,
26 Article – Transportation
27 Section 21–101(a), (g), and (k) and 21–809(a)(1) and (8), (b)(1)(i) and (v), and (c)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

BY adding to
Article – Transportation
Section 21–101(l–1) and 21–809(b)(1)(xii) and (l)
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–809(b)(1)(vi)
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 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.

(ii) 1. For any fiscal year, if the balance remaining from the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems, after the costs of implementing and administering the systems are recovered in accordance with subparagraph (i)1 of this paragraph, is greater than 10% of the total revenues of the political subdivision for the fiscal year, the political subdivision shall remit any funds that exceed 10% of the total revenues to the Comptroller.

2. The Comptroller shall deposit any money remitted under this subparagraph to the General Fund of the State.

**(VII) FROM THE FINES COLLECTED BY MONTGOMERY COUNTY
OR BY A MUNICIPAL GOVERNMENT IN MONTGOMERY COUNTY AS A RESULT OF**

1 VIOLATIONS ENFORCED BY SPEED MONITORING SYSTEMS PLACED IN ACCORDANCE
2 WITH § 21-809(B)(1)(VI)7 OF THE TRANSPORTATION ARTICLE, ANY BALANCE
3 REMAINING AFTER THE ALLOCATION OF FINES UNDER SUBPARAGRAPH (I)1 OF THIS
4 PARAGRAPH SHALL BE USED TO FUND THE STUDY, DESIGN, AND CONSTRUCTION OF
5 SAFETY-RELATED PROJECTS ON ROADWAYS OR INTERSECTIONS IN MONTGOMERY
6 COUNTY THAT HAVE BEEN IDENTIFIED IN THE COUNTY'S MOST RECENT LOCAL
7 STRATEGIC HIGHWAY SAFETY PLAN OR VISION ZERO PLAN AS ROADWAYS OR
8 INTERSECTIONS THAT ARE AT HIGH RISK FOR MOTOR VEHICLE ACCIDENTS THAT
9 RESULT IN SERIOUS BODILY INJURY OR DEATH.

10 **Article – Transportation**

11 21-101.

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

14 (g) “Controlled access highway” means a highway or roadway to or from which
15 persons, including the owners or occupants of abutting lands, have no right of access except
16 at the points and in the manner determined by the public authority with jurisdiction over
17 the highway or roadway.

18 (k) “Expressway” means a major highway of 2 or more traffic lanes in each
19 direction that is designed to eliminate principal traffic hazards and has the following
20 characteristics:

21 (1) A median divider separating opposing traffic lanes to eliminate
22 head-on collisions and sideswiping;

23 (2) Grade separation structures to eliminate the conflict of cross streams
24 of traffic at each intersection;

25 (3) Points of entrance and exit limited to predetermined locations;

26 (4) Vertical curves long enough to provide long sight distances; and

27 (5) Shoulders wide enough to permit vehicles to stop or park out of traffic
28 lanes.

29 (L-1) “INTERSTATE HIGHWAY” MEANS A STATE HIGHWAY THAT IS PART OF
30 THE NATIONAL INTERSTATE SYSTEM IN THIS STATE, AS DESIGNATED BY THE
31 ADMINISTRATION AND APPROVED BY THE UNITED STATES SECRETARY OF
32 TRANSPORTATION UNDER TITLE 23 OF THE UNITED STATES CODE.

33 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.

(v) An ordinance or resolution adopted by the governing body of a local jurisdiction under this paragraph shall provide that, if the local jurisdiction moves or places a mobile or stationary speed monitoring system to or at a location where a speed monitoring system had not previously been moved or placed, the local jurisdiction may not issue a citation for a violation recorded by that speed monitoring system:

1. Until signage is installed in accordance with subparagraph (viii) of this paragraph; and

2. For at least the first 15 calendar days after the signage is installed.

(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, 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;

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

3 5. In Anne Arundel County, on Maryland Route 175 (Jessup
4 Road) between the Maryland Route 175/295 interchange and the Anne Arundel
5 County–Howard County line; [or]

6 6. Subject to subparagraph (vii)3 of this paragraph, at the
7 intersection of Maryland Route 333 (Oxford Road) and Bonfield Avenue in Talbot County;
8 **OR**

9 **7. SUBJECT TO SUBPARAGRAPH (XII) OF THIS**
10 **PARAGRAPH, IN MONTGOMERY COUNTY ON A HIGHWAY IDENTIFIED IN THE**
11 **COUNTY’S MOST RECENT LOCAL STRATEGIC HIGHWAY SAFETY PLAN OR VISION**
12 **ZERO PLAN AS A HIGHWAY THAT IS AT HIGH RISK FOR MOTOR VEHICLE ACCIDENTS**
13 **THAT RESULT IN SERIOUS BODILY INJURY OR DEATH.**

14 **(XII) NEITHER MONTGOMERY COUNTY NOR A MUNICIPAL**
15 **GOVERNMENT IN MONTGOMERY COUNTY MAY PLACE, HAVE PLACED, OR USE A**
16 **SPEED MONITORING SYSTEM TO ENFORCE SPEED LIMITS IN ACCORDANCE WITH**
17 **THIS SECTION ON A CONTROLLED ACCESS HIGHWAY, AN EXPRESSWAY, OR AN**
18 **INTERSTATE HIGHWAY IN THE COUNTY.**

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

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

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

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

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

29 **(L) ON OR BEFORE OCTOBER 1, 2029, AND ON OR BEFORE OCTOBER 1**
30 **EVERY 5 YEARS THEREAFTER, THE MONTGOMERY COUNTY DEPARTMENT OF**
31 **TRANSPORTATION, IN CONJUNCTION WITH THE MONTGOMERY COUNTY POLICE**
32 **DEPARTMENT, SHALL EVALUATE EACH SPEED MONITORING SYSTEM USED IN**
33 **ACCORDANCE WITH SUBSECTION (B)(1)(VI)7 OF THIS SECTION FOR ITS**
34 **EFFECTIVENESS IN REDUCING THE MOTOR VEHICLE SPEED AT OR BELOW WHICH**

1 85% OF THE DRIVERS TRAVEL AT THE LOCATION OF THE SPEED MONITORING
2 SYSTEM.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2024.