

HOUSE BILL 1369

R5

4lr0803

By: **Montgomery County Delegation**

Introduced and read first time: February 9, 2024

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 11–24**

5 FOR the purpose of authorizing the placement and use by the Maryland Transportation
6 Authority of a certain number of speed monitoring systems on Maryland Route 200
7 (Intercounty Connector) in Montgomery County; and generally relating to the
8 placement and use of speed monitoring systems on Maryland Route 200 (Intercounty
9 Connector) in Montgomery County.

10 BY repealing and reenacting, without amendments,
11 Article – Transportation
12 Section 21–809(a)(1) and (8) and (c)
13 Annotated Code of Maryland
14 (2020 Replacement Volume and 2023 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Transportation
17 Section 21–809(a)(2) and (5), (b)(1)(i), (v) through (viii), and (x), (4)(i), (5), and (6),
18 (d)(5), (i), (j)(2), and (k)
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2023 Supplement)

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

23 **Article – Transportation**

24 21–809.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

(2) “Agency” means:

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

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

(III) FOR SPEED MONITORING SYSTEMS PLACED AND USED ON MARYLAND ROUTE 200 (INTERCOUNTY CONNECTOR), THE MARYLAND TRANSPORTATION AUTHORITY.

(5) “Program administrator” means an employee or a representative of the local jurisdiction **OR THE MARYLAND TRANSPORTATION AUTHORITY** designated by the local jurisdiction **OR THE AUTHORITY** to oversee a contract with a speed monitoring system contractor.

(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 speed monitoring system may not be used [in] **BY** 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. THE MARYLAND TRANSPORTATION AUTHORITY MAY USE SPEED MONITORING SYSTEMS ON MARYLAND ROUTE 200 (INTERCOUNTY CONNECTOR) IN ACCORDANCE WITH THIS SECTION.

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

[2.] **B.** For at least the first 15 calendar days after the signage is installed.

1 **2. IF THE MARYLAND TRANSPORTATION AUTHORITY**
2 **MOVES OR PLACES A MOBILE OR STATIONARY SPEED MONITORING SYSTEM TO OR**
3 **AT A LOCATION WHERE A SPEED MONITORING SYSTEM HAD NOT PREVIOUSLY BEEN**
4 **MOVED OR PLACED, THE AUTHORITY MAY NOT ISSUE A CITATION FOR A VIOLATION**
5 **RECORDED BY THAT SPEED MONITORING SYSTEM:**

6 **A. UNTIL SIGNAGE IS INSTALLED IN ACCORDANCE WITH**
7 **SUBPARAGRAPH (VIII) OF THIS PARAGRAPH; AND**

8 **B. FOR AT LEAST THE FIRST 15 CALENDAR DAYS AFTER**
9 **THE SIGNAGE IS INSTALLED.**

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

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

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

19 3. In Prince George's County:

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

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

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

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

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

1 **7. SUBJECT TO SUBPARAGRAPH (VII)⁴ OF THIS**
2 **PARAGRAPH, BY THE MARYLAND TRANSPORTATION AUTHORITY ON MARYLAND**
3 **ROUTE 200 (INTERCOUNTY CONNECTOR) IN MONTGOMERY COUNTY.**

4 (vii) 1. Not more than six mobile or stationary speed monitoring
5 systems may be placed on Maryland Route 210 (Indian Head Highway).

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

8 3. Not more than one speed monitoring system may be placed
9 at the intersection of Maryland Route 333 (Oxford Road) and Bonfield Avenue in Talbot
10 County.

11 **4. THE MARYLAND TRANSPORTATION AUTHORITY MAY**
12 **PLACE NOT MORE THAN FOUR MOBILE SPEED MONITORING SYSTEMS ON MARYLAND**
13 **ROUTE 200 (INTERCOUNTY CONNECTOR) IN MONTGOMERY COUNTY.**

14 (viii) Before activating a speed monitoring system, the local
15 jurisdiction **OR THE MARYLAND TRANSPORTATION AUTHORITY, AS APPROPRIATE,**
16 shall:

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

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

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

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

26 3. With regard to a speed monitoring system established on
27 Maryland Route 210 (Indian Head Highway) in Prince George's County, based on proximity
28 to an institution of higher education under subparagraph (vi)³ of this paragraph, on
29 Interstate 83 in Baltimore City, in Anne Arundel County on Maryland Route 175 (Jessup
30 Road) between the Maryland Route 175/295 interchange and the Anne Arundel
31 County–Howard County line, [or] at the intersection of Maryland Route 333 (Oxford Road)
32 and Bonfield Avenue in Talbot County, **OR ON MARYLAND ROUTE 200 (INTERCOUNTY**
33 **CONNECTOR) IN MONTGOMERY COUNTY,** ensure that all speed limit signs approaching
34 and within the segment of highway on which the speed monitoring system is located include
35 signs that:

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

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

5 4. With regard to a speed monitoring system placed on
6 Maryland Route 210 (Indian Head Highway) in Prince George’s County, Interstate 83 in
7 Baltimore City, in Anne Arundel County on Maryland Route 175 (Jessup Road) between
8 the Maryland Route 175/295 interchange and the Anne Arundel County–Howard County
9 line, [or] at the intersection of Maryland Route 333 (Oxford Road) and Bonfield Avenue in
10 Talbot County, **OR ON MARYLAND ROUTE 200 (INTERCOUNTY CONNECTOR) IN**
11 **MONTGOMERY COUNTY**, ensure that each sign that indicates that a speed monitoring
12 system is in use is proximate to a device that displays a real–time posting of the speed at
13 which a driver is traveling.

14 (x) 1. A local jurisdiction that authorizes a program of speed
15 monitoring systems **OR THE MARYLAND TRANSPORTATION AUTHORITY, AS**
16 **APPROPRIATE**, shall designate an official or employee to investigate and respond to
17 questions or concerns about the local jurisdiction’s **OR THE AUTHORITY’S** speed
18 monitoring system program.

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

22 B. If the [local] designee determines that the citation is an
23 erroneous violation, the [local] designee shall void the citation.

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

28 D. A [local] designee that takes any action described under
29 subsubsubparagraph C of this subsubparagraph shall notify the Administration of the
30 action for the purpose of rescinding any administrative penalties imposed under subsection
31 (g) of this section.

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

34 3. A [local] designee may not be employed by a speed
35 monitoring system contractor or have been involved in any review of a speed monitoring
36 system citation, other than review of a citation under this subparagraph.

1 4. On receipt of a written question or concern from a person,
2 the [local] designee shall provide a written answer or response to the person within a
3 reasonable time.

4 5. A local jurisdiction **AND THE MARYLAND**
5 **TRANSPORTATION AUTHORITY** shall make any written questions or concerns received
6 under this subparagraph and any subsequent written answers or responses available for
7 public inspection.

8 (4) (i) A speed monitoring system shall undergo an annual calibration
9 check performed by an independent calibration laboratory that is:

10 1. Selected by the local jurisdiction **OR THE MARYLAND**
11 **TRANSPORTATION AUTHORITY, AS APPROPRIATE**; and

12 2. Unaffiliated with the manufacturer of the speed
13 monitoring system.

14 (5) If a local jurisdiction **OR THE MARYLAND TRANSPORTATION**
15 **AUTHORITY** authorizes a program of speed monitoring systems under this section:

16 (i) The local jurisdiction **OR THE MARYLAND TRANSPORTATION**
17 **AUTHORITY** shall designate a program administrator who may not be an employee or
18 representative of the speed monitoring system contractor; and

19 (ii) The contract with the speed monitoring system contractor shall
20 include the following provisions:

21 1. For potential violations submitted by a contractor for
22 review by an agency, if more than 5% of the violations in a calendar year are erroneous
23 violations, then the contractor shall be subject to liquidated damages for each erroneous
24 violation equal to at least 50% of the fine amount for the erroneous violation, plus any
25 reimbursements paid by the local jurisdiction **OR THE MARYLAND TRANSPORTATION**
26 **AUTHORITY**; and

27 2. The local jurisdiction **OR THE MARYLAND**
28 **TRANSPORTATION AUTHORITY** may cancel a contract with a contractor if the contractor
29 violates the contract by submitting erroneous violations to the agency that exceed a
30 threshold specified in the contract or violates the law in implementing the contract.

31 (6) (i) The Maryland Police Training and Standards Commission, in
32 consultation with the State Highway Administration and other interested stakeholders,
33 shall develop a training program concerning the oversight and administration of a speed
34 monitoring program by a local jurisdiction **AND THE MARYLAND TRANSPORTATION**
35 **AUTHORITY**, including a curriculum of best practices in the State.

(ii) 1. A program administrator shall participate in the training program established under this paragraph before a local jurisdiction **OR THE MARYLAND TRANSPORTATION AUTHORITY** initially implements a new speed monitoring program and subsequently at least once every 2 years.

2. A program administrator for a program in existence on June 1, 2014, shall initially participate in the training program on or before December 31, 2014, and subsequently at least once every 2 years.

3. If a local jurisdiction **OR THE MARYLAND TRANSPORTATION AUTHORITY** designates a new program administrator, the new program administrator shall participate in the next available training program.

(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.

(d) (5) A person who receives a citation under paragraph (1) of this subsection may:

(i) Pay the civil penalty, in accordance with instructions on the citation, directly to the political subdivision **OR THE MARYLAND TRANSPORTATION AUTHORITY, AS APPROPRIATE**; or

(ii) Elect to stand trial in the District Court for the alleged violation.

(i) In consultation with the appropriate local government agencies **AND THE MARYLAND TRANSPORTATION AUTHORITY**, the Chief Judge of the District Court shall adopt procedures for the issuance of citations, the trial of civil violations, and the collection of civil penalties under this section.

(j) (2) If a contractor in any manner operates a speed monitoring system or administers or processes citations generated by a speed monitoring system on behalf of a

1 local jurisdiction **OR THE MARYLAND TRANSPORTATION AUTHORITY**, the contractor's
2 fee may not be contingent on a per-ticket basis on the number of citations issued or paid.

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

5 (i) Compile and make publicly available a report for the previous
6 fiscal year on each speed monitoring system program operated by a local jurisdiction **AND**
7 **THE MARYLAND TRANSPORTATION AUTHORITY** under this section; and

8 (ii) Submit the report to the Governor and, in accordance with §
9 2-1257 of the State Government Article, the General Assembly.

10 (2) The report shall include:

11 (i) The total number of citations issued;

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

14 (iii) The gross revenue generated by the program;

15 (iv) The expenditures incurred by the program;

16 (v) The net revenue generated by the program;

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

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

21 (viii) The number of employees of the local jurisdiction **OR THE**
22 **MARYLAND TRANSPORTATION AUTHORITY** involved in the program;

23 (ix) The type of speed monitoring system used by the local
24 jurisdiction **OR THE MARYLAND TRANSPORTATION AUTHORITY**;

25 (x) The locations at which each speed monitoring system was used
26 in the local jurisdiction **OR ON MARYLAND ROUTE 200 (INTERCOUNTY CONNECTOR)**;

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

29 (xii) The number of citations issued by each speed monitoring system
30 at each location.

1 (3) Each local jurisdiction with a speed monitoring system program **AND**
2 **THE MARYLAND TRANSPORTATION AUTHORITY** shall submit the information required
3 under paragraph (2) of this subsection to the Commission by October 31 of each year and
4 assist the Commission in the preparation of the annual report.

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