

HOUSE BILL 665

R5, L2

4lr0869

By: **Montgomery County Delegation**

Introduced and read first time: January 25, 2024

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2024

CHAPTER _____

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~~ crashes; prohibiting the placement and use of speed monitoring systems
7 on certain highways in Montgomery County; requiring the fines collected by
8 Montgomery County or by a municipal government in Montgomery County as a
9 result of violations enforced by a speed monitoring system to be used to fund the
10 study, design, and construction of certain safety-related projects; requiring ~~the~~
11 ~~Montgomery County or a municipality in Montgomery County Department of~~
12 ~~Transportation, in conjunction with the Montgomery County Police Department,~~ to
13 conduct an evaluation of certain speed monitoring systems with a certain frequency;
14 and generally relating to the placement and use of a speed monitoring system in
15 Montgomery County.

16 BY repealing and reenacting, without amendments,
17 Article – Courts and Judicial Proceedings
18 Section 7–302(e)(4)(i) and (ii)
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2023 Supplement)

21 BY adding to
22 Article – Courts and Judicial Proceedings

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.



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

Article – Transportation

21-101.

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

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

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

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

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

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

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

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

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

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;

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;

OR

7. SUBJECT TO SUBPARAGRAPH (XII) OF THIS PARAGRAPH, IN MONTGOMERY COUNTY ON A HIGHWAY IDENTIFIED IN THE MUNICIPALITY'S, COUNTY'S, OR STATE'S MOST RECENT ~~LOCAL~~ STRATEGIC HIGHWAY SAFETY PLAN OR VISION ZERO PLAN AS A HIGHWAY THAT IS AT HIGH RISK FOR MOTOR VEHICLE ~~ACCIDENTS~~ CRASHES THAT RESULT IN SERIOUS BODILY INJURY OR DEATH.

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

(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.

(L) ON OR BEFORE OCTOBER 1, 2029, AND ON OR BEFORE OCTOBER 1
EVERY 5 YEARS THEREAFTER, ~~THE MONTGOMERY COUNTY OR A MUNICIPALITY IN~~
~~MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION, IN CONJUNCTION~~
~~WITH THE MONTGOMERY COUNTY POLICE DEPARTMENT,~~ SHALL EVALUATE EACH
SPEED MONITORING SYSTEM USED IN ACCORDANCE WITH SUBSECTION (B)(1)(VI)
OF THIS SECTION FOR ITS EFFECTIVENESS IN REDUCING THE MOTOR VEHICLE
SPEED AT OR BELOW WHICH 85% OF THE DRIVERS TRAVEL AT THE LOCATION OF
THE SPEED MONITORING SYSTEM.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.