

Maryland State Highway Administration
**GUIDELINES FOR
AUTOMATED SPEED ENFORCEMENT SYSTEMS
IN SCHOOL ZONES**



**SAFER SPEEDS
SAFER SCHOOLS**

***AN INTEGRATED APPROACH TO CHANGING
DRIVER BEHAVIOR IN SCHOOL ZONES***

REVISED JANUARY 2011

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For Automated Speed Enforcement Systems in School Zones on State Highways

I. INTRODUCTION

One of the major contributing factors in crashes, deaths and injuries on Maryland's roadways is motorists driving too fast for conditions. Engineering, enforcement, and educational speed management techniques must be integrated and coordinated to effectively manage vehicle speeds. Automated Speed Enforcement (ASE) systems are one of a wide range of measures that are effective at reducing vehicle speeds and crashes when used correctly and in the appropriate circumstances.

This document contains guidance for ASE systems in school zones, focusing on site identification and selection; requirements for materials, design, and installation; and, key program components. Local jurisdictions must adhere to these guidelines for ASE systems that provide enforcement on Maryland State Highway Administration (SHA) highways. Requirements for applying to the SHA for approval of an ASE system that provides enforcement on a State highway are outlined in Section V and Attachment C. For additional information on establishing and signing a school zone along a State highway, refer to SHA's "Guidelines for Establishing and Signing School Zones along State Highways."

All local jurisdictions are encouraged to adopt these guidelines for application on their own roads to improve the consistency and credibility of ASE programs statewide. Maryland law, which allows the use of ASE systems in designated school zones, contains additional standards and procedures regarding ASE systems.

A. What is an Automated Speed Enforcement (ASE) System?

An automated speed enforcement (ASE) system is an enforcement technique with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at speeds above a defined threshold. Images captured by the ASE system are processed and reviewed in an office environment and violation notices are mailed to the registered owner of the identified vehicle.

B. Legal Authority

Transportation Article § 21–809 of the Maryland Annotated Code, effective October 1, 2009, authorizes local jurisdictions and municipalities to use automated speed enforcement (ASE) systems in school zones. A local jurisdiction must first pass a local law authorizing the use of automated speed enforcement systems prior to using them on roadways in their jurisdiction. Jurisdictions must provide reasonable public notice and hold a public hearing prior to passing this local law.

Additionally, local jurisdictions must obtain the approval of the Maryland State Highway Administration (SHA) prior to using an ASE system along a State highway. Senate Bill 277 (2009), which contains the legislation on automated speed enforcement in school zones, and House Bill 1477 (2010), which contains legislation revisions specific to Prince George's County, are included for reference in Attachment A.

C. School Zone ASE Program Goals

The fundamental objectives underlying the use of ASE systems in school zones are to increase driver awareness of speed-related crashes and to encourage a change in driver behavior. To achieve these objectives, ASE programs should take an integrated 3-E (Engineering, Education and Enforcement) approach to speed management in school zones.

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Working in partnership with their stakeholders, local jurisdictions should strive to implement a program that follows these principles and guidelines:

- Speed-related safety problems will be clearly identified and effectively communicated to the public.
- ASE sites will be publicized, signed and visible to road users.
- ASE sites will fulfill a bona-fide safety need and be warranted on the basis of supporting data.
- ASE sites will only be installed after careful consideration and study of the safety issues and not for the purpose of raising revenues to ensure a fair speed enforcement program.
- The effectiveness of the program will be determined through continuous, ongoing evaluations. Refer to Section IV.B, "Site and Program Evaluation", for additional information on automated speed enforcement site and program evaluations.

II. ASE USE IN SCHOOL ZONES

Automated speed enforcement (ASE) systems have proved to be effective at reducing vehicle speeds and crashes when used correctly and in the appropriate circumstances. On this basis, the proper use of ASE systems in designated school zones is anticipated to enhance the safety of these areas.

Maryland law permits the installation of ASE systems in school zones established by official action of the authority having jurisdiction over the roadway and designated by appropriate signing. In addition to identifying potential ASE locations in existing school zones, determining other eligible locations within school areas that should be designated as school zones is important. The feasibility and practicality of installing or placing ASE systems within school zones should receive careful consideration.

Public Involvement. Citizens, whether through organized citizen advisory boards or otherwise, may be included in the determination of new school zone designations and/or appropriate locations for the use of ASE systems. Citizen concerns, for example, can help to identify locations in school areas where school-related pedestrian activity occurs, but which have not received official designation as school zones. Citizens may be the first to notice a developing safety problem in their neighborhood at or near these locations.

Equipment Location. When selecting a location for an ASE unit on a State maintained highway, the following guidelines are to be used:

- ***The ASE system must be located in a designated school zone*** (refer to “What is a School Zone?” on the following pages).
- Portable or permanently-mounted ASE systems shall not adversely affect pedestrian and bicycle movements/facilities.
- Portable ASE systems shall be installed beyond the paved shoulder, and should be on the right-hand side of the roadway. Alternate locations shall be reviewed and approved by SHA.
- If applicable, portable ASE systems shall be delineated in accordance with SHA standards, guidelines or practices.
- All installations must comply with requirements in the American’s with Disabilities Act (ADA).
- Sites should not be established within a speed transition zone.
- Sites should not be established near traffic signals, stop signs, yield signs or freeway ramps.
- Sites should not be established near curves with advisory speeds.
- Sites should not be established where the operation is a hazard to the camera operator or traveling public.
- Sites should not be established where foreground or background objects will adversely affect the ASE camera operation.
- Sites should be visible (e.g., not located on, before, or after a horizontal or vertical curve or obscured behind bridges, signs, or trees).
- Sites should be on level roadway (e.g., not located on a significant down-grade).
- Sites should not cause any impediment to the free flow of traffic.
- Sites should be safe for motorists, bicyclists, and pedestrians, as well as for the ASE vehicle and its operator.
- Mobile ASE vehicles should be positioned parallel to the road with the vehicle oriented in the same direction of travel as the adjacent travel lane.

What is a School Zone?

School zones do not automatically exist around schools nor are they created simply by the installation of School Advance or School Crosswalk Warning Signs. School zones must be established by definitive, official action by the authority having jurisdiction over the highway and designated by the appropriate signs. The Maryland State Highway Administration (SHA) has the authority to designate school zones on State roads. Local jurisdictions have the authority to designate school zones on their roads.

Definitions. Per the Maryland Annotated Code, school zones can only be established within a ½ mile radius of a school. **However, not every road segment within a ½ mile radius of a school should be a school zone.** Roads within a ½ mile radius of a school are typically considered to be in the “School Area”, with only certain segments of roads near the school being designated as “School Zones”. The following definitions have been adopted by SHA:

- A **“School”** is an accredited public, parochial, or private learning institution for one or more grades K through 12.
- A **“School Area”** is the area surrounding, and within one-half mile of, a school building or property and within which motor vehicle, pedestrian or bicycle traffic is substantially generated or influenced by the school.
- A **“School Zone”** is a designated roadway segment approaching, adjacent to, and beyond* school buildings or grounds, or along which school related activities occur.



- **“Designated”** means that the school zone (1) is established by official action by the entity that owns the highway containing the segment; and (2) is appropriately signed in conformance with the MdMUTCD and guidance issued by the State Highway Administration.
 - **“School buildings or grounds”** mean school property that school children routinely enter directly from the subject road segment.
 - **“School related activities”** include school children traveling to or from school on foot or by bicycle, school buses and other vehicles entering or leaving school property, school children being dropped off or picked up at the school, and combinations thereof that create an unusual risk of injury to school children.
- * *Except in unusual circumstances and as justified by a traffic engineering study, a school zone adjacent to a school should not exceed 500 feet approaching or beyond the school or the school activity. Where that activity is a school crossing only, the school zone typically should end a short distance beyond the crossing.*

(continued on next page)

What is a School Zone? *(continued from previous page)*

Designating a School Zone on a State Highway. Along State Highway Administration (SHA) highways, a school zone is established by Memorandum of Action (MOA), which can cover single or multiple school zones. SHA developed a blanket MOA, effective August 15, 2001, regarding the establishment of school zones and double fines for excessive vehicular speed at elementary and middle schools on State highways (refer to Attachment B). SHA District Offices are responsible for initiating the MOA to establish a school zone at any school not covered by the blanket MOA.

A school zone is to be established along each section of road where a pre-secondary school directly fronts (that is, school children enter the school from) the road.

In determining if a school zone should be established elsewhere, i.e. at a location other than in front of a pre-secondary school, the District at a minimum should consider the following factors:

- The numbers and ages of school children walking or biking along the road and whether travel is along a designated school walk route;
- The distances these children travel along the road;
- The presence and conditions of sidewalks along the road;
- The volumes, speeds, and movements of motor vehicle traffic;
- The widths of, and the volumes and movements of motor vehicle traffic using, roads that the children cross;
- The traffic control devices along the road and/or at the crossing/intersection;
- The presence of school crossing guards and/or other adult crossing supervision at the crossing;
- Sight distances and other road design characteristics;
- Development adjacent to the road;
- On-street parking;
- Children drop-off and pick-up areas and practices;
- The numbers and movements of school buses;
- Setback of the school from the road;
- Space and/or physical barriers between the road and on-school play/activity areas; and
- Other considerations that affect school child safety.

A school zone should be established at each high school where the speed limit approaching and passing the school has been temporarily lowered during certain hours because of school pedestrian and/or vehicle traffic.

Fines for Speeding in School Zones. Fines for speeding are doubled within a school zone when signs to that effect are installed. However, the use of automated speed enforcement (ASE) in a school zone negates the double fines provision for citations issued by that ASE system. The civil penalty issued by an automated speed enforcement system for exceeding the speed limit by 12 mph or more shall not exceed \$40.

III. MATERIALS, DESIGN, INSTALLATION, AND MAINTENANCE REQUIREMENTS

When it is determined that an automated speed enforcement (ASE) system will be used, plans for deployment of the ASE system should be developed. This section contains requirements for ASE system materials, designs, installation and maintenance. Prior to approving the installation of ASE systems on State-maintained roads, the local agency must certify that the ASE equipment meets the requirements of State law. The SHA shall approve all ASE locations along SHA roadways prior to granting permission for ASE activities.

A. Material and Equipment Requirements

All materials, such as concrete for foundations, poles, pull boxes, conduit, cable, cabinets, etc., shall conform to state and local standards, specifications, and all other applicable codes as required by the authority having jurisdiction over the highway.

For ASE system placement on State-maintained roads:

- All equipment placed within the clear zone must be breakaway or protected by traffic barrier.
- All detection devices and camera systems must be non-intrusive.
- The SHA reserves the right to reject the use of any portable system on State-maintained roads.

B. Equipment Placement

In addition to the requirements for equipment location provided in Section II, “ASE Use in School Zones”, the following guidelines should be followed for portable ASE units and mobile ASE vehicles.

Portable ASE Units. Consideration should be given to securing portable ASE units to prevent unauthorized relocation or vandalism of the device. Portable ASE units, such as trailer-mounted systems, shall be installed beyond the paved shoulder on the right-hand side of the highway and shall be delineated in accordance with SHA standards. If the portable ASE unit cannot be placed according to this requirement, an alternate location shall be submitted to SHA for review and approval. Additionally, some portable ASE units may require appropriate shielding (e.g., behind barrier, guardrail, cones, drums, etc.) and removed when no longer needed. Some portable systems may not be permitted along SHA-owned operated or maintained roadways.

Mobile ASE Vehicles. Operators of mobile ASE vehicles monitoring SHA roads should consider positioning the vehicle in a **pre-marked location** on the highway. This location can be pre-marked using pavement markings, curb markings, tubular markers or similar (as determined by each District). Jurisdictions may want to consider marking ASE site identification numbers at each site for operator convenience. When pre-marking a location, it shall be performed in a way that does not conflict with existing pavement markings or the Maryland Manual on Uniform Traffic Control Devices (MdMUTCD). An example of ASE site markings is provided in Figure 1.



Figure 1. Example of Mobile ASE Site Markings

C. Signing Plan

A signing plan that covers the limits of the school zone and shows all existing and proposed signs within those limits should be developed at a suitable scale. Signing that identifies the roadway segment as a school zone, displays the posted speed limit, and provides notice of the presence of ASE systems is required. Signing shall conform to SHA guidance and specifications.

D. Utility Coordination

The local jurisdiction is responsible for any necessary coordination with local utility companies to obtain communications and power for the ASE systems.

E. Permit/Approval for ASE Systems on State Rights of Way

A permit must be obtained from the appropriate State Highway Administration District Office before placing ASE equipment along a State highway. Permits are required for all types of ASE systems, including stationary units, portable units and mobile vehicles. The ASE Permit Application and contact information for each District Office are included in Attachment C.

F. ASE System Placement, Relocation, Calibration, and Maintenance

For all ASE systems (stationary, portable and mobile) providing enforcement on State highways, the local jurisdiction, or their representative, must notify the District Office prior to the initial placement of each ASE system at a “permit” site and of their intent to relocate or perform any subsequent maintenance on these devices.

- **Initial Placement** – Proper notification for the initial placement of the ASE system includes the submission of the ASE Permit Application to the appropriate District Office and subsequent approval of the permit. Lane closure permits must be submitted, as needed.
- **Relocation** – ASE equipment may be relocated to any previously approved (“permit”) location without obtaining a new ASE Permit. If the proposed location has not yet been approved by SHA, an ASE Permit Application must be submitted to and approved by the appropriate District Office. Proper notification for relocating an ASE system includes the submission of a District Utility Permit Application to the appropriate District Office for approval. Lane closure permits must be submitted, as needed.

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- **Maintenance** – Proper notification for performing maintenance on an ASE system includes the submission of a District Utility Permit Application to the appropriate District Office for approval. Lane closure permits must be submitted, as needed.
- **Lane Closure Permit** – If the initial placement, relocation or maintenance of an ASE system requires temporary closures to the shoulder or the adjacent travelway, a lane closure permit request must be submitted to the District Office for approval.

All permit application forms can be obtained from the appropriate District Office contact listed in Attachment C. All costs associated with the installation and operation of the ASE systems will be the responsibility of the local jurisdiction or ASE contractor.

Per Maryland Law, the ASE system operator must, on a daily basis, successfully perform the manufacturer-specified self-test of each ASE system prior to producing a recorded image. To document this test, a daily set-up log for each ASE system shall be filled out, signed and kept on file. In addition, all ASE systems shall undergo annual calibration checks performed by an independent calibration laboratory. A certificate of calibration, issued by the independent calibration laboratory, shall be kept on file.

The local jurisdiction is responsible for the operation and maintenance of the automated speed enforcement (ASE) system as long as it is in place. Proper configurations, focus, computer equipment, and flash and image capture processes for the equipment should be checked according to state or local law, established standards, and manufacturer's specifications. The local jurisdiction shall keep maintenance and calibration reports for all repairs, modification, and changes to the ASE system as evidence of system accuracy and integrity.

IV. KEY PROGRAM COMPONENTS

A. Public Outreach

Educating and communicating information to the public regarding speeds, crashes, and speed enforcement measures in school zones is critical. Appropriate media and communications campaigns can help the public understand the basis for speed limits and the consequences of driving too fast for conditions. Educating the public on speed enforcement programs helps drivers understand what they may expect from the program. A good communications program in support of the automated speed enforcement (ASE) program will:

- Identify the types of behavior that are targeted by the ASE systems.
- Encourage community awareness and involvement.
- Make traffic safety an integral part of the program.
- Increase awareness of the dangers of crashes associated with driving too fast for conditions.
- Use the appropriate data to correlate automated speed enforcement with reduction of speeds, crashes, and injuries.
- Use various channels of communication to inform the public, such as websites, newspapers, radio, brochures, workshops, annual evaluations and reports, newsletters, paid media spots, local association meetings, etc.
- Promote transparency.

As required by Maryland law, notice of the location of all unmanned stationary ASE systems must be published on the local jurisdiction's website and in a newspaper of general circulation in the jurisdiction.

Community Involvement. It is important to maintain open lines of communication with the local community and to encourage their awareness of and involvement in this program. Most communities have concerned citizens or civic leaders who are interested and willing to get involved in speed enforcement programs. Citizens, whether through organized citizen advisory boards or otherwise, are valuable resources for the site selection and review process.

In general, residents should be informed about speed-related concerns and speed enforcement efforts through community meetings, websites, or local newsletters. By providing information on how ASE sites are selected and showing that the enforcement is driven by data, rather than revenue, public support for ASE systems is likely to increase.

B. Site and Program Evaluation

Implementation of the automated speed enforcement (ASE) program must be augmented with a continuous ongoing evaluation program to monitor and determine its effectiveness, and to maintain the credibility of the program. Results of these evaluations should identify the successes and limitations of the program and thus aid in future decision making. Evaluations should include any form of data deemed necessary to provide insight into the effectiveness of each site and the overall program, including, but not limited to:

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- 1) A description of the locations where and when automated speed enforcement systems were used
- 2) Number of citations
 - a. The number of violations recorded at each location in the aggregate and on a monthly basis
 - b. The total number of citations issued
 - c. The ratio of citations issued to violations captured
 - d. The total number of citations paid
 - e. The total number of citations taken to trial
 - f. The total number of citations overturned by courts
- 3) Maintenance records and repairs
- 4) Before and after crash data
- 5) Before and after speed data
- 6) Citizen's feedback/comments

Each local jurisdiction should develop a written Evaluation Plan to ensure that before-after studies are a priority of this program.

Report to SHA. Local jurisdictions with ASE systems on State highway must develop a written Evaluation Plan that details how before-after studies will be performed. The local jurisdiction shall provide annual reports to SHA for the preceding fiscal year on the ASE systems on State highways within their jurisdiction. The reports should be sent to the appropriate SHA District Office by October 1st of each year. The SHA reserves the right to use this data regarding the effectiveness and continued use of the ASE systems for planning activities and other uses.

V. PERMIT APPLICATION FOR ASE SYSTEMS ON STATE HIGHWAYS

For all automated speed enforcement (ASE) systems that provide enforcement on State highways, including stationary units, portable units, and mobile vehicles, application must be made to the Maryland State Highway Administration (SHA) prior to deployment of the ASE system, regardless of whether the system is located on SHA right-of-way.

A. Application Submittal

The “Automated Speed Enforcement Permit Application” (refer to Attachment C) should be completed by a representative from the local jurisdiction and submitted to the appropriate SHA District Office. The application contains a list of documents that must be submitted concurrently with the completed application form. This information includes:

- Vicinity map
- Detailed plans
- Documentation of local ordinance or resolution approving the use of ASE systems
- Evaluation plan (for before-after studies)
- Lane Closure Permit Application (as needed; obtained from the appropriate District Office)

Two (2) copies of the completed application package must be submitted to the appropriate District Office.

Vicinity Map. Use an ADC or Google map that shows the ASE system is deployed in a feasible and legal location. The location for the ASE system must meet the conditions outlined under “Equipment Location” in the previous section. Developing a suitably scaled map helps to display the location of the proposed ASE system in relationship to the school and limits of the designated school zone.

Detailed plans. Plans that show roadway features, such as sidewalks, roadside objects, signage, markings and delineation, etc. should be included.

Local Resolution/Ordinance. State law requires local jurisdictions to pass a local law prior to implementing ASE systems in school zones. Provide copies of the local law with each application.

Evaluation Plan. Local jurisdictions must submit a written Evaluation Plan that details how before-after studies will be performed to determine the overall effectiveness of their ASE program. The evaluation plan must include provisions to provide an annual report to SHA on the effectiveness of ASE systems on State highways within their jurisdiction. Refer to Section IV.C, “Site and Program Evaluation”, for additional information on developing evaluation plans.

Lane Closure Permit Application (as needed). If the maintenance or relocation of an ASE system requires temporary closures along roadway shoulders or the travelway, a lane closure permit application must be submitted to the appropriate District Office. Refer to Attachment C for a list of District contacts from whom the lane closure permit application can be obtained.

B. Application Review

Upon receiving the ASE permit application, the District Engineer will send copies of the application to the appropriate SHA offices (District staff and other SHA representatives) for review. Once the District Engineer has received a response from the appropriate SHA offices, the applicant will be advised as to whether the ASE System Permit Application has been approved or denied.

VI. REFERENCES

The following documents contain information that may be useful to local jurisdictions in establishing their school zones automated speed enforcement programs:

Federal Highway Administration (2009). *Manual on Uniform Traffic Control Devices, 2009 Edition*. Washington, DC: Federal Highway Administration.

Fitzpatrick, Kay; Brewer, Marcus; Obeng-Boampong, Kwaku; Park, Eun Sug; and Trout, Nada (2009). *Speeds in School Zones*. TxDOT Report 0-5470-1. College Station, TX: Texas Transportation Institute.

Maryland State Highway Administration. *Guidelines for Establishing and Signing School Zones along State Highways*.

National Highway Traffic Safety Administration (2000). *Guidelines for Developing a Municipal Speed Enforcement Program*. Washington, DC: National Highway Traffic Safety Administration.

National Highway Traffic Safety Administration (2007). *Automated Enforcement: A Compendium of Worldwide Evaluations of Results*. Washington, DC: National Highway Traffic Safety Administration.

National Highway Traffic Safety Administration (2008). *Speed Enforcement Program Guidelines*. Washington, DC: National Highway Traffic Safety Administration.

National Highway Traffic Safety Administration (2008). *Speed Enforcement Camera Systems Operational Guidelines*. Washington, DC: National Highway Traffic Safety Administration.

Oesch, S.L. (2009). *Statement before the Maryland House Senate Committee on Judicial Proceedings on Senate Bill 277*. Arlington, VA: Insurance Institute for Highway Safety.

Retting, R.A.; Farmer, C.M.; and McCartt, A.T. (2008). *Evaluation of automated speed enforcement in Montgomery County, Maryland*. *Traffic Injury Prevention* 9:440-45.

Retting, R.A. and Farmer, C.M. (2003). *Evaluation of speed camera enforcement in the District of Columbia*. *Transportation Research Record* 1830:34-37. Washington, DC: Transportation Research Board.

Attachment A

SENATE BILL 277 (2009) and HOUSE BILL 1477 (2010)

CHAPTER 500

(Senate Bill 277)

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use in Highway Work Zones

FOR the purpose of expanding to all counties and municipalities in the State the authority to use certain speed monitoring systems to enforce certain highway speed laws under certain standards and procedures; altering the speed of a motor vehicle at which a speed monitoring system will produce a recorded image of the vehicle; prohibiting the use of a speed monitoring system in a local jurisdiction unless authorized by the governing body by ordinance or resolution adopted after reasonable notice and a public hearing; requiring a county, before using a speed monitoring system at certain locations, to obtain certain approval, provide certain notice, and provide a municipal corporation instead of the county the opportunity to use a speed monitoring system at the locations; requiring certain local ordinances or resolutions to provide for the issuance of warnings during a certain period for certain violations; ~~increasing the maximum speed limit for the purpose of establishing residential highways on which speed laws may be enforced using speed monitoring systems~~ limiting the operation of a speed monitoring system in a school zone; requiring a local jurisdiction to publish a certain notice before activating a certain speed monitoring system; ~~requiring a certain speed monitoring system placed in a certain location to be calibrated only to record images of motor vehicles traveling at or above a certain speed~~; repealing a certain requirement that an individual provide certain information to satisfy a certain evidentiary burden; requiring the Chief Judge of the District Court to consult with certain agencies in adopting certain procedures; clarifying that certain fines for certain motor vehicle violations shall be paid to the District Court; expanding the pool of entities authorized to administer a speed monitoring program; authorizing the placement of certain work zone speed control systems on certain highways under certain circumstances; ~~requiring the Comptroller to distribute to the State Highway Administration the revenues from certain civil fines collected under this Act in an amount to cover the costs of implementing and administering the work zone speed control system~~ to be distributed to a certain special fund to be used only for certain purposes; limiting the issuance of citations to owners or drivers of vehicles that exceed certain speeds; requiring a work zone speed control system operator to complete certain training and follow certain procedures; requiring a work zone speed control system to undergo certain calibration; requiring the procurement of a work zone speed control system by a unit of State government to be conducted in a certain manner; requiring the State Highway Administration to place a certain road sign within

a reasonable distance of a highway work zone containing a speed monitoring system; providing that certain owners or drivers of motor vehicles, recorded by a work zone speed control system while being operated in violation of certain speed limit laws, are subject to certain penalties; authorizing certain police departments to mail a certain citation to the owner of a motor vehicle; establishing certain civil penalties for a violation of certain provisions of this Act; requiring certain citations to include certain information; authorizing a police department to send a warning instead of a citation under certain circumstances; authorizing the police department to reissue a citation to the driver of a vehicle under certain circumstances; requiring certain citations to be mailed within certain time periods; requiring the District Court to prescribe a certain citation form and to indicate the amount of a certain civil penalty on the citation; establishing the standard of proof in a trial for certain violations of this Act; authorizing persons receiving certain citations to have the work zone speed control system operator be present and able to testify at trial; providing that certain persons are responsible for paying the civil penalty indicated on the citation under certain circumstances; providing that persons receiving certain citations may elect to stand trial in the District Court; establishing defenses that the District Court may consider; authorizing vehicle owners to submit a certain letter to the District Court to establish a certain defense; authorizing the Motor Vehicle Administration to impose certain penalties if the person cited for violating certain provisions of this Act fails to pay the civil penalty or contest liability; prohibiting certain violations under this Act from being considered for certain purposes; providing for the admissibility and use of certain evidence; modifying the jurisdiction of the District Court to include certain proceedings; providing for the handling of certain court costs and penalties; clarifying certain language; prohibiting an insurer from considering a certain civil penalty for purposes of reclassifying an insured; prohibiting the custodian of recorded images produced by a work zone speed control system from allowing inspection of the recorded images, subject to certain exceptions; requiring the Department of State Police and the State Highway Administration jointly to adopt regulations establishing the standards and procedures for work zone speed control systems; requiring certain State and local entities to administer and process civil citations issued under this Act in consultation with the District Court; providing that the fees of certain contractors may not be contingent on the number of citations issued or paid under this Act; requiring the issuance of warnings for a certain time period for certain violations; defining certain terms; repealing a certain definition; altering a certain definition; making certain stylistic changes; making a technical correction; restricting the use of certain revenues generated by this Act; ~~requiring a local jurisdiction to remit revenue generated from the use of speed monitoring systems to the Comptroller for deposit to the General Fund of the State if the revenue is not spent within a certain period of time~~ providing for the distribution of certain revenues collected by political subdivisions as a result of violations enforced by speed monitoring systems; requiring a political subdivision to submit a certain report under certain circumstances; providing for the application of this Act; providing that

existing obligations or contract rights may not be impaired by this Act; providing that certain provisions of this Act do not apply to certain speed monitoring systems in Montgomery County; requiring certain local jurisdictions to issue a certain report by a certain date; providing for a delayed effective date for certain provisions of this Act; and generally relating to the use of speed monitoring systems to enforce certain laws regarding the operation of motor vehicles in excess of certain speed limits.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–401(13), 7–301(a), 7–302(e), and 10–311
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 11–215(e) and 11–318(e)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–616(o)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 12–118(c), 21–809, 26–305(a), and 26–401
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Transportation
Section 12–118(e) and 21–810
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 12–118(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)
(As enacted by Section 1 of this Act)

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) (1) A citation issued pursuant to § 21–202.1 or § 21–809 of the Transportation Article shall provide that the person receiving the citation may elect to stand trial by notifying the issuing agency of the person's intention to stand trial at least 5 days prior to the date of payment as set forth in the citation. On receipt of the notice to stand trial, the agency shall forward to the District Court having venue a copy of the citation and a copy of the notice from the person who received the citation indicating the person's intention to stand trial. On receipt thereof, the District Court shall schedule the case for trial and notify the defendant of the trial date under procedures adopted by the Chief Judge of the District Court.

(2) A citation issued as the result of a traffic control signal monitoring system or speed monitoring system controlled by a political subdivision shall provide that, in an uncontested case, the penalty shall be paid directly to that political subdivision. A citation issued as the result of a traffic control signal monitoring system controlled by a State [agency or a speed monitoring system,] **AGENCY, OR AS A RESULT OF A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM OR A SPEED MONITORING SYSTEM** in a case contested in District Court, shall provide that the penalty shall be paid directly to the District Court.

(3) Civil penalties resulting from citations issued using traffic control signal monitoring systems or speed monitoring systems that are collected by the District Court shall be collected in accordance with subsection (a) of this section and distributed in accordance with § 12–118 of the Transportation Article.

(4) (I) **FROM THE FINES COLLECTED BY A POLITICAL SUBDIVISION AS A RESULT OF VIOLATIONS ENFORCED BY SPEED MONITORING SYSTEMS, A POLITICAL SUBDIVISION:**

1. MAY RECOVER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE SPEED MONITORING SYSTEMS; AND

2. SUBJECT TO ~~SUBPARAGRAPHS (II), (III), AND (IV)~~ SUBPARAGRAPH (II) OF THIS PARAGRAPH, MAY SPEND ANY REMAINING BALANCE SOLELY FOR ~~RELATED~~ PUBLIC SAFETY PURPOSES, INCLUDING PEDESTRIAN SAFETY PROGRAMS.

~~(H) 1. IF A POLITICAL SUBDIVISION DOES NOT SPEND FUNDS ELIGIBLE TO BE SPENT IN ACCORDANCE WITH SUBPARAGRAPH (I) 2 OF~~

~~THIS PARAGRAPH WITHIN 2 YEARS AFTER THE END OF THE FISCAL YEAR IN WHICH THE FUNDS WERE COLLECTED, THE POLITICAL SUBDIVISION SHALL REMIT THE UNSPENT FUNDS TO THE COMPTROLLER ON AN ANNUAL BASIS.~~

~~2. THE COMPTROLLER SHALL DEPOSIT ANY MONEY REMITTED UNDER THIS SUBPARAGRAPH TO THE GENERAL FUND OF THE STATE.~~

~~(III) FUNDS SPENT IN ACCORDANCE WITH SUBPARAGRAPH (I)2 OF THIS PARAGRAPH SHALL BE USED TO SUPPLEMENT AND MAY NOT SUPPLANT EXISTING LOCAL EXPENDITURES FOR THE SAME PURPOSE.~~

~~(IV) IN ANY YEAR THAT A POLITICAL SUBDIVISION SPENDS FUNDS ELIGIBLE TO BE SPENT IN ACCORDANCE WITH SUBPARAGRAPH (I)2 OF THIS PARAGRAPH, THE POLITICAL SUBDIVISION SHALL FILE A REPORT BY DECEMBER 1 OF THAT YEAR WITH THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, DETAILING THE AMOUNT AND PURPOSES OF THE EXPENDITURE.~~

(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.

Article - State Government

10-616.

(o) (1) In this subsection, “recorded images” has the meaning stated in § 21-202.1 or § 21-809 of the Transportation Article.

(2) Except as provided in paragraph (3) of this subsection, a custodian of recorded images produced by a traffic control signal monitoring system operated under § 21-202.1 of the Transportation Article or a speed monitoring system operated

under § 21–809 of the Transportation Article shall deny inspection of the recorded images.

(3) A custodian shall allow inspection of recorded images:

(i) as required in § 21–202.1 or § 21–809 of the Transportation Article;

(ii) by any person issued a citation under § 21–202.1 or § 21–809 of the Transportation Article, or an attorney of record for the person; or

(iii) by an employee or agent of [a law enforcement] AN agency in an investigation or proceeding relating to the imposition of or indemnification from civil liability pursuant to § 21–202.1 or § 21–809 of the Transportation Article.

Article – Transportation

21–809.

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

[(2) “Local police department” means:

(i) The Montgomery County Department of Police; and

(ii) The police department of any municipal corporation in Montgomery County.]

(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.

(3) (i) “Owner” means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or more.

(ii) “Owner” does not include:

1. A motor vehicle rental or leasing company; or
2. A holder of a special registration plate issued under Title 13, Subtitle 9, Part III of this article.

(4) “Recorded image” means an image recorded by a speed monitoring system:

(i) On:

1. A photograph;
2. A microphotograph;
3. An electronic image;
4. Videotape; or
5. Any other medium; and

(ii) Showing:

1. The rear of a motor vehicle;
2. At least two time-stamped images of the motor vehicle that include the same stationary object near the motor vehicle; and
3. On at least one image or portion of tape, a clear **AND LEGIBLE** identification of the **ENTIRE** registration plate number of the motor vehicle.

(5) “Speed monitoring system” means a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at speeds at least [10] **12** miles per hour above the posted speed limit.

(6) “Speed monitoring system operator” means [an individual who] **A REPRESENTATIVE OF AN AGENCY OR CONTRACTOR THAT** operates a speed monitoring system.

(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.**

(II) BEFORE A COUNTY MAY USE A SPEED MONITORING SYSTEM ON A STATE HIGHWAY AT A LOCATION WITHIN A MUNICIPAL CORPORATION, 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.**

(III) AN ORDINANCE OR RESOLUTION ADOPTED BY THE GOVERNING BODY OF A LOCAL JURISDICTION UNDER THIS PARAGRAPH SHALL PROVIDE THAT FOR A PERIOD OF AT LEAST 30 DAYS AFTER THE FIRST SPEED MONITORING SYSTEM IS PLACED IN THE LOCAL JURISDICTION, A VIOLATION RECORDED BY ANY SPEED MONITORING SYSTEM IN THE LOCAL JURISDICTION MAY BE ENFORCED ONLY BY THE ISSUANCE OF A WARNING.

[(1)] **(IV)** This section applies to a violation of this subtitle [that occurs in Montgomery County] recorded by a speed monitoring system that meets the requirements of this subsection and has been placed:

[(i)] **1.** ~~On~~ IN MONTGOMERY COUNTY, ON a highway in a residential [district] **DISTRICT**, as defined in § 21-101 of this [title]:

1. With] **TITLE, WITH** a maximum posted speed limit of ~~{35}~~ **45** miles per [hour; and

2. That has a speed limit that] **HOUR, WHICH SPEED LIMIT** was established using generally accepted traffic engineering practices; or

[(ii)] **2.** In a school zone established under § 21-803.1 of this subtitle.

(V) BEFORE ACTIVATING AN UNMANNED STATIONARY 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; AND

2. ENSURE THAT EACH SIGN THAT DESIGNATES A SCHOOL ZONE INDICATES THAT SPEED MONITORING SYSTEMS ARE IN USE IN SCHOOL ZONES.

(VI) A SPEED MONITORING SYSTEM IN A SCHOOL ZONE MAY OPERATE ONLY MONDAY THROUGH FRIDAY BETWEEN 6:00 A.M. AND 8:00 P.M.

(2) (i) A speed monitoring system operator shall complete training by a manufacturer of speed monitoring systems in the procedures for setting up and operating the speed monitoring system.

(ii) The manufacturer shall issue a signed certificate to the speed monitoring system operator [upon] **ON** completion of the training.

(iii) The certificate of training shall be admitted as evidence in any court proceeding for a violation of this section.

(3) A speed monitoring system operator shall fill out and sign a daily set-up log for a speed monitoring system that:

(i) States that the speed monitoring system operator successfully performed the manufacturer-specified self-test of the speed monitoring system prior to producing a recorded image;

(ii) Shall be kept on file; and

(iii) Shall be admitted as evidence in any court proceeding for a violation of this section.

(4) (i) A speed monitoring system shall undergo an annual calibration check performed by an independent calibration laboratory.

(ii) The independent calibration laboratory shall issue a signed certificate of calibration after the annual calibration check[, which] **THAT:**

1. Shall be kept on file; and

2. Shall be admitted as evidence in any court proceeding for a violation of this section.

~~(5) (i) THIS PARAGRAPH DOES NOT APPLY TO A SPEED MONITORING SYSTEM PLACED IN A SCHOOL ZONE.~~

~~(H) IF A SPEED MONITORING SYSTEM IS PLACED WITHIN 250 FEET AFTER THE LOCATION OF A SIGN DECREASING THE MAXIMUM SPEED LIMIT ON THE HIGHWAY, THE SPEED MONITORING SYSTEM SHALL BE CALIBRATED ONLY TO RECORD IMAGES OF MOTOR VEHICLES TRAVELING AT SPEEDS AT LEAST 12 MILES PER HOUR ABOVE THE POSTED SPEED LIMIT IN EFFECT BEFORE THE LOCATION OF THE SIGN.~~

(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) (1) Subject to the provisions of paragraphs (2) through (4) of this subsection, [the local police department] AN AGENCY shall mail to [the owner,] AN OWNER liable under subsection (c) of this section[,], a citation that shall include:

- (i) The name and address of the registered owner of the vehicle;
- (ii) The registration number of the motor vehicle involved in the violation;
- (iii) The violation charged;
- (iv) The location where the violation occurred;
- (v) The date and time of the violation;
- (vi) A copy of the recorded image;

(vii) The amount of the civil penalty imposed and the date by which the civil penalty should be paid;

(viii) A signed statement by a duly authorized [agent of the local police department] **LAW ENFORCEMENT OFFICER EMPLOYED BY OR UNDER CONTRACT WITH AN AGENCY** that, based on inspection of recorded images, the motor vehicle was being operated in violation of this subtitle;

(ix) A statement that recorded images are evidence of a violation of this subtitle;

(x) Information advising the person alleged to be liable under this section of the manner and time in which liability as alleged in the citation may be contested in the District Court; and

(xi) Information advising the person alleged to be liable under this section that failure to pay the civil penalty or to contest liability in a timely manner:

1. Is an admission of liability;
2. May result in the refusal by the Administration to register the motor vehicle; and
3. May result in the suspension of the motor vehicle registration.

(2) [The local police department] **AN AGENCY** may mail a warning notice instead of a citation to the owner liable under subsection (c) of this section.

(3) Except as provided in subsection (f)(4) of this section, [the local police department] **AN AGENCY** may not mail a citation to a person who is not an owner.

(4) Except as provided in subsection (f)(4) of this section, a citation issued under this section shall be mailed no later than 2 weeks after the alleged violation if the vehicle is registered in this State, and 30 days after the alleged violation if the vehicle is registered in another state.

(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 [Montgomery County Department of Finance] **POLITICAL SUBDIVISION**; or

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

(e) (1) A certificate alleging that the violation of this subtitle occurred and the requirements under subsection (b) of this section have been satisfied, sworn to, or affirmed by [a duly authorized agent of the local police department] **AN AGENT OR EMPLOYEE OF AN AGENCY**, based on inspection of recorded images produced by a speed monitoring system, shall be evidence of the facts contained in the certificate and shall be admissible in a proceeding alleging a violation under this section without the presence or testimony of the speed monitoring system operator who performed the requirements under subsection (b) of this section.

(2) If a person who received a citation under subsection (d) of this section desires the speed monitoring system operator to be present and testify at trial, the person shall notify the court and the State in writing no later than 20 days before trial.

(3) Adjudication of liability shall be based on a preponderance of evidence.

(f) (1) The District Court may consider in defense of a violation:

(i) Subject to paragraph (2) of this subsection, that the motor vehicle or the registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation;

(ii) Subject to paragraph (3) of this subsection, evidence that the person named in the citation was not operating the vehicle at the time of the violation; and

(iii) Any other issues and evidence that the District Court deems pertinent.

(2) [In order to] **TO** demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner shall submit proof that a police report regarding the stolen motor vehicle or registration plates was filed in a timely manner.

(3) To satisfy the evidentiary burden under paragraph (1)(ii) of this subsection, the person named in the citation shall provide to the District Court a letter, sworn to or affirmed by the person and mailed by certified mail, return receipt requested, that:

(i) States that the person named in the citation was not operating the vehicle at the time of the violation; **AND**

(ii) [Provides the name, address, and, if possible, the driver's license identification number of the person who was operating the vehicle at the time of the violation; and

(iii)] Includes any other corroborating evidence.

(4) (i) If the District Court finds that the person named in the citation was not operating the vehicle at the time of the violation or receives evidence under paragraph (3) of this subsection identifying the person driving the vehicle at the time of the violation, the clerk of the court shall provide to the [local police department] **AGENCY ISSUING THE CITATION** a copy of any evidence substantiating who was operating the vehicle at the time of the violation.

(ii) On receipt of substantiating evidence from the District Court under subparagraph (i) of this paragraph, [the local police department] **AN AGENCY** may issue a citation as provided in subsection (d) of this section to the person who the evidence indicates was operating the vehicle at the time of the violation.

(iii) A citation issued under subparagraph (ii) of this paragraph shall be mailed no later than 2 weeks after receipt of the evidence from the District Court.

(g) If a person liable under this section does not pay the civil penalty or contest the violation, the Administration:

(1) May refuse to register or reregister the motor vehicle cited for the violation; or

(2) May suspend the registration of the motor vehicle cited for the violation.

(h) A violation for which a civil penalty is imposed under this section:

(1) Is not a moving violation for the purpose of assessing points under § 16–402 of this article;

(2) May not be recorded by the Administration on the driving record of the owner or driver of the vehicle;

(3) May be treated as a parking violation for purposes of § 26–305 of this article; and

(4) May not be considered in the provision of motor vehicle insurance coverage.

(i) In consultation with the [Montgomery County Department of Finance and the local police departments] **APPROPRIATE LOCAL GOVERNMENT AGENCIES**, 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) **(1) AN AGENCY OR AN AGENT OR CONTRACTOR DESIGNATED BY THE AGENCY SHALL ADMINISTER AND PROCESS CIVIL CITATIONS ISSUED UNDER THIS SECTION IN COORDINATION WITH THE DISTRICT COURT.**

(2) If a contractor operates a speed monitoring system on behalf of [Montgomery County] **A LOCAL JURISDICTION**, the contractor's fee may not be contingent on the number of citations issued or paid.

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

Article – Courts and Judicial Proceedings

4–401.

Except as provided in § 4–402 of this subtitle, and subject to the venue provisions of Title 6 of this article, the District Court has exclusive original civil jurisdiction in:

(13) A proceeding for a civil infraction under § 21–202.1, § 21–704.1, [or] § 21–809, **OR § 21–810** of the Transportation Article or § 10–112 of the Criminal Law Article;

7–301.

(a) The court costs in a traffic case, including parking and impounding cases, cases under § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation Article in which costs are imposed, and cases under § 10–112 of the Criminal Law Article in which costs are imposed are \$22.50. Such costs shall also be applicable to those cases in which the defendant elects to waive his right to trial and pay the fine or penalty deposit established by the Chief Judge of the District Court by administrative regulation. In an uncontested case under § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation Article, an uncontested case under § 10–112 of the Criminal Law Article, or an uncontested parking or impounding case in which the fines are paid directly to a political subdivision or municipality, costs are \$2.00, which costs shall be paid to and retained by the political subdivision or municipality. In an uncontested

case in which the fine is paid directly to an agency of State government authorized by law to regulate parking of motor vehicles, the costs are \$2.00. The fine and the costs shall be paid to the agency, which shall receive and account for these funds as in all other cases involving sums due the State through a State agency.

7-302.

(e) (1) A citation issued pursuant to § 21-202.1 [or], § 21-809, **OR § 21-810** of the Transportation Article shall provide that the person receiving the citation may elect to stand trial by notifying the issuing agency of the person's intention to stand trial at least 5 days prior to the date of payment as set forth in the citation. On receipt of the notice to stand trial, the agency shall forward to the District Court having venue a copy of the citation and a copy of the notice from the person who received the citation indicating the person's intention to stand trial. On receipt thereof, the District Court shall schedule the case for trial and notify the defendant of the trial date under procedures adopted by the Chief Judge of the District Court.

(2) A citation issued as the result of a traffic control signal monitoring system or speed monitoring system, **INCLUDING A WORK ZONE SPEED CONTROL SYSTEM**, controlled by a political subdivision shall provide that, in an uncontested case, the penalty shall be paid directly to that political subdivision. A citation issued as the result of a traffic control signal monitoring system **OR A WORK ZONE SPEED CONTROL SYSTEM** controlled by a State agency or a speed monitoring system, in a case contested in District Court, shall provide that the penalty shall be paid directly to the District Court.

(3) Civil penalties resulting from citations issued using traffic control signal monitoring systems or speed monitoring systems, **OR A WORK ZONE SPEED CONTROL SYSTEM**, that are collected by the District Court shall be collected in accordance with subsection (a) of this section and distributed in accordance with § 12-118 of the Transportation Article.

10-311.

(a) A recorded image of a motor vehicle produced by a traffic control signal monitoring system in accordance with § 21-202.1 of the Transportation Article is admissible in a proceeding concerning a civil citation issued under that section for a violation of § 21-202(h) of the Transportation Article without authentication.

(b) A recorded image of a motor vehicle produced by a speed monitoring system in accordance with § 21-809 **OR § 21-810** of the Transportation Article is admissible in a proceeding concerning a civil citation issued under that section for a violation of Title 21, Subtitle 8 of the Transportation Article without authentication.

(c) In any other judicial proceeding, a recorded image produced by a traffic control signal monitoring system [or], speed monitoring system, **OR WORK ZONE SPEED CONTROL SYSTEM** is admissible as otherwise provided by law.

Article – Insurance

11–215.

(e) For purposes of reclassifying an insured in a classification that entails a higher premium, an insurer under an automobile insurance policy may not consider a probation before judgment disposition of a motor vehicle law offense, a civil penalty imposed pursuant to § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation Article, or a first offense of driving with an alcohol concentration of 0.08 or more under § 16–205.1 of the Transportation Article on record with the Motor Vehicle Administration, as provided in § 16–117(b) of the Transportation Article.

11–318.

(e) For purposes of reclassifying an insured in a classification that entails a higher premium, an insurer under an automobile insurance policy may not consider a probation before judgment disposition of a motor vehicle law offense, a civil penalty imposed pursuant to § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation Article, or a first offense of driving with an alcohol concentration of 0.08 or more under § 16–205.1 of the Transportation Article on record with the Motor Vehicle Administration, as provided in § 16–117(b) of the Transportation Article.

Article – State Government

10–616.

(o) (1) In this subsection, “recorded images” has the meaning stated in § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation Article.

(2) Except as provided in paragraph (3) of this subsection, a custodian of recorded images produced by a traffic control signal monitoring system operated under § 21–202.1 of the Transportation Article [or], a speed monitoring system operated under § 21–809 of the Transportation Article, **OR A WORK ZONE SPEED CONTROL SYSTEM OPERATED UNDER § 21–810 OF THE TRANSPORTATION ARTICLE** shall deny inspection of the recorded images.

(3) A custodian shall allow inspection of recorded images:

(i) as required in § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation Article;

(ii) by any person issued a citation under § 21-202.1 [or], § 21-809, **OR § 21-810** of the Transportation Article, or an attorney of record for the person; or

(iii) by an employee or agent of a law enforcement agency in an investigation or proceeding relating to the imposition of or indemnification from civil liability pursuant to § 21-202.1 [or], § 21-809, **OR § 21-810** of the Transportation Article.

Article - Transportation

12-118.

(c) (1) [Notwithstanding] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, NOTWITHSTANDING** any other law and in addition to any other exceptions provided by law, all costs, fines, penalties, and forfeitures received by or paid to the District Court under the Maryland Vehicle Law shall be collected and remitted as provided in the Courts Article.

(2) THE COMPTROLLER SHALL DISTRIBUTE ~~TO THE STATE HIGHWAY ADMINISTRATION~~ REVENUE FROM THE CIVIL FINES COLLECTED THROUGH USE OF A WORK ZONE SPEED CONTROL SYSTEM UNDER § 21-810 OF THIS ARTICLE ~~IN AN AMOUNT TO COVER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE WORK ZONE SPEED CONTROL SYSTEM~~ TO A SPECIAL FUND, TO BE USED ONLY AS PROVIDED IN SUBSECTION (E) OF THIS SECTION.

(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, MONEY IN THE SPECIAL FUND ESTABLISHED UNDER SUBSECTION (C)(2) OF THIS SECTION SHALL BE DISTRIBUTED TO THE DEPARTMENT OF STATE POLICE AND THE STATE HIGHWAY ADMINISTRATION TO COVER THE COSTS OF IMPLEMENTING AND ADMINISTERING WORK ZONE SPEED CONTROL SYSTEMS.

(2) THE BALANCE OF THE MONEY IN THE SPECIAL FUND SHALL BE DISTRIBUTED TO THE DEPARTMENT OF STATE POLICE TO FUND ROADSIDE ENFORCEMENT ACTIVITIES.

21-810.

(A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) **“LOCAL POLICE DEPARTMENT” MEANS:**

(I) THE POLICE DEPARTMENT OF ANY MUNICIPAL CORPORATION;

(II) THE POLICE DEPARTMENT OF ANY COUNTY; AND

(III) THE SHERIFF'S DEPARTMENT OF ANY COUNTY THAT HAS HIGHWAY TRAFFIC PATROL RESPONSIBILITIES.

(3) (I) "OWNER" MEANS THE REGISTERED OWNER OF A MOTOR VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR LONGER.

(II) "OWNER" DOES NOT INCLUDE:

1. A MOTOR VEHICLE RENTAL OR LEASING COMPANY; OR

2. A HOLDER OF A SPECIAL REGISTRATION PLATE ISSUED UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.

(4) "RECORDED IMAGE" MEANS AN IMAGE RECORDED BY A WORK ZONE SPEED CONTROL SYSTEM:

(I) ON:

1. A PHOTOGRAPH;

2. A MICROPHOTOGRAPH;

3. AN ELECTRONIC IMAGE;

4. VIDEOTAPE; OR

5. ANY OTHER MEDIUM; AND

(II) SHOWING:

1. THE REAR OF A MOTOR VEHICLE;

2. AT LEAST TWO TIME-STAMPED IMAGES OF THE MOTOR VEHICLE THAT INCLUDE THE SAME STATIONARY OBJECT NEAR THE MOTOR VEHICLE; AND

3. ON AT LEAST ONE IMAGE OR PORTION OF TAPE, A CLEAR AND LEGIBLE IDENTIFICATION OF THE ENTIRE REGISTRATION PLATE NUMBER OF THE MOTOR VEHICLE.

(5) "STATE POLICE DEPARTMENT" MEANS:

(I) THE DEPARTMENT OF STATE POLICE; AND

(II) THE MARYLAND TRANSPORTATION AUTHORITY POLICE.

(6) "WORK ZONE" MEANS A SEGMENT OF A HIGHWAY:

(I) THAT IS IDENTIFIED AS A TEMPORARY TRAFFIC CONTROL ZONE BY TRAFFIC CONTROL DEVICES THAT ARE PLACED OR INSTALLED IN GENERAL CONFORMANCE WITH THE STATE MANUAL AND SPECIFICATIONS ADOPTED FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES; AND

(II) WHERE HIGHWAY CONSTRUCTION, REPAIR, MAINTENANCE, UTILITY WORK, OR A RELATED ACTIVITY, INCLUDING THE PLACEMENT, INSTALLATION, MAINTENANCE, OR REMOVAL OF A WORK ZONE TRAFFIC CONTROL DEVICE, IS BEING PERFORMED REGARDLESS OF WHETHER WORKERS ARE PRESENT.

(7) "WORK ZONE SPEED CONTROL SYSTEM" MEANS A DEVICE HAVING ONE OR MORE MOTOR VEHICLE SENSORS CONNECTED TO A CAMERA SYSTEM CAPABLE OF PRODUCING RECORDED IMAGES OF MOTOR VEHICLES TRAVELING AT OR ABOVE A PREDETERMINED SPEED IN OR APPROACHING A WORK ZONE.

(8) "WORK ZONE SPEED CONTROL SYSTEM OPERATOR" MEANS AN INDIVIDUAL WHO HAS BEEN TRAINED AND CERTIFIED TO OPERATE A WORK ZONE SPEED CONTROL SYSTEM AND WHO IS:

(I) A POLICE OFFICER;

(II) A REPRESENTATIVE OF A LOCAL POLICE DEPARTMENT;

(III) A REPRESENTATIVE OF A STATE POLICE DEPARTMENT;

OR

(IV) A STATE HIGHWAY ADMINISTRATION CONTRACTOR.

(B) (1) A WORK ZONE SPEED CONTROL SYSTEM THAT MEETS THE REQUIREMENTS OF THIS SUBSECTION MAY BE USED TO RECORD THE IMAGES OF MOTOR VEHICLES TRAVELING ON A HIGHWAY:

(I) WITHIN A WORK ZONE;

(II) THAT IS AN EXPRESSWAY OR A CONTROLLED ACCESS HIGHWAY AS DEFINED IN § 21-101 OF THIS TITLE; AND

(III) ON WHICH THE SPEED LIMIT, ESTABLISHED USING GENERALLY ACCEPTED TRAFFIC ENGINEERING PRACTICES, IS 45 MILES PER HOUR OR GREATER.

(2) A WORK ZONE SPEED CONTROL SYSTEM MAY BE USED ONLY:

(I) ON A HIGHWAY AS SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION;

(II) WHEN BEING OPERATED BY A WORK ZONE SPEED CONTROL SYSTEM OPERATOR; AND

(III) IF, IN ACCORDANCE WITH THE MARYLAND MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, A CONSPICUOUS ROAD SIGN IS PLACED AT A REASONABLE DISTANCE CONSISTENT WITH NATIONAL GUIDELINES BEFORE THE WORK ZONE ALERTING DRIVERS THAT A SPEED MONITORING SYSTEM MAY BE IN OPERATION IN THE WORK ZONE.

(3) A WORK ZONE SPEED CONTROL SYSTEM MAY BE USED ONLY TO RECORD THE IMAGES OF VEHICLES THAT ARE TRAVELING AT SPEEDS AT LEAST 12 MILES PER HOUR ABOVE THE POSTED WORK ZONE SPEED LIMIT.

(4) (I) A WORK ZONE SPEED CONTROL SYSTEM OPERATOR SHALL COMPLETE TRAINING BY THE MANUFACTURER OF THE WORK ZONE SPEED CONTROL SYSTEM IN THE PROCEDURES FOR SETTING UP, TESTING, AND OPERATING THE WORK ZONE SPEED CONTROL SYSTEM.

(II) ON COMPLETION OF THE TRAINING, THE MANUFACTURER SHALL ISSUE A SIGNED CERTIFICATE TO THE WORK ZONE SPEED CONTROL SYSTEM OPERATOR.

(III) THE CERTIFICATE OF TRAINING SHALL BE ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION OF THIS SECTION.

(5) A WORK ZONE SPEED CONTROL SYSTEM OPERATOR SHALL FILL OUT AND SIGN A DAILY SET-UP LOG FOR A WORK ZONE SPEED CONTROL SYSTEM THAT:

(I) STATES THE DATE AND TIME WHEN AND THE LOCATION WHERE THE SYSTEM WAS SET UP;

(II) STATES THAT THE WORK ZONE SPEED CONTROL SYSTEM OPERATOR SUCCESSFULLY PERFORMED, AND THE DEVICE PASSED, THE MANUFACTURER-SPECIFIED SELF-TESTS OF THE WORK ZONE SPEED CONTROL SYSTEM BEFORE PRODUCING A RECORDED IMAGE;

(III) SHALL BE KEPT ON FILE; AND

(IV) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION OF THIS SECTION.

(6) (I) A WORK ZONE SPEED CONTROL SYSTEM SHALL UNDERGO AN ANNUAL CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION LABORATORY.

(II) THE INDEPENDENT CALIBRATION LABORATORY SHALL ISSUE A SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL CALIBRATION CHECK THAT:

1. SHALL BE KEPT ON FILE; AND

2. SHALL BE ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION OF THIS SECTION.

(7) THE PROCUREMENT OF A WORK ZONE SPEED CONTROL SYSTEM BY A UNIT OF STATE GOVERNMENT SHALL BE CONDUCTED IN ACCORDANCE WITH TITLE 13, SUBTITLE 1 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(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 AN IMAGE OF THE MOTOR VEHICLE IS RECORDED BY A WORK ZONE SPEED CONTROL SYSTEM IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION 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:

(I) PRESCRIBE A UNIFORM CITATION FORM CONSISTENT WITH SUBSECTION (D)(1) OF THIS SECTION AND § 7-302 OF THE COURTS ARTICLE; AND

(II) INDICATE ON THE CITATION THE AMOUNT OF THE CIVIL PENALTY TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL PENALTY WITHOUT APPEARING IN DISTRICT COURT.

(D) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION, A LOCAL POLICE DEPARTMENT, STATE POLICE DEPARTMENT, OR POLICE DEPARTMENT CONTRACTOR SHALL MAIL TO THE OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION A CITATION THAT SHALL INCLUDE:

(I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE VEHICLE;

(II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE INVOLVED IN THE VIOLATION;

(III) THE VIOLATION CHARGED;

(IV) THE LOCATION WHERE THE VIOLATION OCCURRED;

(V) THE DATE AND TIME OF THE VIOLATION;

(VI) AT LEAST ONE RECORDED IMAGE OF THE VEHICLE WITH A DATA BAR IMPRINTED ON EACH IMAGE THAT INCLUDES THE SPEED OF THE VEHICLE AND THE DATE AND TIME THE IMAGE WAS RECORDED;

(VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE DATE BY WHICH THE CIVIL PENALTY SHOULD BE PAID;

(VIII) A SIGNED STATEMENT BY A POLICE OFFICER EMPLOYED BY THE LOCAL POLICE DEPARTMENT OR STATE POLICE DEPARTMENT THAT, BASED ON INSPECTION OF RECORDED IMAGES, THE MOTOR VEHICLE WAS BEING OPERATED IN VIOLATION OF THIS SUBTITLE;

(IX) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE OF A VIOLATION OF THIS SUBTITLE;

(X) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE UNDER THIS SECTION OF THE MANNER AND TIME IN WHICH LIABILITY AS ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND

(XI) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE UNDER THIS SECTION THAT FAILURE TO PAY THE CIVIL PENALTY OR TO CONTEST LIABILITY IN A TIMELY MANNER:

- 1. IS AN ADMISSION OF LIABILITY;**
- 2. MAY RESULT IN THE REFUSAL TO REGISTER THE MOTOR VEHICLE; AND**
- 3. MAY RESULT IN THE SUSPENSION OF THE MOTOR VEHICLE REGISTRATION.**

(2) THE LOCAL POLICE DEPARTMENT OR STATE POLICE DEPARTMENT MAY MAIL A WARNING NOTICE INSTEAD OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION.

(3) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS SECTION, THE LOCAL POLICE DEPARTMENT OR STATE POLICE DEPARTMENT MAY NOT MAIL A CITATION TO A PERSON WHO IS NOT AN OWNER.

(4) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS SECTION, A CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS REGISTERED IN THIS STATE, AND NO LATER THAN 30 DAYS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS REGISTERED IN ANOTHER STATE.

(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; OR

(II) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR THE ALLEGED VIOLATION.

(E) (1) A CERTIFICATE ALLEGING THAT THE VIOLATION OF THIS SUBTITLE OCCURRED AND THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION HAVE BEEN SATISFIED, SWORN TO, OR AFFIRMED BY A POLICE OFFICER EMPLOYED BY THE LOCAL POLICE DEPARTMENT OR STATE POLICE DEPARTMENT, BASED ON INSPECTION OF RECORDED IMAGES PRODUCED BY A WORK ZONE SPEED CONTROL SYSTEM, SHALL BE EVIDENCE OF THE FACTS CONTAINED IN THE CERTIFICATE AND SHALL BE ADMISSIBLE IN A PROCEEDING ALLEGING A VIOLATION UNDER THIS SECTION WITHOUT THE PRESENCE OR TESTIMONY OF THE WORK ZONE SPEED CONTROL SYSTEM OPERATOR WHO PERFORMED THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION.

(2) IF A PERSON WHO RECEIVED A CITATION UNDER SUBSECTION (D) OF THIS SECTION DESIRES A WORK ZONE SPEED CONTROL SYSTEM OPERATOR TO BE PRESENT AND TESTIFY AT TRIAL, THE PERSON SHALL NOTIFY THE COURT AND THE POLICE DEPARTMENT THAT ISSUED THE CITATION IN WRITING NO LATER THAN 20 DAYS BEFORE TRIAL.

(3) ADJUDICATION OF LIABILITY SHALL BE BASED ON A PREPONDERANCE OF EVIDENCE.

(F) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A VIOLATION:

(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THAT THE MOTOR VEHICLE OR THE REGISTRATION PLATES OF THE MOTOR VEHICLE WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE VEHICLE OWNER AT THE TIME OF THE VIOLATION;

(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EVIDENCE THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND

(III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT COURT DEEMS PERTINENT.

(2) TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT REGARDING THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN A TIMELY MANNER.

(3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE PERSON AND MAILED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT:

(I) STATES THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND

(II) INCLUDES ANY OTHER CORROBORATING EVIDENCE.

(4) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (3) OF THIS SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF THE VIOLATION, THE CLERK OF THE COURT MAY PROVIDE TO THE POLICE DEPARTMENT THAT ISSUED THE CITATION A COPY OF ANY EVIDENCE SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

(II) ON RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE POLICE DEPARTMENT THAT ISSUED THE CITATION MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (D) OF THIS SECTION TO THE PERSON WHO THE EVIDENCE INDICATES WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

(III) ANY CITATION ISSUED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER RECEIPT OF THE EVIDENCE FROM THE DISTRICT COURT.

(G) IF A PERSON LIABLE UNDER THIS SECTION DOES NOT PAY THE CIVIL PENALTY OR CONTEST THE VIOLATION, THE ADMINISTRATION MAY:

(1) REFUSE TO REGISTER OR REREGISTER THE REGISTRATION OF THE MOTOR VEHICLE CITED FOR THE VIOLATION; OR

(2) SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE CITED FOR THE VIOLATION.

(H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS SECTION:

(1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING POINTS UNDER § 16-402 OF THIS ARTICLE;

(2) MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OR DRIVER OF THE VEHICLE;

(3) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF § 26-305 OF THIS ARTICLE; AND

(4) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE INSURANCE COVERAGE.

(I) IN CONSULTATION WITH LOCAL POLICE DEPARTMENTS AND STATE POLICE DEPARTMENTS, 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) (1) THE DEPARTMENT OF STATE POLICE OR A CONTRACTOR DESIGNATED BY THE DEPARTMENT OF STATE POLICE SHALL ADMINISTER AND PROCESS CIVIL CITATIONS ISSUED UNDER THIS SECTION IN COORDINATION WITH THE DISTRICT COURT.

(2) IF A CONTRACTOR PROVIDES, DEPLOYS, OR OPERATES A WORK ZONE SPEED CONTROL SYSTEM FOR A POLICE DEPARTMENT, THE CONTRACTOR'S FEE MAY NOT BE CONTINGENT ON THE NUMBER OF CITATIONS ISSUED OR PAID.

(K) THE DEPARTMENT OF STATE POLICE AND THE STATE HIGHWAY ADMINISTRATION JOINTLY SHALL ADOPT REGULATIONS ESTABLISHING STANDARDS AND PROCEDURES FOR WORK ZONE SPEED CONTROL SYSTEMS AUTHORIZED UNDER THIS SECTION.

26-305.

(a) The Administration may not register or transfer the registration of any vehicle involved in a parking violation under this subtitle, a violation under any federal parking regulation that applies to property in this State under the jurisdiction of the U.S. government, a violation of § 21-202(h) of this article as determined under § 21-202.1 of this article or Title 21, Subtitle 8 of this article as determined under § 21-809 **OR** § **21-810** of this article, or a violation of the State litter control law or a local law or ordinance adopted by Baltimore City relating to the unlawful disposal of litter as determined under § 10-112 of the Criminal Law Article, if:

(1) It is notified by a political subdivision or authorized State agency that the person cited for the violation under this subtitle, § 21-202.1 [or], § 21-809, **OR** § **21-810** of this article, or § 10-112 of the Criminal Law Article has failed to either:

(i) Pay the fine for the violation by the date specified in the citation; or

(ii) File a notice of his intention to stand trial for the violation;

(2) It is notified by the District Court that a person who has elected to stand trial for the violation under this subtitle, under § 21–202.1 [or], § 21–809, **OR § 21–810** of this article, or under § 10–112 of the Criminal Law Article has failed to appear for trial; or

(3) It is notified by a U.S. District Court that a person cited for a violation under a federal parking regulation:

(i) Has failed to pay the fine for the violation by the date specified in the federal citation; or

(ii) Either has failed to file a notice of [his] **THE PERSON’S** intention to stand trial for the violation, or, if electing to stand trial, has failed to appear for trial.

26–401.

If a person is taken before a District Court commissioner or is given a traffic citation or a civil citation under § 21–202.1 [or], § 21–809, **OR § 21–810** of this article containing a notice to appear in court, the commissioner or court shall be one that sits within the county in which the offense allegedly was committed.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Transportation

12–118.

(e) (1) Subject to paragraph (2) of this subsection, money in the special fund established under subsection (c)(2) of this section shall be distributed to the Department of State Police and the State Highway Administration to cover the costs of implementing and administering work zone speed control systems.

(2) The balance of the money in the special fund shall be distributed to the [Department of State Police to fund roadside enforcement activities] **TRANSPORTATION TRUST FUND ESTABLISHED UNDER § 3–216 OF THIS ARTICLE.**

SECTION 3. AND BE IT FURTHER ENACTED, That, during the 30-day period after the first work zone speed control system is in place, a law enforcement agency may issue warnings, but may not issue citations, for violations enforced in accordance with § 21-810 of the Transportation Article, as enacted by this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any contract awarded before the effective date of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That an obligation or contract right existing on the effective date of this Act may not be impaired in any way by this Act.

SECTION 6. AND BE IT FURTHER ENACTED, That each local jurisdiction that enforces speed limit laws as authorized under this Act shall report to the Governor and the General Assembly on or before December 31, 2013, in accordance with § 2-1246 of the State Government Article, on the effectiveness of speed monitoring systems in the jurisdiction.

SECTION 7. AND BE IT FURTHER ENACTED, That § 21-809(b)(1)(i), (iii), and (v) of the Transportation Article, as enacted by Section 1 of this Act, does not apply to speed monitoring systems installed and operated in Montgomery County before October 1, 2009.

SECTION ~~4~~ 8. AND BE IT FURTHER ENACTED, That Section ~~2~~ 3 of this Act shall take effect October 1, 2012.

SECTION ~~8~~ 5 9. AND BE IT FURTHER ENACTED, That, except as provided in Section ~~4~~ 8 of this Act, this Act shall take effect October 1, 2009.

Approved by the Governor, May 19, 2009.

HOUSE BILL 1477

R5

0lr2945
CF SB 916

By: **Prince George's County Delegation**

Introduced and read first time: March 1, 2010

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 8, 2010

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2010

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County – Municipal Corporations – School Zones and Speed**
3 **Monitoring Systems**

4 **PG 319–10**

5 FOR the purpose of authorizing a municipal corporation in Prince George's county to
6 establish school zones on certain highways; requiring a municipal corporation in
7 the county to be responsible for certain costs related to certain traffic control
8 devices for certain school zones; authorizing a municipal corporation in the
9 county to implement and use a speed monitoring system on certain county
10 highways under certain circumstances; prohibiting the county from
11 unreasonably denying a request from a municipal corporation to implement and
12 use a speed monitoring system on certain county highways; prohibiting the
13 county from placing certain requirements on the implementation and use of a
14 speed monitoring system; requiring the county to state in writing the reasons
15 for any denial of a request made by a municipal corporation for permission to
16 implement and use a speed monitoring system on certain county highways;
17 authorizing a municipal corporation to contest in the circuit court a certain
18 denial of permission by the county; prohibiting a municipal corporation in the
19 county from implementing or using a speed monitoring system in certain school
20 zones unless it has obtained certain approval; providing that, in Prince George's
21 County, or a municipal corporation of the county, a violation of the law relating
22 to the use of speed monitoring systems applies to a segment of a highway within
23 the grounds of a certain institution of higher education or within a certain

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.



1 distance of the grounds of a building or property used by the institution under
 2 certain circumstances; requiring Prince George's County, or a municipal
 3 corporation in Prince George's County, as appropriate, to ensure that certain
 4 speed limit signs are in accordance with a certain manual and specifications
 5 and indicate that a speed monitoring system is in use; and generally relating to
 6 school zones and the use of speed monitoring systems in a municipal corporation
 7 in Prince George's County.

8 BY repealing and reenacting, with amendments,
 9 Article – Transportation
 10 Section 21–803.1 and 21–809(b)(1)
 11 Annotated Code of Maryland
 12 (2009 Replacement Volume and 2009 Supplement)

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

15 **Article – Transportation**

16 21–803.1.

17 (a) (1) Subject to subsection (f) of this section, within a half–mile radius of
 18 any school, the State Highway Administration or a local authority:

19 (i) May establish a school zone and maximum speed limits
 20 applicable in the school zone; and

21 (ii) Subject to subsection (d) of this section, may provide that
 22 fines are to be doubled for speeding violations within the school zone.

23 (2) (i) The State Highway Administration may establish a school
 24 zone under paragraph (1) of this subsection on any State highway or, at the request of
 25 a local authority, on any highway under the jurisdiction of the local authority.

26 (ii) A local authority may establish a school zone under
 27 paragraph (1) of this subsection on any highway under its jurisdiction.

28 **(III) IN PRINCE GEORGE'S COUNTY, A MUNICIPAL**
 29 **CORPORATION MAY ESTABLISH A SCHOOL ZONE UNDER PARAGRAPH (1) OF THIS**
 30 **SUBSECTION ON ANY HIGHWAY THAT:**

31 **1. IS NOT UNDER STATE JURISDICTION; AND**

32 **2. IS LOCATED WITHIN ~~OR ADJACENT TO~~ THE**
 33 **CORPORATE LIMITS OF THE MUNICIPAL CORPORATION.**

1 (b) (1) On each highway where a school zone is established under this
2 section, in accordance with specifications of the State Highway Administration, the
3 State Highway Administration or local authority:

4 (i) Shall place signs designating the school zone; and

5 (ii) May place other traffic control devices, including timed
6 flashing warning lights.

7 (2) The signs designating a school zone shall indicate the maximum
8 speed limit applicable in the school zone.

9 (3) The local authority shall pay the State Highway Administration
10 the cost of placing and maintaining signs and other traffic control devices on highways
11 under the jurisdiction of the local authority when the State Highway Administration
12 establishes the school zone at the local authority's request.

13 **(4) IN PRINCE GEORGE'S COUNTY, A MUNICIPAL CORPORATION**
14 **SHALL BE RESPONSIBLE FOR THE COST OF PLACING AND MAINTAINING SIGNS**
15 **AND OTHER TRAFFIC CONTROL DEVICES FOR A SCHOOL ZONE THAT THE**
16 **MUNICIPAL CORPORATION ESTABLISHES ON A HIGHWAY WITHIN ~~OR ADJACENT~~**
17 **~~TO~~ ITS CORPORATE LIMITS.**

18 (c) A maximum speed limit in a school zone established under this section is
19 in effect when posted on appropriate signs giving notice of the limit.

20 (d) The fines for speeding in a school zone are double the amount that would
21 otherwise apply if, in accordance with specifications adopted by the State Highway
22 Administration:

23 (1) (i) A sign designating a school zone under this section is
24 equipped with timed flashing warning lights and indicates that fines for speeding are
25 doubled when the lights are activated; and

26 (ii) The lights are activated at the time the violation occurs; or

27 (2) A sign designating a school zone under this section indicates that
28 fines for speeding are doubled during school hours.

29 (e) A person may not drive a motor vehicle at a speed exceeding the posted
30 speed limit within a school zone established in accordance with subsection (d) of this
31 section.

32 (f) In any school zone where a school crossing guard is posted to assist
33 students in crossing a highway, the maximum speed limit may not exceed 35 miles per
34 hour in the school zone during the hours posted on signs designating the school zone.

1 21-809.

2 (b) (1) (i) A speed monitoring system may not be used in a local
3 jurisdiction under this section unless its use is authorized by the governing body of the
4 local jurisdiction by local law enacted after reasonable notice and a public hearing.

5 (ii) Before a county may use a speed monitoring system on a
6 State highway at a location within a municipal corporation, the county shall:

7 1. Obtain the approval of the State Highway
8 Administration;

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

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

16 (iii) 1. **THIS SUBPARAGRAPH APPLIES ONLY IN PRINCE**
17 **GEORGE'S COUNTY.**

18 2. **IN THE COUNTY, A MUNICIPAL CORPORATION MAY**
19 **IMPLEMENT AND USE A SPEED MONITORING SYSTEM CONSISTENT WITH THE**
20 **REQUIREMENTS OF THIS SUBSECTION ON A COUNTY HIGHWAY AT A LOCATION**
21 **WITHIN ~~OR ADJACENT TO~~ ITS CORPORATE LIMITS IF THE MUNICIPAL**
22 **CORPORATION:**

23 **A. SUBMITS TO THE COUNTY A PLAN DESCRIBING**
24 **THE BOUNDARY OF THE APPLICABLE SCHOOL ZONE AND THE PROPOSED**
25 **LOCATION OF THE SPEED MONITORING SYSTEM; AND**

26 **B. REQUESTS AND RECEIVES PERMISSION FROM THE**
27 **COUNTY TO USE THE SPEED MONITORING SYSTEM AT THE PROPOSED**
28 **LOCATION.**

29 3. **IF THE COUNTY FAILS TO RESPOND TO THE**
30 **REQUEST WITHIN 60 DAYS, THE MUNICIPAL CORPORATION MAY IMPLEMENT**
31 **AND USE THE SPEED MONITORING SYSTEM AS DESCRIBED IN THE PLAN**
32 **SUBMISSION.**

33 4. **THE COUNTY MAY NOT:**

1 A. UNREASONABLY DENY A REQUEST UNDER THIS
2 SUBPARAGRAPH; OR

3 B. PLACE EXACTIONS, FEES, OR UNREASONABLE
4 RESTRICTIONS ON THE IMPLEMENTATION AND USE OF A SPEED MONITORING
5 SYSTEM UNDER THIS SUBPARAGRAPH.

6 5. THE COUNTY SHALL STATE IN WRITING THE
7 REASONS FOR ANY DENIAL OF A REQUEST UNDER THIS SUBPARAGRAPH.

8 6. A MUNICIPAL CORPORATION MAY CONTEST IN
9 THE CIRCUIT COURT A COUNTY DENIAL OF A REQUEST UNDER THIS
10 SUBPARAGRAPH.

11 (iv) IN PRINCE GEORGE'S COUNTY, IF A MUNICIPAL
12 CORPORATION HAS ESTABLISHED A SCHOOL ZONE THAT ~~OVERLAPS WITH~~ IS
13 WITHIN ONE-QUARTER MILE OF A SCHOOL ZONE ESTABLISHED IN ANOTHER
14 MUNICIPAL CORPORATION, THE MUNICIPAL CORPORATION MAY NOT
15 IMPLEMENT OR USE A SPEED MONITORING SYSTEM IN THAT SCHOOL ZONE
16 UNLESS IT HAS OBTAINED THE APPROVAL OF THE OTHER MUNICIPAL
17 CORPORATION.

18 [(iii)] (v) An ordinance or resolution adopted by the governing
19 body of a local jurisdiction under this paragraph shall provide that for a period of at
20 least 30 days after the first speed monitoring system is placed in the local jurisdiction,
21 a violation recorded by any speed monitoring system in the local jurisdiction may be
22 enforced only by the issuance of a warning.

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

26 1. In Montgomery County, on a highway in a residential
27 district, as defined in § 21-101 of this title, with a maximum posted speed limit of 35
28 miles per hour, which speed limit was established using generally accepted traffic
29 engineering practices; ~~or~~

30 2. In a school zone established under § 21-803.1 of this
31 subtitle; OR

32 3. IN PRINCE GEORGE'S COUNTY, ON THAT PART OF
33 A HIGHWAY LOCATED WITHIN THE GROUNDS OF AN INSTITUTION OF HIGHER
34 EDUCATION AS DEFINED IN § 10-101(F) OF THE EDUCATION ARTICLE, OR
35 WITHIN ONE-HALF MILE OF THE GROUNDS OF A BUILDING OR PROPERTY USED
36 BY THE INSTITUTION OF HIGHER EDUCATION WHERE GENERALLY ACCEPTED

1 TRAFFIC AND ENGINEERING PRACTICES INDICATE THAT MOTOR VEHICLE,
2 PEDESTRIAN, OR BICYCLE TRAFFIC IS SUBSTANTIALLY GENERATED OR
3 INFLUENCED BY THE INSTITUTION OF HIGHER EDUCATION.

4 [(v)] (VII) Before activating an unmanned stationary speed
5 monitoring system, the local jurisdiction shall:

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

8 2. Ensure that each sign that designates a school zone
9 indicates that speed monitoring systems are in use in school zones; AND

10 3. WITH REGARD TO A SPEED MONITORING SYSTEM
11 ESTABLISHED BASED ON PROXIMITY TO AN INSTITUTION OF HIGHER
12 EDUCATION UNDER PARAGRAPH (1)(VI)3 OF THIS SUBSECTION, ENSURE THAT
13 ALL SPEED LIMIT SIGNS APPROACHING AND WITHIN THE SEGMENT OF HIGHWAY
14 ON WHICH THE SPEED MONITORING SYSTEM IS LOCATED INCLUDE SIGNS THAT:

15 A. ARE IN ACCORDANCE WITH THE MANUAL AND
16 SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES
17 ADOPTED BY THE STATE HIGHWAY ADMINISTRATION UNDER § 25-104 OF THIS
18 ARTICLE; AND

19 B. INDICATE THAT A SPEED MONITORING SYSTEM IS
20 IN USE.

21 [(vi)] (VIII) A speed monitoring system in a school zone may
22 operate only Monday through Friday between 6:00 a.m. and 8:00 p.m.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 June 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.

Attachment B

MEMORANDUM OF ACTION

**Establishment of School Zones and Double Fines for Speeding at
Elementary and Middle Schools on State Highways**

MEMORANDUM of ACTION

Establishment of School Zones and Double Fines for Speeding at Elementary and Middle Schools on State Highways Statewide

Authority:

§ 21-803.1 of the Transportation Article authorizes the State Highway Administration (SHA) to establish a School Zone within a half-mile radius of a school, set a speed limit within this zone that applies when properly signed, and establish double fines for speeding violations within the zone during school hours when signed to that effect.

Definitions:

“School” is an accredited public, parochial, or private learning institution for one or more grades K through 12.

“School Area” is the area surrounding, and within one-half mile of, a school building or property and within which motor vehicle, pedestrian or bicycle traffic is substantially generated or influenced by the school.

“School Zone” is a segment of a highway within a School Area, established by official action, and designated by appropriate signs, within which fines for speeding can be double. Fines for speeding are double when the School Zone is established and appropriate signs are installed.

Action:

This action applies to those segments of State maintained highways, located within School Areas, from which pupils access, or egress from, school buildings or grounds.

A School Zone is established at each elementary, middle, and other pre-secondary school when signing acceptable to the Director of Traffic and Safety is installed.

The exact starting and ending point of each School Zone is established in the field by the installation of such signing.

Fines for speeding within each School Zone are double where signing acceptable to the Director of Traffic and Safety so indicating is installed.

SHA has determined that various activities at schools result in children entering and leaving school grounds throughout all hours of the day, days of the week, and weeks of the year. This action therefore does not limit the times when School Zones and double fines are in effect.

Effective Date:

This action shall be effective on August 15, 2001. This action also shall apply to each elementary, middle, and other pre-secondary school that opens after the effective date of this action.

SHA actions prior to August 15, 2001 to establish School Zones and/or double speeding fines at elementary, middle, and other pre-secondary schools are rescinded as of August 15, 2001. Actions setting speed limits within these School Zones remain in effect. School Zones and/or double speeding fines at schools other than elementary, middle, or pre-secondary schools remain in effect.

Issue Resolution:

Issues involving matters covered by this action are to be settled by the Director of Traffic and Safety, consistent with the SHA manual and specifications for traffic control devices.

Approval Recommended:

Signed
Tom Hicks, Director of Traffic & Safety

Date: 8/9/01

Approval:

Signed
Douglas R. Rose, Deputy Administrator
Chief Engineer for Operations

Date: 8/15/01

District(s): 1 thru 7

County(ies): 1 thru 23

Route(s): Various

Type Action(s): School Zones, Double Fines

Attachment C

**ASE PERMIT APPLICATION AND DISTRICT OFFICE CONTACTS FOR
PERMIT SUBMITTALS**

**For Automated Speed Enforcement Systems in School Zones on State
Highways**

MARYLAND STATE HIGHWAY ADMINISTRATION
PERMIT APPLICATION
FOR AUTOMATED SPEED ENFORCEMENT SYSTEMS IN SCHOOL ZONES ON STATE HIGHWAYS

SHA District County Stationary Unit - Portable Unit - Mobile Vehicle
Type of Enforcement System (*Circle One*)

School Name(s) (*List all schools, if more than one for this location.*)

Location (*State Route Number and Name; Direction and Distance to Closest Cross Street*)

County/Municipality Representative Phone Number

County/Municipality Address Fax Number

Email Address

PERMIT APPLICATION INSTRUCTIONS

- Print clearly.
- For all work requiring lane/shoulder closures, submit a SHA Lane Closure Permit Application for approval.
- Submit two (2) copies of the application, including vicinity maps, plan sheets, lane closure permits, and other required documents as listed below, to the District Office.
- Each application package should be neatly folded to 8.5" x 11" size.
- Contact the District Office for assistance with this application.

REQUIRED DOCUMENTATION

- Vicinity Map (ADC or similar), with ASE system location noted
- Plans:
 - Plan sheets showing exact location of camera, SHA right-of-way, and all existing features, i.e., sidewalk, light poles, etc.
 - Signing plan, showing proposed speed enforcement signing
 - Pole, pull box, conduit, foundation, structural and any other details (if applicable)
- Documentation of Local Ordinance or Resolution approving the use of ASE
- Evaluation Plan (for before-after studies)
- SHA Lane Closure Permit Application (as needed for lane/shoulder closures)

The applicant understands that all automated speed enforcement equipment, its use and operation, must conform to the requirements of Maryland Law. The Maryland State Highway Administration reserves the right to reject the use of any automated speed enforcement system on State-maintained roads that does not conform to federal, state and local standards, specifications, and all other applicable codes and guidelines.

Signature of Applicant Date

	<u>Approved?</u>
_____ SHA District Office Reviewer	Date <input type="checkbox"/> Yes <input type="checkbox"/> No

DISTRICT OFFICE CONTACTS FOR PERMIT SUBMITTALS

District 1

Dorchester, Somerset, Wicomico, and Worcester Counties

P.O. Box 2679
660 West Road
Salisbury, MD 21802
410-677-4000

District 2

Caroline, Cecil, Kent, Queen Anne's, and Talbot Counties

P.O. Box 299
615 Morgnec Road
Chestertown, MD 21620
410-778-3061

District 3

Montgomery and Prince Georges Counties

9300 Kenilworth Ave.
Greenbelt, MD 20770
301-513-7300

District 4

Baltimore and Harford Counties

320 West Warren Road
Hunt Valley, MD 21030
410-229-2300

District 5

Anne Arundel, Calvert, Charles, and St. Mary's Counties

138 Defense Highway
Annapolis, MD 21401
410-841-1000

District 6

Allegany, Garrett, and Washington Counties

1251 Vocke Road
La Vale, MD 21502
301-729-8400

District 7

Carroll, Frederick and Howard Counties

5111 Buckeystown Pike
Frederick, MD 21704
301-624-8100