

HOUSE BILL 187

R5

9lr0673

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

Introduced and read first time: January 23, 2019

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County – Speed Monitoring Systems – Maryland Route 210**
3 **(Indian Head Highway)**

4 **PG 305–19**

5 FOR the purpose of repealing certain provisions of law that limit the ~~number and~~ location
6 of speed monitoring systems that may be placed and used on Maryland Route 210
7 (Indian Head Highway) in Prince George's County; ~~authorizing the placement and~~
8 ~~use of speed monitoring systems at any intersection~~ increasing the number of speed
9 monitoring systems that may be placed on Maryland Route 210 in Prince George's
10 County; requiring the State Highway Administration, in conjunction with the Prince
11 George's County Department of Public Works and Transportation, to perform a
12 certain examination of Maryland Route 210 and report certain findings and
13 recommendations to the Governor and the General Assembly on or before a certain
14 date; making certain conforming changes; and generally relating to the placement
15 and use of speed monitoring systems on Maryland Route 210 (Indian Head Highway)
16 in Prince George's County.

17 BY repealing and reenacting, with amendments,
18 Article – Courts and Judicial Proceedings
19 Section 7–302(e)(4)
20 Annotated Code of Maryland
21 (2013 Replacement Volume and 2018 Supplement)

22 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



1 Article – Criminal Procedure
2 Section 11–819(a)(1)
3 Annotated Code of Maryland
4 (2018 Replacement Volume)

5 BY repealing and reenacting, with amendments,
6 Article – Criminal Procedure
7 Section 11–819(a)(2)
8 Annotated Code of Maryland
9 (2018 Replacement Volume)

10 BY repealing and reenacting, without amendments,
11 Article – Transportation
12 Section 21–809(a)(1) and (8), (b)(1)(i) and (v), and (c)
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2018 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Transportation
17 Section 21–809(b)(1)(vi) through (viii)
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2018 Supplement)

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

22 **Article – Courts and Judicial Proceedings**

23 7–302.

24 (e) (4) (i) From the fines collected by a political subdivision as a result of
25 violations enforced by speed monitoring systems or school bus monitoring cameras, a
26 political subdivision:

27 1. May recover the costs of implementing and administering
28 the speed monitoring systems or school bus monitoring cameras; and

29 2. Subject to subparagraphs (ii) and (iii) of this paragraph,
30 may spend any remaining balance solely for public safety purposes, including pedestrian
31 safety programs.

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

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

3 (iii) The fines collected by Prince George’s County as a result of
4 violations enforced by [a speed monitoring system at the intersection of Old Fort Road and]
5 **SPEED MONITORING SYSTEMS AT INTERSECTIONS** ON Maryland Route 210 shall be
6 remitted to the Comptroller for deposit into the Criminal Injuries Compensation Fund
7 under § 11–819 of the Criminal Procedure Article.

8 Article – Criminal Procedure

9 11–819.

10 (a) (1) There is a Criminal Injuries Compensation Fund.

11 (2) The Fund consists of:

12 (i) money distributed to the Fund from the additional court costs
13 collected from defendants under § 7–409 of the Courts Article;

14 (ii) money distributed to the Fund under § 7–302(e)(4)(iii) of the
15 Courts Article from fines collected for violations enforced by [a speed monitoring system at
16 the intersection of Old Fort Road and] **SPEED MONITORING SYSTEMS ~~AT~~**
17 **INTERSECTIONS** ON Maryland Route 210 **IN PRINCE GEORGE’S COUNTY**;

18 (iii) any investment earnings or federal matching funds received by
19 the State for criminal injuries compensation; and

20 (iv) funds made available to the Fund from any other source.

21 Article – Transportation

22 21–809.

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

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

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

30 (v) An ordinance or resolution adopted by the governing body of a
31 local jurisdiction under this paragraph shall provide that, if the local jurisdiction moves or

1 places a mobile or stationary speed monitoring system to or at a location where a speed
 2 monitoring system had not previously been moved or placed, the local jurisdiction may not
 3 issue a citation for a violation recorded by that speed monitoring system:

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

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

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

11 1. In Montgomery County, on a highway in a residential
 12 district, as defined in § 21–101 of this title, with a maximum posted speed limit of 35 miles
 13 per hour, which speed limit was established using generally accepted traffic engineering
 14 practices;

15 2. In a school zone with a posted speed limit of at least 20
 16 miles per hour; or

17 3. In Prince George’s County:

18 A. Subject to subparagraph (vii) of this paragraph, ~~at the~~
 19 ~~intersection of Old Fort Road and] AT AN INTERSECTION ON~~ Maryland Route 210 (Indian
 20 Head Highway); or

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

27 (vii) ~~1.]~~ Not more than ~~one~~ **THREE** speed monitoring ~~system~~
 28 **SYSTEMS** may be placed ~~at the intersection of Old Fort Road and] ON~~ Maryland Route 210
 29 (Indian Head Highway).

30 ~~2.] A speed monitoring system placed [in accordance with this~~
 31 ~~subparagraph] AT AN INTERSECTION ON MARYLAND ROUTE 210 (INDIAN HEAD~~
 32 ~~HIGHWAY) IN PRINCE GEORGE’S COUNTY may record only vehicles traveling in the~~
 33 ~~southbound lane of the roadway.~~

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

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

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

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

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

10 3. With regard to a speed monitoring system established ~~at~~
11 ~~[the intersection of Old Fort Road and]~~ **AN INTERSECTION ON** Maryland Route 210
12 **(Indian Head Highway) IN PRINCE GEORGE’S COUNTY** or based on proximity to an
13 institution of higher education under paragraph (1)(vi)3 of this subsection, ensure that all
14 speed limit signs approaching and within the segment of highway on which the speed
15 monitoring system is located include signs that:

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

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

20 4. With regard to a speed monitoring system placed on
21 Maryland Route 210 (Indian Head Highway) **IN PRINCE GEORGE’S COUNTY**, ensure that
22 each sign that indicates that a speed monitoring system is in use is proximate to a device
23 that displays a real–time posting of the speed at which a driver is traveling.

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

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

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

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

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That the State Highway
2 Administration, in conjunction with the Prince George's County Department of Public
3 Works and Transportation, shall:

4 (1) examine for Maryland Route 210 (Indian Head Highway) in Prince
5 George's County the engineering, infrastructure, and other relevant factors that it
6 determines may contribute to the overabundance of motor vehicle accidents, injuries, and
7 fatalities on the highway; and

8 (2) report its findings and recommendations on the most effective solutions
9 to address these motor vehicle accidents, injuries, and fatalities on the highway to the
10 Governor and, in accordance with § 2-1246 of the State Government Article, the General
11 Assembly on or before May 31, 2021.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
13 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.