

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 46

(Delegate Carr)

Environment and Transportation

Judicial Proceedings

**Motor Vehicle Administration – Authority to Suspend Registration for Violations
Recorded by Traffic Control Signal Monitoring Systems and Speed Monitoring
Systems – Repeal**

This bill repeals the authority of the Motor Vehicle Administration (MVA) to suspend the registration of a motor vehicle if the owner (or driver) of the vehicle fails to pay the penalty assessed for a violation recorded by a traffic control signal monitoring system (red light camera) or a speed monitoring system (speed camera).

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) revenues are not materially affected, assuming the existing authority would otherwise continue to be used on a very limited basis. Expenditures are not affected.

Local Effect: To the extent the threat of suspension has encouraged compliance, receipt of local revenues may be delayed by up to two years until registration renewal. Expenditures are not materially affected.

Small Business Effect: None.

Analysis

Current Law/Background: For a complete discussion of red light and speed camera systems in the State, please see **Appendix – Automated Enforcement**.

Red Light Cameras

Unless the driver of a motor vehicle receives a citation from a police officer at the time of the violation, the owner or driver of a vehicle recorded by a red light monitoring system entering an intersection against a red signal in violation of the Maryland Vehicle Law is subject to a civil penalty of up to \$100. Red light camera enforcement applies to a violation of specified Maryland Vehicle Law requirements applicable to a vehicle approaching a steady circular red signal or arrow, including (1) stopping at a clearly marked stop line, or crosswalk if there is no stop line, or intersection if there is no crosswalk and (2) remaining stopped until a signal allows the vehicle to proceed.

A driver is specifically authorized under the Maryland Vehicle Law to cautiously enter an intersection to make a right turn (or left turn from a one-way street to another one-way street) after stopping at a steady red light, unless a sign otherwise prohibits the turn.

Speed Cameras

Unless the driver of a motor vehicle received a citation from a police officer at the time of the violation, the owner or driver of the vehicle is subject to a civil penalty if the vehicle is recorded speeding at least 12 miles per hour above the posted speed limit by a speed monitoring system in violation of specified speed restrictions in the Maryland Vehicle Law. The maximum fine for a citation issued by a speed monitoring system operator is \$40. However, a local law enforcement or other designated agency operating the speed monitoring system may mail a warning notice instead of a citation.

State/Local Revenues: MVA advises that, over the past three fiscal years, there have not been any registrations suspended due to unresolved red light camera violations. However, there have been a few suspensions for other types of automated enforcement, in particular for unresolved speed camera violations in Montgomery County.

If a vehicle registration were suspended for an unresolved red light or speed camera violation, it would be flagged by MVA and – in order to reinstate the registration – the owner would have to satisfy the violation and pay a \$30 administrative flag fee.

Because the suspension authority for these violations is rarely used, MVA advises it does not anticipate an effect on TTF revenues under the bill. The Department of Legislative Services (DLS) advises that, even if used, noncompliant vehicle owners would still be required to resolve any outstanding fines (and the flag fee) in order to renew a vehicle registration; therefore, TTF revenues could only be delayed by at most two years. For instance, a vehicle owner who receives a red light or speed camera violation shortly after registration renewal and does not pay the fine could avoid compliance for nearly two years,

as the owner's registration could no longer be immediately suspended for failure to resolve the citation.

With regard to local revenue, DLS advises that the deterrent effect of a threat of suspension may currently enhance compliance in paying fines. If compliance wanes, receipt of fine revenues for local governments that use red light and speed cameras could be delayed by up to two years, until vehicle registration renewal. The impact on county collections could be significant. For example:

- Montgomery County advises it requests suspensions only as a last resort for overdue fines. The county regularly monitors violators who owe \$1,000 or more in total fines and only then asks MVA to suspend the owner's vehicle registration. As of January 2020, the county had more than \$19.0 million in outstanding fines. The county advises the bill would hinder its efforts to collect overdue fines.
- Prince George's County advises that it issued about 98,400 red light camera violations in fiscal 2019 and that about 68,900 of those citations were paid. In total, the county collected about \$5.7 million as a result of red light camera violations. The county further advises that it anticipates an indeterminate revenue loss as a result of the bill. With regard to speed camera violations, the county collected about \$6.1 million in fiscal 2019. Of that amount, \$4.1 million was used for cost recovery, while \$1.9 million remained for public safety-related expenditures.

DLS advises that, while local governments would no longer be able to request a registration suspension, they could still request that MVA refuse to renew a registration.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 177 (Senator Waldstreicher) - Judicial Proceedings.

Information Source(s): Baltimore City; Caroline, Howard, Montgomery, and Prince George's counties; Maryland Department of Transportation; Insurance Institute for Highway Safety; Department of Legislative Services

Fiscal Note History: First Reader - January 27, 2020
rh/ljm Third Reader - March 14, 2020
Revised - Amendment(s) - March 14, 2020

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Appendix – Automated Enforcement

Speed Monitoring Systems

Chapter 15 of 2006 authorized the first use of speed monitoring systems in the State, but it only applied to highways in school zones and residential districts in Montgomery County. Since that time, the General Assembly has expanded the authorization several times.

- Chapter 500 of 2009 expanded statewide the authorization for the use of speed monitoring systems in school zones and also authorized the use of work zone speed control systems.
- Chapter 474 of 2010 authorized the use of speed monitoring systems in Prince George’s County on a highway located within the grounds of an institution of higher education or on nearby highways under certain circumstances.
- Chapter 806 of 2018 authorized Prince George’s County to place one speed camera at the intersection of Old Fort Road and Maryland Route 210 (Indian Head Highway), subject to specified requirements. Chapter 586 of 2019 repealed the limitation on the location of speed cameras that may be placed on Indian Head Highway and increased (to three) the number of speed cameras that the county (and local jurisdictions within the county) may use on the highway (presumably only until the existing authorization terminates September 30, 2023).

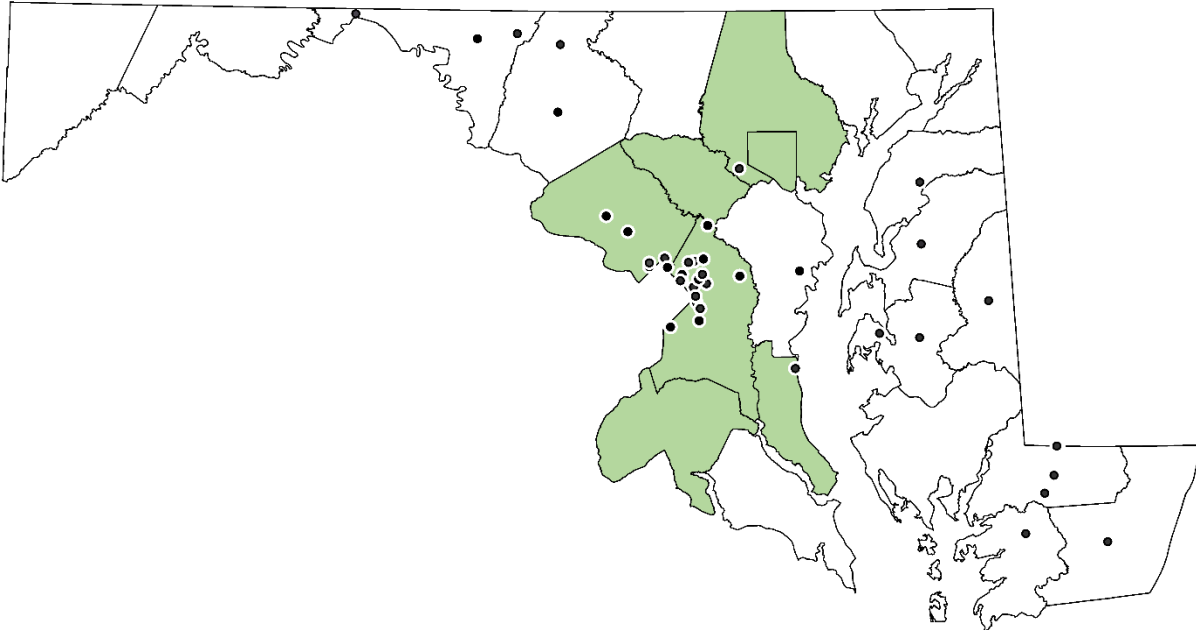
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A speed monitoring system may be placed in a school zone for operation between 6:00 a.m. and 8:00 p.m., Monday through Friday. Before a speed monitoring system may be used in a local jurisdiction, its use must be authorized by the governing body by ordinance or resolution adopted after reasonable notice and a public hearing, and its location must be published on the jurisdiction’s website and in a newspaper of general circulation in the jurisdiction.

According to the Insurance Institute for Highway Safety (IIHS), approximately 150 jurisdictions across the nation use speed cameras. In Maryland, speed cameras are used

in six counties and Baltimore City, 40 other jurisdictions, and by the State Highway Administration (SHA) on a statewide basis for work zones. **Exhibit 1** shows local speed camera usage across the State as of January 2020.

Exhibit 1
Local Speed Monitoring System Enforcement in Maryland
January 2020



Note: ● represents municipal corporations that operate speed monitoring systems; ■ represents counties that operate speed monitoring systems. Speed cameras are also operated in highway work zones statewide.

Source: Insurance Institute for Highway Safety; Comptroller's Office; Department of Legislative Services

From the fines generated by a speed monitoring system, the relevant jurisdiction may recover the costs of implementing the system and may spend any remaining balance solely for public safety purposes, including for pedestrian safety programs. However, if the balance of revenues after cost recovery for any fiscal year is greater than 10% of the jurisdiction's total revenues, the excess must be remitted to the Comptroller. As shown in **Exhibit 2**, according to data from the Comptroller, as of January 2020, approximately \$204,100 was remitted in fiscal 2019 (with data pending for the City of Seat Pleasant only), while \$226,800 was remitted in fiscal 2018.

Exhibit 2
Local Speed Monitoring Systems Data (Aggregated)
Fiscal 2014-2019

<u>Fiscal Year</u>	<u>Fine Revenues</u>	<u>System Costs</u>	<u>Net Revenues</u>	<u>Due to State</u>
2019*	\$60,258,673	\$32,846,505	\$27,412,488	\$204,144
2018	63,749,052	31,395,278	32,376,854	226,822
2017	54,802,197	30,145,731	24,757,588	-
2016	57,198,345	31,637,019	25,208,963	-
2015	56,966,652	28,794,043	28,175,109	456,006
2014	53,842,875	32,978,310	20,864,564	-

* As of January 2020; data pending for City of Seat Pleasant.

Source: Comptroller's Office; Department of Legislative Services

Also, in fiscal 2019, the Comptroller reports that 47 (excluding the City of Seat Pleasant) local jurisdictions generated speed monitoring system fine revenues of about \$60.3 million, of which about \$27.4 million (45.5%) was retained by local jurisdictions for public safety programs after recovery of the costs of implementing the systems. Between fiscal 2018 and 2019, total fine revenues decreased by approximately \$3.5 million while implementation expenditures increased by about \$1.5 million. Net revenues retained by local jurisdictions for public safety decreased by approximately \$5.0 million between fiscal 2018 and 2019.

Speed Monitoring System Reform – Chapter 491 of 2014

The General Assembly passed House Bill 929 of 2014 (enacted as Chapter 491) in response to significant concerns from the public and media scrutiny of speed cameras in Baltimore City and several other jurisdictions. These concerns centered around two common criticisms of speed cameras: (1) that technical issues and insufficient review of recorded images resulted in erroneously generated citations; and (2) that the contracts with vendors were structured in such a manner as to establish an incentive to generate more citations and revenues, thereby casting doubt on the integrity or purpose of speed monitoring programs. Thus, Chapter 491 required jurisdictions to impose new restrictions and requirements on their contracts with speed monitoring vendors and established numerous additional requirements and restrictions pertaining to the issuance of citations, the calibration and self-testing of systems, the review of erroneous citations, and the use and placement of systems in school zones.

Automated Speed Enforcement Efficacy

National and international studies of automated speed enforcement, as well as local program evaluations, provide some insight into the level of effectiveness of such enforcement mechanisms. According to IIHS, several studies have documented reductions in crashes in the vicinities of speed cameras, including crashes that result in an injury or fatality.

A 2015 study by IIHS of speed camera usage in Montgomery County, Maryland, showed long-term changes in driver behavior as well as reductions in injuries and deaths. Montgomery County introduced speed cameras in 2007, and an initial review of the program by IIHS six months into the program found that the percentage of vehicles going more than 10 miles per hour over the speed limit (which, at that time, was the enforcement threshold) declined by 70% on roads with speed cameras. The 2015 study showed a 59% reduction in the likelihood of a driver exceeding the speed limit by more than 10 miles per hour, compared with similar roads in Virginia without speed cameras. The same comparison showed a 19% reduction in the likelihood that a crash would involve a fatality or an incapacitating injury.

Data from the National Work Zone Safety Information Clearinghouse shows that there were 754 fatalities in highway work zones nationwide in 2018, including 10 in Maryland. The number of work zone fatalities in Maryland in 2018 decreased by four compared to 2017. Nationally, the number of work zone fatalities decreased by about 55 compared to 2017.

Traffic Control Signal Monitoring Systems (Red Light Cameras)

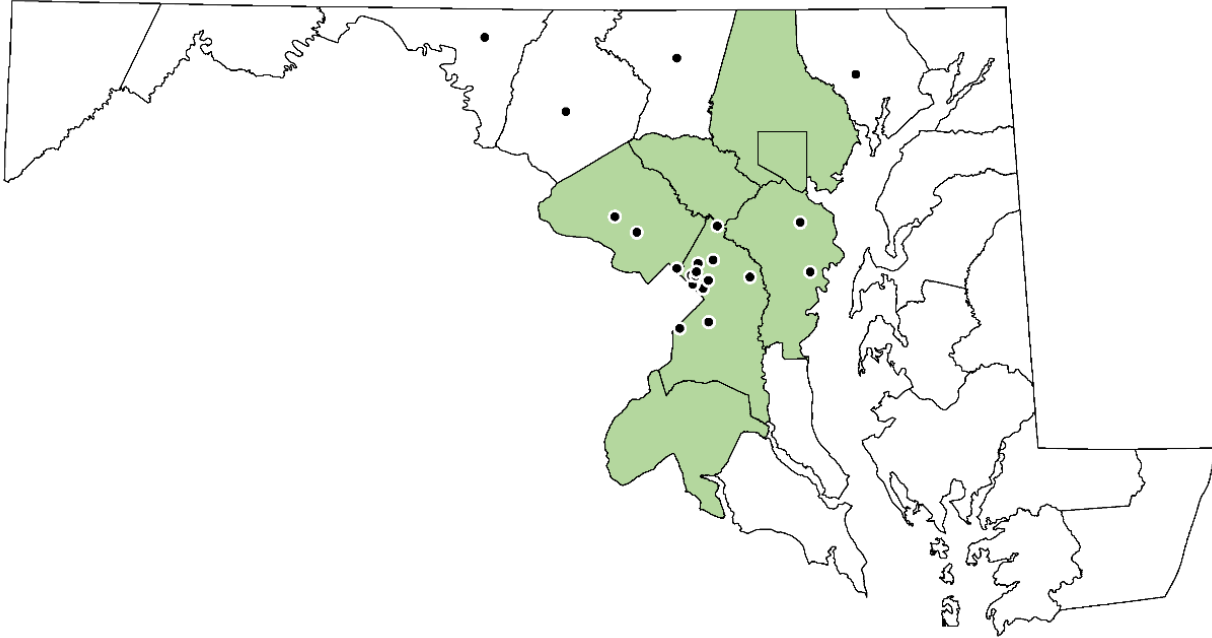
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A driver is specifically authorized under the Maryland Vehicle Law to cautiously enter an intersection to make a right turn (or left turn from a one-way street to another one-way street) after stopping at a steady red light, unless a sign otherwise prohibits the turn.

According to IIHS, approximately 340 jurisdictions across the nation have red light camera programs as of January 2020. In Maryland, six counties, Baltimore City, and 22 other

jurisdictions use red light cameras. **Exhibit 3** shows red light camera usage across the State as of January 2020.

Exhibit 3
Local Red Light Camera Enforcement in Maryland
January 2020



Note: ● represents municipal corporations that operate red light camera systems; ■ represents counties that operate red light camera systems.

Source: Insurance Institute for Highway Safety; Department of Legislative Services
