

Chapter 628

(House Bill 967)

AN ACT concerning

Baltimore City – Speed Monitoring Systems – Interstate 83

FOR the purpose of authorizing the placement and use of a certain number of speed monitoring systems on Interstate 83 in Baltimore City; requiring that fines collected by Baltimore City as a result of violations enforced by certain speed monitoring systems be used to assist in covering the cost of roadway improvements on Interstate 83 in Baltimore City; requiring certain signage and a certain real-time display of a driver's traveling speed for speed monitoring systems operating on Interstate 83 in Baltimore City; requiring an agency to mail a warning notice instead of a citation for a violation recorded by a speed monitoring system on Interstate 83 in Baltimore City during a certain time period following the activation of the speed monitoring system; providing for the termination of ~~certain provisions~~ of this Act; making a technical correction; and generally relating to speed monitoring systems on Interstate 83 in Baltimore City.

BY repealing and reenacting, with amendments,
 Article – Courts and Judicial Proceedings
 Section 7–302(e)(4)
 Annotated Code of Maryland
 (2020 Replacement Volume)

BY repealing and reenacting, without amendments,
 Article – Transportation
 Section 21–809(a)(1) and (8), (b)(1)(i) ~~and (viii)~~, and (c)
 Annotated Code of Maryland
 (2020 Replacement Volume)

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 21–809(b)(1)(v) through ~~(vii)~~ (viii) and (d)(2)
 Annotated Code of Maryland
 (2020 Replacement Volume)

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

Article – Courts and Judicial Proceedings

7–302.

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

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

2. Subject to subparagraphs (ii) [and], (iii), AND (IV) of this paragraph, may spend any remaining balance solely for public safety purposes, including pedestrian safety programs.

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

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

(iii) The fines collected by Prince George's County as a result of violations enforced by speed monitoring systems on Maryland Route 210 shall be remitted to the Comptroller for distribution to the State Highway Administration to be used solely to assist in covering the costs of:

1. Examining the engineering, infrastructure, and other relevant factors that may contribute to safety issues on Maryland Route 210 in Prince George's County;

2. Reporting its findings and recommendations on any solutions to these safety issues; and

3. Implementing any solutions to these safety issues.

(IV) 1. FROM THE FINES COLLECTED BY BALTIMORE CITY AS A RESULT OF VIOLATIONS ENFORCED BY SPEED MONITORING SYSTEMS ON INTERSTATE 83, ANY BALANCE REMAINING AFTER THE ALLOCATION OF FINES UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH SHALL BE REMITTED TO THE COMPTROLLER FOR DISTRIBUTION TO THE ~~STATE HIGHWAY ADMINISTRATION~~ BALTIMORE CITY DEPARTMENT OF TRANSPORTATION TO BE USED SOLELY TO ASSIST IN COVERING THE COST OF ROADWAY IMPROVEMENTS ON INTERSTATE 83 IN BALTIMORE CITY.

2. FINES REMITTED TO THE BALTIMORE CITY DEPARTMENT OF TRANSPORTATION UNDER SUBPARAGRAPH (IV)1 OF THIS PARAGRAPH ARE SUPPLEMENTAL TO AND ARE NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE APPROPRIATED FOR USES DESCRIBED UNDER SUBPARAGRAPH (IV)1 OF THIS PARAGRAPH.

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

Article – Transportation

21–809.

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

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

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

(v) An ordinance or resolution adopted by the governing body of a local jurisdiction under this paragraph shall provide that, if the local jurisdiction moves or places a mobile or stationary speed monitoring system to or at a location where a speed monitoring system had not previously been moved or placed, the local jurisdiction may not issue a citation for a violation recorded by that speed monitoring system:

1. Until signage is installed in accordance with subparagraph [(vii)] (VIII) of this paragraph; and

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

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

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

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

3. In Prince George's County:

A. Subject to subparagraph [(vii)] **(VII)1** of this paragraph, on Maryland Route 210 (Indian Head Highway); or

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

4. SUBJECT TO SUBPARAGRAPH (VII)2 OF THIS PARAGRAPH, ON INTERSTATE 83 IN BALTIMORE CITY.

(vii) **1.** Not more than three speed monitoring systems may be placed on Maryland Route 210 (Indian Head Highway).

2. NOT MORE THAN TWO SPEED MONITORING SYSTEMS MAY BE PLACED ON INTERSTATE 83 IN BALTIMORE CITY.

(viii) Before activating a 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;

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

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

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

3. With regard to a speed monitoring system established on Maryland Route 210 (Indian Head Highway) in Prince George's County ~~or~~, based on proximity to an institution of higher education under subparagraph (vi)³ of this paragraph, **OR ON INTERSTATE 83 IN BALTIMORE CITY**, ensure that all speed limit signs approaching and within the segment of highway on which the speed monitoring system is located include signs that:

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

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

4. With regard to a speed monitoring system placed on Maryland Route 210 (Indian Head Highway) in Prince George’s County **OR INTERSTATE 83 IN BALTIMORE CITY**, ensure that each sign that indicates that a speed monitoring system is in use is proximate to a device that displays a real–time posting of the speed at which a driver is traveling.

(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) (2) (I) [An] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN agency may mail a warning notice instead of a citation to the owner liable under subsection (c) of this subsection.

(II) WITH REGARD TO A SPEED MONITORING SYSTEM ESTABLISHED ON INTERSTATE 83 IN BALTIMORE CITY, AN AGENCY SHALL MAIL A WARNING NOTICE INSTEAD OF A CITATION FOR A VIOLATION RECORDED BY THE SPEED MONITORING SYSTEM DURING THE FIRST 90 DAYS THAT THE SPEED MONITORING SYSTEM IS IN OPERATION.

SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That ~~Section 1~~ of this Act shall take effect ~~on October~~ June 1, 2021. It shall remain effective for a period of ~~4 years and 9 months~~ 5 years and 1 month and at the end of June 30, 2026, ~~Section 1~~ of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

~~SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 3 of this Act, this Act shall take effect October 1, 2021.~~

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.