

Department of Legislative Services  
Maryland General Assembly  
2021 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 368 (Senator Peters)  
Judicial Proceedings

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Speed Monitoring Systems – Municipal Corporations – Authorization

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This bill expands the authority of a municipal corporation to implement and use a speed monitoring system (speed camera) to *any* municipal highway under its jurisdiction, as specified, but the municipal corporation must first seek county permission to do so. Any such system must be implemented consistent with existing requirements in State law related to the use of speed cameras.

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Fiscal Summary

**State Effect:** To the extent local jurisdictions authorize the placement of additional speed cameras under the bill, general fund revenues increase, potentially significantly, beginning in FY 2022 due to more contested cases in District Court. Expenditures are not materially affected.

**Local Effect:** Local revenues increase, potentially significantly, beginning in FY 2022 to the extent that jurisdictions authorize the placement of additional speed cameras. Expenditures increase for installation and maintenance, with the remaining amounts reserved for public safety purposes.

**Small Business Effect:** Potential minimal.

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Analysis

**Bill Summary:** A municipal corporation may implement and use a speed monitoring system (consistent with existing State law) at a location within its corporate limits if the municipal corporation (1) submits a plan describing the proposed location to the county and (2) requests (and receives) permission from the county to use the speed monitoring

system at the proposed location. However, if the county fails to respond to the request within 60 days, then the municipal corporation may implement and use the speed monitoring system as described in the plan submission.

The bill prohibits a county from (1) unreasonably denying a request or (2) placing exactions, fees, or unreasonable restrictions on the implementation and use of a speed monitoring system. Additionally, a county must state in writing the reasons for any denial of a request. A municipal corporation may contest a county denial of a request in circuit court.

**Current Law:** Provisions similar to those in the bill are in place for municipal corporations within Prince George’s County that wish to use a speed monitoring system – in a school zone – on a county highway within its corporate limits.

Otherwise, with some exceptions in Montgomery and Prince George’s counties, speed monitoring systems in use by local jurisdictions are generally limited to placement within school zones. In addition, speed monitoring systems must be authorized in a local jurisdiction by the governing body of the jurisdiction (but only after reasonable notice and a public hearing). Before activating a speed monitoring system, a local jurisdiction must publish notice of the location of the speed monitoring system on its website and in a newspaper of general circulation in the jurisdiction. In addition, the jurisdiction must also ensure that each sign that designates a school zone is proximate to a sign that (1) indicates that speed monitoring systems are in use in the school zone and (2) conforms with specified traffic control device standards adopted by the State Highway Administration (SHA).

Also, before a county may use a speed monitoring system on a State highway at a location within a municipal corporation, the county must, in addition to obtaining the approval of SHA to do so, grant the municipal corporation the opportunity to enact an ordinance for the municipal corporation to use a speed monitoring system at that location rather than the county.

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.

**State Fiscal Effect:** Assuming multiple municipal corporations throughout the State exercise the authority granted by the bill, the number of citations issued in local jurisdictions may increase significantly. As a result, the number of individuals opting for a trial in District Court may increase. Although the potential increase in cases cannot be

reliably estimated, general fund revenues likely increase, potentially significantly, as fine revenues paid by individuals convicted in District Court are paid into the general fund.

General fund revenues may also increase minimally due to the current law provision requiring remission of fine revenues in excess of 10% of a jurisdiction's total revenues after cost recovery.

**Local Fiscal Effect:** Local revenues increase, potentially significantly, to the extent that municipal corporations authorize additional speed cameras as a result of the bill. The impact on local revenues depends on numerous factors, such as the number of jurisdictions that choose to authorize speed cameras and the number of speed cameras installed in each jurisdiction.

Some municipal corporations that choose to install speed cameras under the bill's authorization may already operate speed cameras under an alternative authorization (for example, in school zones). In those jurisdictions, the impact of additional cameras may be less significant than in municipal corporations which have not yet authorized the use of speed monitoring systems.

Local expenditures also increase for municipal corporations installing speed cameras pursuant to the bill's authorization. However, implementation costs in jurisdictions that already operate speed monitoring systems may be less than in those that do not. After cost recovery, the remaining revenues may only be expended for public safety purposes. Thus, local expenditures may also increase for public safety purposes under the bill.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** City of Bowie; Maryland Municipal League; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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