

HOUSE BILL 204

R5

8lr1333

By: ~~Delegate Korman~~ Delegates Korman, Anderton, Carr, Flanagan, Folden, Jalisi, Knotts, McCray, McMillan, and Wivell

Introduced and read first time: January 18, 2018

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 27, 2018

CHAPTER _____

1 AN ACT concerning

2 **Traffic Control Signal Monitoring Systems – ~~Duration of Yellow Signal~~**
3 **Compliance**
4 **~~(1-Second Act)~~**

5 FOR the purpose of ~~requiring a traffic control signal to display a yellow light for a certain~~
6 ~~minimum length of time before changing to a red signal indication at an intersection~~
7 ~~monitored by a traffic control signal monitoring system~~ prohibiting certain law
8 enforcement agencies from issuing a citation for a violation recorded by a traffic
9 control signal monitoring system at a traffic control signal that does not comply with
10 certain yellow light timing requirements; and generally relating to traffic control
11 signal monitoring systems.

12 BY repealing and reenacting, with amendments,
13 Article – Transportation
14 Section 21–202.1(b)
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2017 Supplement)

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

19 **Article – Transportation**

20 21–202.1.

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 (b) **(1)** The agency primarily responsible for traffic control at an intersection
 2 monitored by a traffic control signal monitoring system shall ensure that the length of time
 3 that a traffic control signal displays a yellow light before changing to a red signal indication
 4 is ~~AT LEAST 4 SECONDS AND IS OTHERWISE~~ set in accordance with regulations adopted
 5 by the State Highway Administration consistent with standards or guidelines established
 6 by the Federal Highway Administration.

7 **(2) AN AGENCY MAY NOT ISSUE A CITATION FOR A VIOLATION**
 8 **RECORDED BY A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM AT A TRAFFIC**
 9 **CONTROL SIGNAL THAT DOES NOT COMPLY WITH THE TIMING REQUIREMENTS OF**
 10 **PARAGRAPH (1) OF THIS SUBSECTION.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 12 October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.

HOUSE BILL 1151

R5

8lr3484

By: **Delegates Hill, Fisher, Jalisi, R. Lewis, McCray, Parrott, Pena–Melnyk, Reilly, Rey, Wivell, and K. Young**

Introduced and read first time: February 8, 2018

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Speed Monitoring Systems**

3 FOR the purpose of altering requirements for the annual calibration checks required for
4 speed monitoring systems; requiring a local jurisdiction with a speed monitoring
5 system program to publish online certain information; authorizing a person who
6 receives a citation from a speed monitoring system to request the presence of certain
7 individuals at trial; reducing the time required for a certain notice; establishing a
8 certain presumption in favor of an individual issued a citation by a speed monitoring
9 system under certain circumstances; altering a certain definition; and generally
10 relating to speed monitoring systems.

11 BY repealing and reenacting, without amendments,
12 Article – Transportation
13 Section 21–809(a)(1)
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2017 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 21–809(a)(6), (b)(4), and (e)
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2017 Supplement)

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

23 **Article – Transportation**

24 21–809.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (6) "Recorded image" means an image recorded by a speed monitoring
3 system:

4 (i) On:

5 1. A photograph;

6 2. A microphotograph;

7 3. An electronic image;

8 4. Videotape; or

9 5. Any other medium **THAT PROVIDES AN ACCURATE**

10 **VISUAL RECORD OF A MOTOR VEHICLE;** and

11 (ii) Showing:

12 1. The rear of a motor vehicle;

13 2. At least two time-stamped images of the motor vehicle
14 that include the same stationary object near the motor vehicle;

15 3. **AN ACCURATE REPRESENTATION OF THE LINEAR**
16 **DISTANCE TRAVELED BY THE MOTOR VEHICLE BETWEEN EACH TIME-STAMPED**
17 **IMAGE;** and

18 [3.] 4. On at least one image or portion of tape, a clear and
19 legible identification of the entire registration plate number of the motor vehicle.

20 (b) (4) (i) A speed monitoring system shall undergo an annual calibration
21 check, **INCLUDING A CHECK OF ALL KEY SYSTEMS RELEVANT TO THE ACCURACY OF**
22 **THE SYSTEM,** performed by an independent calibration laboratory that is:

23 1. Selected by the local jurisdiction; and

24 2. Unaffiliated with the manufacturer of the speed
25 monitoring system.

26 (ii) The independent calibration laboratory shall issue a signed
27 certificate of calibration after the annual calibration check that:

28 1. Shall be kept on file; and

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

3 **(III) EACH LOCAL JURISDICTION WITH A SPEED MONITORING**
4 **SYSTEM PROGRAM SHALL PUBLISH ONLINE INFORMATION REGARDING THE ANNUAL**
5 **CALIBRATION, INCLUDING THE CERTIFICATE OF CALIBRATION.**

6 (e) (1) A certificate alleging that the violation of this subtitle occurred and the
7 requirements under subsection (b) of this section have been satisfied, sworn to, or affirmed
8 by a duly authorized law enforcement officer employed by or under contract with an agency,
9 based on inspection of recorded images produced by a speed monitoring system, shall be
10 evidence of the facts contained in the certificate [and shall be admissible in a proceeding
11 alleging a violation under this section without the presence or testimony of the speed
12 monitoring system operator who performed the requirements under subsection (b) of this
13 section].

14 (2) If a person who received a citation under subsection (d) of this section
15 desires the speed monitoring system operator, **THE DULY AUTHORIZED LAW**
16 **ENFORCEMENT OFFICER WHO SIGNED THE CITATION UNDER SUBSECTION**
17 **(D)(1)(VIII) OF THIS SECTION, OR THE TECHNICIAN WHO PERFORMED A**
18 **CALIBRATION CHECK UNDER SUBSECTION (B)(4) OF THIS SECTION** to be present and
19 testify **AND FOR CROSS EXAMINATION** at trial, the person shall notify the court and the
20 State in writing no later than [20] **10** days before trial.

21 (3) **IF A PERSON WHO RECEIVED A CITATION UNDER SUBSECTION (D)**
22 **OF THIS SECTION MAKES A REASONABLE REQUEST FOR DATA OTHER THAN A**
23 **RECODED IMAGE FROM THE SPEED MONITORING SYSTEM AND THE REQUEST IS**
24 **DENIED BY THE LOCAL JURISDICTION, THERE IS A REBUTTABLE PRESUMPTION**
25 **THAT THE CITATION ISSUED WAS AN ERRONEOUS VIOLATION.**

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2018.

HOUSE BILL 1365

R5

8lr1367

By: **Delegates Wivell, Ciliberti, Krebs, Long, McComas, McKay, Parrott, and Reilly**
Introduced and read first time: February 9, 2018
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Speed Monitoring Systems – Operation in School Zones**
3 **(Truth in Speed Cameras Act of 2018)**

4 FOR the purpose of requiring that a local jurisdiction place a certain device adjacent to a
5 sign indicating a school zone before activating a speed monitoring system; altering
6 the hours during which a speed monitoring system in a school zone may be operated
7 and restricting the placement of a speed monitoring system to certain areas in a
8 school zone; limiting the fee that a contractor may receive for operating a speed
9 monitoring system or administering or processing citations generated by a speed
10 monitoring system on behalf of a local jurisdiction; and generally relating to speed
11 monitoring systems in school zones.

12 BY repealing and reenacting, without amendments,
13 Article – Transportation
14 Section 21–809(b)(1)(i) and (vi)
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2017 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Transportation
19 Section 21–809(b)(1)(vii) and (viii) and (j)
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2017 Supplement)

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

24 **Article – Transportation**

25 21–809.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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.

(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, 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.

(vii) 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; [and]

3. ENSURE THAT EACH SIGN THAT DESIGNATES A SCHOOL ZONE IS PROXIMATE TO A DEVICE THAT DISPLAYS A REAL–TIME POSTING OF THE SPEED AT WHICH A DRIVER IS TRAVELING; AND

[3.] 4. With regard to a speed monitoring system established based on proximity to an institution of higher education under paragraph (1)(vi)3 of this subsection, ensure that all speed limit signs approaching and within the segment of highway on which the speed monitoring system is located include signs that:

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

4 B. Indicate that a speed monitoring system is in use.

5 (viii) A speed monitoring system in a school zone [may]:

6 1. **MAY** operate only [Monday through Friday between 6:00
7 a.m. and 8:00 p.m.] **BEGINNING 1 HOUR BEFORE UNTIL 1 HOUR AFTER**
8 **INSTRUCTIONAL HOURS ON DAYS WHEN SCHOOL IS IN SESSION; AND**

9 2. **MAY OPERATE ONLY ON A HIGHWAY IN THE SCHOOL**
10 **ZONE THAT FRONTS THE MAIN ENTRANCE OR THE ENTRANCE THAT EXPERIENCES**
11 **THE GREATEST AMOUNT OF STUDENT AND SCHOOL BUS TRAFFIC.**

12 (j) (1) An agency or an agent or contractor designated by the agency shall
13 administer and process civil citations issued under this section in coordination with the
14 District Court.

15 (2) If a contractor in any manner operates a speed monitoring system or
16 administers or processes citations generated by a speed monitoring system on behalf of a
17 local jurisdiction, the contractor's fee [may]:

18 (I) **MAY** not be contingent on a per–ticket basis on the number of
19 citations issued or paid; **AND**

20 (II) **MAY NOT EXCEED 30% OF THE GROSS REVENUE**
21 **GENERATED BY THE SPEED MONITORING SYSTEM.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
23 1, 2018.