

SENATE BILL 207

R5

3lr0912

By: **Senators Brochin, Klausmeier, Muse, Peters, and Zirkin**

Introduced and read first time: January 18, 2013

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 20, 2013

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Speed Monitoring and Work Zone Speed Control Systems**

3 FOR the purpose of altering the definition of “recorded image” for purposes of
4 provisions related to speed monitoring systems and work zone speed control
5 systems; requiring that certain time-stamped images of a motor vehicle provide
6 sufficient information to ~~allow for the calculation of a certain speed~~ show the
7 progression of the motor vehicle; establishing that a speed monitoring system
8 placed in a school zone may be placed in a school zone established only for an
9 elementary or a secondary school; requiring a certain calibration check to be
10 performed quarterly rather than annually; prohibiting the quarterly calibration
11 check of a speed monitoring system or a work zone speed control system from
12 being performed by certain persons; ~~requiring, for a certain purpose, markings~~
13 ~~to be applied to portions of the roadway on which certain violations will be~~
14 ~~recorded; prohibiting a speed monitoring system placed in a school zone from~~
15 ~~being placed beyond a certain distance from the property of a certain school;~~
16 altering certain prohibitions to provide that the fee of a contractor that
17 administers and processes civil citations issued as a result of violations recorded
18 by a speed monitoring system or a work zone speed control system may not be
19 contingent on the number of citations issued or paid; and generally relating to
20 speed monitoring systems and work zone speed control systems.

21 BY repealing and reenacting, with amendments,

22 Article – Transportation

23 Section 21–809(a)(4), (b)(1)(vi) ~~and (vii)~~ and (4), and (j) and 21–810(a)(4), (b)(6),

24 and (j)

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 Annotated Code of Maryland
2 (2012 Replacement Volume)

3 ~~BY adding to~~
4 ~~Article – Transportation~~
5 ~~Section 21–809(b)(1)(ix)~~
6 ~~Annotated Code of Maryland~~
7 ~~(2012 Replacement Volume)~~

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

10 **Article – Transportation**

11 21–809.

12 (a) (4) “Recorded image” means an image recorded by a speed monitoring
13 system:

14 (i) On:

- 15 1. A photograph;
- 16 2. A microphotograph;
- 17 3. An electronic image;
- 18 4. Videotape; or
- 19 5. Any other medium; and

20 (ii) Showing:

- 21 1. The rear of a motor vehicle;
- 22 2. At least two time-stamped images of the motor
23 vehicle that [include]:

24 **A. INCLUDE** the same stationary object near the motor
25 vehicle; and

26 **B. PROVIDE SUFFICIENT INFORMATION TO ~~ALLOW~~**
27 **~~FOR THE CALCULATION OF THE SPEED SHOW THE PROGRESSION OF THE MOTOR~~**
28 **~~VEHICLE DURING THE INTERVAL BETWEEN THE TWO TIME-STAMPED IMAGES;~~**
29 **AND**

1 3. On at least one image or portion of tape, a clear and
2 legible identification of the entire registration plate number of the motor vehicle.

3 (b) (1) (vi) This section applies to a violation of this subtitle recorded by
4 a speed monitoring system that meets the requirements of this subsection and has
5 been placed:

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

10 2. In a school zone established **FOR AN ELEMENTARY**
11 **OR A SECONDARY SCHOOL** under § 21-803.1 of this subtitle; or

12 3. In Prince George's County, on that part of a highway
13 located within the grounds of an institution of higher education as defined in §
14 10-101(h) of the Education Article, or within one-half mile of the grounds of a
15 building or property used by the institution of higher education where generally
16 accepted traffic and engineering practices indicate that motor vehicle, pedestrian, or
17 bicycle traffic is substantially generated or influenced by the institution of higher
18 education.

19 ~~(vii) Before activating an unmanned stationary speed monitoring~~
20 ~~system, the local jurisdiction shall:~~

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

23 ~~2. Ensure that each sign that designates a school zone~~
24 ~~indicates that speed monitoring systems are in use in school zones; [and]~~

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

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

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

33 **AND**

34 ~~4. PAINT OR OTHERWISE APPLY MARKINGS TO THE~~
35 ~~PORTION OF THE ROADWAY ON WHICH VIOLATIONS WILL BE RECORDED TO~~

1 ~~ASSIST IN THE CALCULATION OF VEHICLE SPEED BASED ON A RECORDED~~
 2 ~~IMAGE.~~

3 ~~(IX) A SPEED MONITORING SYSTEM PLACED IN A SCHOOL~~
 4 ~~ZONE MAY NOT BE PLACED BEYOND 500 FEET FROM THE PROPERTY OF THE~~
 5 ~~SCHOOL FOR WHICH THE SCHOOL ZONE WAS ESTABLISHED.~~

6 (4) (i) A speed monitoring system shall undergo [an annual] A
 7 QUARTERLY calibration check performed by [an independent] A calibration
 8 laboratory THAT IS INDEPENDENT FROM AND NOT OTHERWISE AFFILIATED WITH:

9 1. THE MANUFACTURER OF THE SPEED
 10 MONITORING SYSTEM;

11 2. THE VENDOR OF THE SPEED MONITORING
 12 SYSTEM;

13 3. ANY PERSON WHO OPERATES, PROVIDES, OR
 14 DEPLOYS THE SPEED MONITORING SYSTEM;

15 4. ANY PERSON WHO ADMINISTERS AND PROCESSES
 16 CIVIL CITATIONS ARISING OUT OF RECORDED IMAGES PRODUCED BY THE SPEED
 17 MONITORING SYSTEM; OR

18 5. THE LOCAL JURISDICTION THAT CONTROLS THE
 19 SPEED MONITORING SYSTEM.

20 (ii) The [independent] calibration laboratory shall issue a
 21 signed certificate of calibration after the annual calibration check that:

22 1. Shall be kept on file; and

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

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

28 (2) If a contractor, ON BEHALF OF A LOCAL JURISDICTION,
 29 PROVIDES, DEPLOYS, OR ~~{operates a speed monitoring system, OR}~~ ADMINISTERS
 30 AND PROCESSES CIVIL CITATIONS ISSUED UNDER THIS SECTION ~~on behalf of a~~
 31 ~~local jurisdiction,~~ the contractor's fee may not be contingent on the number of citations
 32 issued or paid.

1 21-810.

2 (a) (4) "Recorded image" means an image recorded by a work zone speed
3 control 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; and

10 (ii) Showing:

- 11 1. The rear of a motor vehicle;
- 12 2. At least two time-stamped images of the motor
13 vehicle that [include]:

14 A. **INCLUDE** the same stationary object near the motor
15 vehicle; and

16 B. **PROVIDE SUFFICIENT INFORMATION TO ~~ALLOW~~**
17 ~~FOR THE CALCULATION OF THE SPEED SHOW THE PROGRESSION OF THE MOTOR~~
18 ~~VEHICLE DURING THE INTERVAL BETWEEN THE TWO TIME-STAMPED IMAGES;~~
19 **AND**

20 3. On at least one image or portion of tape, a clear and
21 legible identification of the entire registration plate number of the motor vehicle.

22 (b) (6) (i) A work zone speed control system shall undergo [an annual]
23 A QUARTERLY calibration check performed by [an independent] A calibration
24 laboratory THAT IS INDEPENDENT FROM AND NOT OTHERWISE AFFILIATED WITH:

25 1. THE MANUFACTURER OF THE WORK ZONE SPEED
26 CONTROL SYSTEM;

27 2. THE VENDOR OF THE WORK ZONE SPEED
28 CONTROL SYSTEM;

1 3. ANY PERSON WHO OPERATES, PROVIDES, OR
2 DEPLOYS THE WORK ZONE SPEED CONTROL SYSTEM;

3 4. ANY PERSON WHO ADMINISTERS AND PROCESSES
4 CIVIL CITATIONS ARISING OUT OF RECORDED IMAGES PRODUCED BY THE WORK
5 ZONE SPEED CONTROL SYSTEM; OR

6 5. THE LOCAL JURISDICTION THAT CONTROLS THE
7 WORK ZONE SPEED CONTROL SYSTEM.

8 (ii) The [independent] calibration laboratory shall issue a
9 signed certificate of calibration after the annual calibration check that:

10 1. Shall be kept on file; and

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

13 (j) (1) The Department of State Police or a contractor designated by the
14 Department of State Police shall administer and process civil citations issued under
15 this section in coordination with the District Court.

16 (2) If a contractor, ON BEHALF OF A POLICE DEPARTMENT,
17 [provides, deploys, or operates a work zone speed control system, OR] ADMINISTERS
18 AND PROCESSES CIVIL CITATIONS ISSUED UNDER THIS SECTION ~~for a police~~
19 ~~department,~~ the contractor's fee may not be contingent on the number of citations
20 issued or paid.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.