

Bill No.: _____

Requested: _____

Committee: _____

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By: **Montgomery County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Speed Monitoring Systems – Distribution of Revenue**

3 **MC 10–10**

4 FOR the purpose of requiring Montgomery County to distribute certain revenue from
5 civil fines collected during each fiscal year as a result of violations enforced by
6 speed monitoring systems operated by the county in a municipal corporation to
7 the municipal corporation in which the speed monitoring system is located;
8 requiring the distribution to be made in a certain manner; providing that money
9 distributed to a municipal corporation under this Act is subject to certain
10 requirements and limitations; providing that a certain calculation relating to a
11 requirement that certain funds be remitted to the Comptroller under certain
12 circumstances be made after a certain distribution is made; and generally
13 relating to the revenue from speed monitoring systems in Montgomery County.

14 BY repealing and reenacting, with amendments,
15 Article – Courts and Judicial Proceedings
16 Section 7–302(e)
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2009 Supplement)

19 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Transportation
2 Section 21–809(a)(5) and (b)(1)(i) and (ii)
3 Annotated Code of Maryland
4 (2009 Replacement Volume and 2009 Supplement)

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

7 **Article – Courts and Judicial Proceedings**

8 7–302.

9 (e) (1) A citation issued pursuant to § 21–202.1, § 21–809, or § 21–810 of
10 the Transportation Article shall provide that the person receiving the citation may
11 elect to stand trial by notifying the issuing agency of the person’s intention to stand
12 trial at least 5 days prior to the date of payment as set forth in the citation. On receipt
13 of the notice to stand trial, the agency shall forward to the District Court having venue
14 a copy of the citation and a copy of the notice from the person who received the citation
15 indicating the person’s intention to stand trial. On receipt thereof, the District Court
16 shall schedule the case for trial and notify the defendant of the trial date under
17 procedures adopted by the Chief Judge of the District Court.

18 (2) A citation issued as the result of a traffic control signal monitoring
19 system or speed monitoring system, including a work zone speed control system,
20 controlled by a political subdivision shall provide that, in an uncontested case, the
21 penalty shall be paid directly to that political subdivision. A citation issued as the
22 result of a traffic control signal monitoring system or a work zone speed control system
23 controlled by a State agency, or as a result of a traffic control signal monitoring system
24 or a speed monitoring system in a case contested in District Court, shall provide that
25 the penalty shall be paid directly to the District Court.

26 (3) Civil penalties resulting from citations issued using traffic control
27 signal monitoring systems or speed monitoring systems, or a work zone speed control
28 system, that are collected by the District Court shall be collected in accordance with
29 subsection (a) of this section and distributed in accordance with § 12–118 of the
30 Transportation Article.

1 (4) (i) From the fines collected by a political subdivision as a result
2 of violations enforced by speed monitoring systems, a political subdivision:

3 1. May recover the costs of implementing and
4 administering the speed monitoring systems; and

5 2. Subject to subparagraph (ii) of this paragraph, may
6 spend any remaining balance solely for public safety purposes, including pedestrian
7 safety programs.

8 (ii) 1. For any fiscal year, if the balance remaining from the
9 fines collected by a political subdivision as a result of violations enforced by speed
10 monitoring systems, after the costs of implementing and administering the systems
11 are recovered in accordance with subparagraph (i)1 of this paragraph **AND AFTER**
12 **DISTRIBUTIONS ARE MADE UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH**, is
13 greater than 10% of the total revenues of the political subdivision for the fiscal year,
14 the political subdivision shall remit any funds that exceed 10% of the total revenues to
15 the Comptroller.

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

18 **(iii) 1. FROM THE CIVIL FINES COLLECTED BY**
19 **MONTGOMERY COUNTY AS A RESULT OF VIOLATIONS ENFORCED BY A SPEED**
20 **MONITORING SYSTEM UNDER § 21-809 OF THE TRANSPORTATION ARTICLE**
21 **THAT IS OPERATED BY THE COUNTY IN A MUNICIPAL CORPORATION, THE**
22 **COUNTY, AFTER RECOVERING THE COSTS OF IMPLEMENTING AND**
23 **ADMINISTERING THE SYSTEMS IN ACCORDANCE WITH SUBPARAGRAPH (I)1 OF**
24 **THIS PARAGRAPH, SHALL DISTRIBUTE 50% OF THE TOTAL AMOUNT COLLECTED**
25 **DURING EACH FISCAL YEAR TO THE MUNICIPAL CORPORATION IN WHICH THE**
26 **SPEED MONITORING SYSTEM IS LOCATED.**

27 **2. MONTGOMERY COUNTY SHALL MAKE THE**
28 **DISTRIBUTION REQUIRED UNDER THIS SUBPARAGRAPH THROUGH PAYMENTS**
29 **TO THE MUNICIPAL CORPORATION AT LEAST EVERY 6 MONTHS.**

30 **3. MONEY DISTRIBUTED TO A MUNICIPAL**
31 **CORPORATION UNDER THIS SUBPARAGRAPH IS SUBJECT TO THE LIMITATIONS**

1 AND REQUIREMENTS OF SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH IN
2 THE SAME MANNER AS FINES PAID DIRECTLY TO THE MUNICIPAL CORPORATION
3 AS A RESULT OF A VIOLATION ENFORCED BY A SPEED MONITORING SYSTEM.

4 **Article – Transportation**

5 21–809.

6 (a) (5) “Speed monitoring system” means a device with one or more motor
7 vehicle sensors producing recorded images of motor vehicles traveling at speeds at
8 least 12 miles per hour above the posted speed limit.

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

12 (ii) Before a county may use a speed monitoring system on a
13 State highway at a location within a municipal corporation, the county shall:

14 1. Obtain the approval of the State Highway
15 Administration;

16 2. Notify the municipal corporation of the State
17 Highway Administration’s approval of the use of a speed monitoring system at that
18 location; and

19 3. Grant the municipal corporation 60 days from the
20 date of the county’s notice to the municipal corporation to enact an ordinance
21 authorizing the municipal corporation instead of the county to use a speed monitoring
22 system at that location.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2010.