



House Bill 1151

Vehicle Laws – Speed Monitoring Systems

MACo Position: **OPPOSE**

To: Environment and Transportation Committee

Date: March 1, 2018

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **OPPOSES** HB 1151. This bill imposes unnecessary and onerous requirements on local speed camera programs, including several that have been previously considered and rejected by the General Assembly.

During the 2013 and 2014 Sessions, this Committee formed a stakeholders' workgroup to take a comprehensive look at the administration of local government speed camera programs. The work of the Committee ultimately led to the passage of an omnibus bill (HB 929 and SB 350 of 2014). MACo supported the bi-partisan legislation, which included new program safeguards and needed clarifications. There have been no reported systemic issues with local speed camera programs since the passage of the legislation.

HB 1151 requires a speed camera image to show an accurate representation of the linear distance traveled by a motor vehicle between each time-stamped image. This requirement was considered and rejected during discussion of the 2014 legislation. More accurate speed camera technologies, such as the laser-based LIDAR systems, rely on continuous sampling over a distance and the photographs taken by the system are designed to show that the vehicle is in motion. The images cannot be utilized to accurately show linear distance traveled over time.

Similarly, the General Assembly has consistently rejected expanding the annual calibration requirement. The current calibration process typically takes several weeks as the camera is taken out of service; packaged and shipped to an independent laboratory; taken apart, inspected, and reassembled by the laboratory; and then shipped back to the local jurisdiction. This detailed process ensures the camera is functioning correctly and accurately.

The bill's requirement that the law enforcement officer who signed the citation or the technician who performed the annual calibration check be present and testify at trial with just 10 days of written notice is impractical, costly, and in some cases, may be impossible to meet. This is particularly true regarding the laboratory technician, who is not under the direct control of the local jurisdiction and may be located a significant distance from the jurisdiction (or even in another state).

Finally, as the bill's fiscal note indicates, the rebuttable presumption provision will encourage citation recipients to request additional information from the local government and go to trial in District Court in the hopes of having the citation voided due to the presumption. Current law already provides for the admission of relevant evidence, including the recorded images taken by the camera, the certificate of annual calibration, and the camera's daily self-test and set-up logs. Furthermore, all local jurisdictions must have a speed camera "ombudsman" to answer questions. Any written questions received and the ombudsman's response are available for public inspection. The bill's provision is excessive and unnecessary.

HB 1151 contains several provisions previously debated and rejected by the General Assembly during its 2-year deliberations leading to the 2014 omnibus legislation. The bill's testimony and rebuttable presumption provisions would effectively shut down many local programs – essentially producing the same result as legislation simply repealing speed cameras. Accordingly, MACo requests the Committee give HB 1151 an **UNFAVORABLE** report.