

SENATE BILL 479

R5

4r4596
CF 4r4597

By: **The President (By Request – Administration) and Senators Augustine, Beidle, Carter, Elfreth, Ferguson, Gile, Hester, Hettleman, Lam, McKay, Rosapepe, Salling, Waldstreicher, M. Washington, West, and Zucker**

Introduced and read first time: January 22, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Work Zone Speed Control Systems – Revisions**
3 **(Maryland Road Worker Protection Act of 2024)**

4 FOR the purpose of altering the distribution of revenue from civil fines collected through
5 the use of work zone speed control systems to include certain distributions for
6 highway and work zone safety purposes; clarifying the highways on which a work
7 zone speed control system may be used; clarifying that a work zone speed control
8 system may be manned or unmanned and a system operator does not need to be
9 present when a work zone speed control system is in use; clarifying that multiple
10 work zone speed control systems may be implemented and used in a work zone;
11 altering the maximum penalty for a civil citation issued as a result of a recorded
12 image produced by a work zone speed control system; repealing a requirement that
13 warning notices be issued for violations recorded by a work zone speed control system
14 during certain periods of time; and generally relating to work zone speed control
15 systems.

16 BY repealing and reenacting, without amendments,
17 Article – Transportation
18 Section 12–118(a) and (c)
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2023 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Transportation
23 Section 12–118(e) and 21–810(b)(1) and (2), (c), (d)(1)(x) and (xi), and (k)
24 Annotated Code of Maryland
25 (2020 Replacement Volume and 2023 Supplement)

26 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Transportation
2 Section 21–810(d)(1)(xii) and (k)
3 Annotated Code of Maryland
4 (2020 Replacement Volume and 2023 Supplement)

5 BY repealing and reenacting, with amendments,
6 Chapter 500 of the Acts of the General Assembly of 2009
7 Section 3

8 BY repealing and reenacting, with amendments,
9 Article – Transportation
10 Section 21–810(c)
11 Annotated Code of Maryland
12 (2020 Replacement Volume and 2023 Supplement)
13 (As enacted by Section 1 of this Act)

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

16 **Article – Transportation**

17 12–118.

18 (a) Except as specifically provided by law, all money received under the Maryland
19 Vehicle Law shall be accounted for and remitted to the State Comptroller.

20 (c) (1) Except as provided in paragraph (2) of this subsection, notwithstanding
21 any other law and in addition to any other exceptions provided by law, all costs, fines,
22 penalties, and forfeitures received by or paid to the District Court under the Maryland
23 Vehicle Law shall be collected and remitted as provided in the Courts Article.

24 (2) The Comptroller shall distribute revenue from the civil fines collected
25 through use of a work zone speed control system under § 21–810 of this article to a special
26 fund, to be used only as provided in subsection (e) of this section.

27 (e) Money in the special fund established under subsection (c)(2) of this section:

28 (1) Shall be distributed first to the Department of State Police and the
29 State Highway Administration to cover the costs of implementing and administering work
30 zone speed control systems; [and]

31 (2) After the distribution under item (1) of this subsection, **25% OF ANY**
32 **REMAINING BALANCE** shall be distributed to the Department of State Police to be used
33 only for the purchase of replacement vehicles and related motor vehicle equipment used to
34 outfit police vehicles; **AND**

1 **(3) AFTER THE DISTRIBUTIONS UNDER ITEMS (1) AND (2) OF THIS**
2 **SUBSECTION, THE REMAINING BALANCE SHALL BE DISTRIBUTED TO THE**
3 **TRANSPORTATION TRUST FUND FOR HIGHWAY AND WORK ZONE SAFETY PURPOSES.**

4 21–810.

5 (b) (1) A work zone speed control system that meets the requirements of this
6 subsection may be used to record the images of motor vehicles traveling on a highway:

7 (i) Within a work zone;

8 (ii) That is an expressway or a controlled access highway as defined
9 in § 21–101 of this title; and

10 (iii) On which the speed limit, **AS POSTED BEFORE THE WORK**
11 **ZONE WAS IMPLEMENTED AND** established using generally accepted traffic engineering
12 practices, is 45 miles per hour or greater.

13 (2) **(I)** A work zone speed control system may be used only:

14 [(i)] **1.** On a highway as specified in paragraph (1) of this
15 subsection; **AND**

16 [(ii)] When being operated by a work zone speed control system
17 operator; and

18 [(iii)] **2.** If, in accordance with the Maryland manual on uniform
19 traffic control devices, a conspicuous road sign is placed at a reasonable distance consistent
20 with national guidelines before the work zone alerting drivers that a speed monitoring
21 system may be in operation in the work zone.

22 **(II) 1. A WORK ZONE SPEED CONTROL SYSTEM MAY BE**
23 **MANNED OR UNMANNED.**

24 **2. A WORK ZONE SPEED CONTROL SYSTEM OPERATOR**
25 **DOES NOT NEED TO BE PRESENT IN PERSON OR REMOTELY AT THE HIGHWAY WORK**
26 **ZONE WHEN A WORK ZONE SPEED CONTROL SYSTEM IS IN USE.**

27 **(III) 1. MULTIPLE WORK ZONE SPEED CONTROL SYSTEMS**
28 **MAY BE IMPLEMENTED AND USED IN A WORK ZONE.**

29 **2. IF A WORK ZONE HAS MORE THAN ONE WORK ZONE**
30 **SPEED CONTROL SYSTEM IN USE, NOT MORE THAN ONE CITATION WITHIN A 1–HOUR**
31 **PERIOD MAY BE ISSUED FOR THE SAME REGISTRATION PLATE FOR A VIOLATION IN**
32 **THE WORK ZONE.**

1 (c) (1) Unless the driver of the motor vehicle received a citation from a police
2 officer at the time of the violation, the owner or, in accordance with subsection (f)(4) of this
3 section, the driver of a motor vehicle is subject to a civil penalty if an image of the motor
4 vehicle is recorded by a work zone speed control system in accordance with subsection (b)
5 of this section while being operated in violation of this subtitle.

6 (2) A civil penalty under this subsection may not exceed [~~\$40~~] **\$290**.

7 (3) For purposes of this section, the District Court shall:

8 (i) Prescribe a uniform citation form consistent with subsection
9 (d)(1) of this section and § 7-302 of the Courts Article; and

10 (ii) Indicate on the citation the amount of the civil penalty to be paid
11 by persons who choose to prepay the civil penalty without appearing in District Court.

12 **(K) (1) ON OR BEFORE DECEMBER 1, 2024, AND EACH DECEMBER 1**
13 **THEREAFTER, THE STATE HIGHWAY ADMINISTRATION SHALL REPORT TO THE**
14 **GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT**
15 **ARTICLE, THE GENERAL ASSEMBLY:**

16 **(I) ON ANY PILOT PROGRAM THAT THE STATE HIGHWAY**
17 **ADMINISTRATION CONDUCTED IN THE PREVIOUS FISCAL YEAR THAT TESTS NEW**
18 **TECHNOLOGIES FOR DETECTING AND RECORDING A VIOLATION OF THIS SUBTITLE**
19 **IN A WORK ZONE; OR**

20 **(II) THAT THE STATE HIGHWAY ADMINISTRATION DID NOT**
21 **CONDUCT ANY SUCH PILOT PROGRAM IN THE PREVIOUS FISCAL YEAR.**

22 **(2) A REPORT SUBMITTED UNDER PARAGRAPH (1)(I) OF THIS**
23 **SUBSECTION SHALL INCLUDE INFORMATION ON:**

24 **(I) HOW DATA COLLECTED FROM THE DEVICE TESTED MAY BE**
25 **USED FOR THE ENFORCEMENT OF VIOLATIONS OF THIS SUBTITLE IN WORK ZONES;**
26 **AND**

27 **(II) ANY LEGISLATIVE OR REGULATORY CHANGES THAT WOULD**
28 **BE NECESSARY TO AUTHORIZE THE EFFECTIVE USE OF THE DEVICE.**

29 **[(k)] (L)** The Department of State Police and the State Highway Administration
30 jointly shall adopt regulations establishing standards and procedures for work zone speed
31 control systems authorized under this section.

1 SECTION 3. AND BE IT FURTHER ENACTED, That, during the 30-day period
2 after the first work zone speed control system is in place, a law enforcement agency may
3 issue warnings[, but may not issue citations,] **OR CITATIONS** for violations enforced in
4 accordance with § 21-810 of the Transportation Article, as enacted by this Act.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
6 as follows:

7 **Article – Transportation**

8 21-810.

9 (c) (1) Unless the driver of the motor vehicle received a citation from a police
10 officer at the time of the violation, the owner or, in accordance with subsection (f)(4) of this
11 section, the driver of a motor vehicle is subject to a civil penalty if an image of the motor
12 vehicle is recorded by a work zone speed control system in accordance with subsection (b)
13 of this section while being operated in violation of this subtitle.

14 (2) A civil penalty under this subsection may not exceed **[\$290]:**

15 (I) **FOR A FIRST OR SECOND OFFENSE IN A CALENDAR YEAR,**
16 **\$290; AND**

17 (II) **FOR A THIRD OR SUBSEQUENT OFFENSE IN A**
18 **CALENDAR YEAR, \$1,000.**

19 (3) For purposes of this section, the District Court shall:

20 (i) Prescribe a uniform citation form consistent with subsection
21 (d)(1) of this section and § 7-302 of the Courts Article; and

22 (ii) Indicate on the citation the amount of the civil penalty to be paid
23 by persons who choose to prepay the civil penalty without appearing in District Court.

24 (d) (1) Subject to the provisions of paragraphs (2) through (4) of this
25 subsection, a local police department, State police department, or police department
26 contractor shall mail to the owner liable under subsection (c) of this section a citation that
27 shall include:

28 (x) Information advising the person alleged to be liable under this
29 section of the manner and time in which liability as alleged in the citation may be contested
30 in the District Court; **[and]**

31 (xi) Information advising the person alleged to be liable under this
32 section that failure to pay the civil penalty or to contest liability in a timely manner:

- 1 1. Is an admission of liability;
- 2 2. May result in the refusal to register the motor vehicle; and
- 3 3. May result in the suspension of the motor vehicle
- 4 registration; AND

5 **(XII) NOTICE OF THE INCREASED MAXIMUM CIVIL PENALTY**
6 **APPLICABLE FOR A THIRD OR SUBSEQUENT OFFENSE IN THE SAME CALENDAR YEAR.**

7 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
8 effect January 1, 2025.

9 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
10 3 of this Act, this Act shall take effect June 1, 2024.