

SENATE BILL 916

R5

0lr2964
CF 0lr2945

By: **Senators Pinsky, Exum, Harrington, Peters, and Rosapepe**

Introduced and read first time: February 17, 2010

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Municipal Corporations – School Zones and Speed**
3 **Monitoring Systems**

4 FOR the purpose of authorizing a municipal corporation in Prince George's county to
5 establish school zones on certain highways; requiring a municipal corporation in
6 the county to be responsible for certain costs related to certain traffic control
7 devices for certain school zones; authorizing a municipal corporation in the
8 county to implement and use a speed monitoring system on certain county
9 highways under certain circumstances; prohibiting the county from
10 unreasonably denying a request from a municipal corporation to implement and
11 use a speed monitoring system on certain county highways; prohibiting the
12 county from placing certain requirements on the implementation and use of a
13 speed monitoring system; requiring the county to state in writing the reasons
14 for any denial of a request made by a municipal corporation for permission to
15 implement and use a speed monitoring system on certain county highways;
16 authorizing a municipal corporation to contest in the circuit court a certain
17 denial of permission by the county; prohibiting a municipal corporation in the
18 county from implementing or using a speed monitoring system in certain school
19 zones unless it has obtained certain approval; and generally relating to school
20 zones and the use of speed monitoring systems in a municipal corporation in
21 Prince George's County.

22 BY repealing and reenacting, with amendments,
23 Article – Transportation
24 Section 21–803.1 and 21–809(b)(1)
25 Annotated Code of Maryland
26 (2009 Replacement Volume and 2009 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Transportation**

2 21–803.1.

3 (a) (1) Subject to subsection (f) of this section, within a half–mile radius of
4 any school, the State Highway Administration or a local authority:

5 (i) May establish a school zone and maximum speed limits
6 applicable in the school zone; and

7 (ii) Subject to subsection (d) of this section, may provide that
8 fines are to be doubled for speeding violations within the school zone.

9 (2) (i) The State Highway Administration may establish a school
10 zone under paragraph (1) of this subsection on any State highway or, at the request of
11 a local authority, on any highway under the jurisdiction of the local authority.

12 (ii) A local authority may establish a school zone under
13 paragraph (1) of this subsection on any highway under its jurisdiction.

14 **(III) IN PRINCE GEORGE’S COUNTY, A MUNICIPAL**
15 **CORPORATION MAY ESTABLISH A SCHOOL ZONE UNDER PARAGRAPH (1) OF THIS**
16 **SUBSECTION ON ANY HIGHWAY THAT:**

17 **1. IS NOT UNDER STATE JURISDICTION; AND**

18 **2. IS LOCATED WITHIN OR ADJACENT TO THE**
19 **CORPORATE LIMITS OF THE MUNICIPAL CORPORATION.**

20 (b) (1) On each highway where a school zone is established under this
21 section, in accordance with specifications of the State Highway Administration, the
22 State Highway Administration or local authority:

23 (i) Shall place signs designating the school zone; and

24 (ii) May place other traffic control devices, including timed
25 flashing warning lights.

26 (2) The signs designating a school zone shall indicate the maximum
27 speed limit applicable in the school zone.

28 (3) The local authority shall pay the State Highway Administration
29 the cost of placing and maintaining signs and other traffic control devices on highways
30 under the jurisdiction of the local authority when the State Highway Administration
31 establishes the school zone at the local authority’s request.

1 **(4) IN PRINCE GEORGE’S COUNTY, A MUNICIPAL CORPORATION**
2 **SHALL BE RESPONSIBLE FOR THE COST OF PLACING AND MAINTAINING SIGNS**
3 **AND OTHER TRAFFIC CONTROL DEVICES FOR A SCHOOL ZONE THAT THE**
4 **MUNICIPAL CORPORATION ESTABLISHES ON A HIGHWAY WITHIN OR ADJACENT**
5 **TO ITS CORPORATE LIMITS.**

6 (c) A maximum speed limit in a school zone established under this section is
7 in effect when posted on appropriate signs giving notice of the limit.

8 (d) The fines for speeding in a school zone are double the amount that would
9 otherwise apply if, in accordance with specifications adopted by the State Highway
10 Administration:

11 (1) (i) A sign designating a school zone under this section is
12 equipped with timed flashing warning lights and indicates that fines for speeding are
13 doubled when the lights are activated; and

14 (ii) The lights are activated at the time the violation occurs; or

15 (2) A sign designating a school zone under this section indicates that
16 fines for speeding are doubled during school hours.

17 (e) A person may not drive a motor vehicle at a speed exceeding the posted
18 speed limit within a school zone established in accordance with subsection (d) of this
19 section.

20 (f) In any school zone where a school crossing guard is posted to assist
21 students in crossing a highway, the maximum speed limit may not exceed 35 miles per
22 hour in the school zone during the hours posted on signs designating the school zone.

23 21–809.

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

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

29 1. Obtain the approval of the State Highway
30 Administration;

31 2. Notify the municipal corporation of the State
32 Highway Administration’s approval of the use of a speed monitoring system at that
33 location; and

1 3. Grant the municipal corporation 60 days from the
2 date of the county's notice to the municipal corporation to enact an ordinance
3 authorizing the municipal corporation instead of the county to use a speed monitoring
4 system at that location.

5 **(III) 1. THIS SUBPARAGRAPH APPLIES ONLY IN PRINCE**
6 **GEORGE'S COUNTY.**

7 **2. IN THE COUNTY, A MUNICIPAL CORPORATION MAY**
8 **IMPLEMENT AND USE A SPEED MONITORING SYSTEM ON A COUNTY HIGHWAY AT**
9 **A LOCATION WITHIN OR ADJACENT TO ITS CORPORATE LIMITS IF THE**
10 **MUNICIPAL CORPORATION:**

11 **A. SUBMITS TO THE COUNTY A PLAN DESCRIBING**
12 **THE BOUNDARY OF THE APPLICABLE SCHOOL ZONE AND THE PROPOSED**
13 **LOCATION OF THE SPEED MONITORING SYSTEM; AND**

14 **B. REQUESTS AND RECEIVES PERMISSION FROM THE**
15 **COUNTY TO USE THE SPEED MONITORING SYSTEM AT THE PROPOSED**
16 **LOCATION.**

17 **3. IF THE COUNTY FAILS TO RESPOND TO THE**
18 **REQUEST WITHIN 60 DAYS, THE MUNICIPAL CORPORATION MAY IMPLEMENT**
19 **AND USE THE SPEED MONITORING SYSTEM AS DESCRIBED IN THE PLAN**
20 **SUBMISSION.**

21 **4. THE COUNTY MAY NOT:**

22 **A. UNREASONABLY DENY A REQUEST UNDER THIS**
23 **SUBPARAGRAPH; OR**

24 **B. PLACE EXACTIONS, FEES, OR UNREASONABLE**
25 **RESTRICTIONS ON THE IMPLEMENTATION AND USE OF A SPEED MONITORING**
26 **SYSTEM UNDER THIS SUBPARAGRAPH.**

27 **5. THE COUNTY SHALL STATE IN WRITING THE**
28 **REASONS FOR ANY DENIAL OF A REQUEST UNDER THIS SUBPARAGRAPH.**

29 **6. A MUNICIPAL CORPORATION MAY CONTEST IN**
30 **THE CIRCUIT COURT A COUNTY DENIAL OF A REQUEST UNDER THIS**
31 **SUBPARAGRAPH.**

32 **(IV) IN PRINCE GEORGE'S COUNTY, IF A MUNICIPAL**
33 **CORPORATION HAS ESTABLISHED A SCHOOL ZONE THAT OVERLAPS WITH A**

1 SCHOOL ZONE ESTABLISHED IN ANOTHER MUNICIPAL CORPORATION, THE
2 MUNICIPAL CORPORATION MAY NOT IMPLEMENT OR USE A SPEED MONITORING
3 SYSTEM IN THAT SCHOOL ZONE UNLESS IT HAS OBTAINED THE APPROVAL OF
4 THE OTHER MUNICIPAL CORPORATION.

5 [(iii)] (V) An ordinance or resolution adopted by the governing
6 body of a local jurisdiction under this paragraph shall provide that for a period of at
7 least 30 days after the first speed monitoring system is placed in the local jurisdiction,
8 a violation recorded by any speed monitoring system in the local jurisdiction may be
9 enforced only by the issuance of a warning.

10 [(iv)] (VI) This section applies to a violation of this subtitle
11 recorded by a speed monitoring system that meets the requirements of this subsection
12 and has been placed:

13 1. In Montgomery County, on a highway in a residential
14 district, as defined in § 21–101 of this title, with a maximum posted speed limit of 35
15 miles per hour, which speed limit was established using generally accepted traffic
16 engineering practices; or

17 2. In a school zone established under § 21–803.1 of this
18 subtitle.

19 [(v)] (VII) Before activating an unmanned stationary speed
20 monitoring 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; and

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

25 [(vi)] (VIII) A speed monitoring system in a school zone may
26 operate only Monday through Friday between 6:00 a.m. and 8:00 p.m.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 June 1, 2010.