

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2024 Legislative Session

Bill No. CB-084-2024

Chapter No. _____

Proposed and Presented by Council Members Dernoga and Oriadha

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Stop Sign Monitoring Systems – School Zones - Authorization

3 For the purpose of authorizing and implementing the use of stop sign monitoring systems on
4 State and local highways located in Prince George’s County in a school zone to record violations
5 of State law requiring obedience to stop signs pursuant to Md. Code Transportation Article
6 Section 21-707, made a part hereof and set forth wholly within this Act; providing for the
7 effective date of this Act; and other related provisions to the use and enforcement of stop sign
8 monitoring systems in Prince George’s County.

9 BY adding:

10 SUBTITLE 26. VEHICLES AND TRAFFIC.
11 Sections 26-120.02,
12 The Prince George's County Code
13 (2023 Edition).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
15 Maryland, that Section 26-120.02 of the Prince George's County Code be and the same is hereby
16 added:

17 SUBTITLE 26. VEHICLES AND TRAFFIC.

18 DIVISION 7. STOP, YIELD, AND SIGNALIZED INTERSECTIONS.

19 **Section 26-120.02. Stop Sign Monitoring Systems.**

20 (a) **Definitions.** In this Section, the following words have the meanings indicated below:

21 (1) **Agency** means a law enforcement agency that is authorized to issue a citation for

1 a violation of the Maryland Vehicle Law or of local traffic laws or regulations;

2 (2) **Owner:**

3 (A) Means the registered owner of a motor vehicle or lessee of a motor
4 vehicle under a lease of 6 months or more.

5 (B) Owner does not include:

6 i. A motor vehicle leasing company; or

7 ii. A holder of a special registration plate issued under Title 13,
8 Subtitle 9, Part iii of the Transportation Article.

9 (3) **Recorded image** means images recorded by a stop sign monitoring system

10 (A) On:

11 i. Two or more photographs;

12 ii. Two or more microphotographs;

13 iii. Two or more electronic images;

14 iv. Videotape; or

15 v. Any other medium; and

16 (B) Showing a motor vehicle and, on at least one image or portion of tape,
17 clearly identifying the registration plate number of the motor vehicle.

18 (4) **Stop sign monitoring system** means a device designed to capture a recorded
19 image of a violation.

20 (5) **Violation:**

21 (A) Means a failure to come to a complete stop at a stop sign in violation
22 of § 21-707 of Subtitle 7 of the Md. Code Transportation Article.

23 (B) Does not include any action a driver is instructed to take by a police
24 officer.

25 (b) Action Required of Drivers.

26 (1) Unless otherwise directed by a police officer or traffic control signal, the driver
27 of a vehicle approaching a stop sign at an intersection shall:

28 (A) Stop at the near side of the intersection at a clearly marked stop line; or

29 (B) If there is no clearly marked stop line, before entering any crosswalk;

30 or

31 (C) If there is no crosswalk, at the nearest point before entering the

1 intersection that gives the driver a view of traffic approaching on the intersecting roadway.

2 (2) The driver of a vehicle approaching a yield sign at an intersection, if required for
3 safety to stop, shall:

4 (A) Stop at the near side of the intersection at a clearly marked stop line; or

5 (B) If there is no clearly marked stop line, before entering any crosswalk;

6 or

7 (C) If there is no crosswalk, at the nearest point before entering the
8 intersection that gives the driver a view of traffic approaching on the intersecting roadway.

9 (c) Placement of Stop Sign Monitoring Systems.

10 (1) Subject to Paragraphs (b) through (e) of this Subsection, an agency may use stop
11 sign monitoring systems:

12 (A) On highways located in a school zone maintained by a local
13 jurisdiction, if authorized by the governing body of the local jurisdiction; or

14 (B) On state highways located in a school zone, if authorized by the State
15 Highway Administration.

16 (2) A stop sign monitoring system:

17 (A) May not be used in a local jurisdiction under this section unless its use
18 is authorized by the governing body of the local jurisdiction by local law enacted after
19 reasonable notice and a public hearing; and

20 (B) May only be used at a location approved by the Prince George's
21 County Council.

22 (3) The County shall prioritize the placement of stop sign monitoring systems
23 within municipalities that have high violation rates.

24 (4) Before beginning use of stop sign monitoring systems, an agency shall publish
25 notice that the agency has adopted the use of stop sign monitoring systems on its website and in a
26 newspaper of general circulation in the jurisdiction in which the stop sign monitoring system will
27 be used.

28 (5) Placement of signs:

29 (A) The County shall prominently place signs on highways within the
30 County providing notice that stop sign monitoring systems are used in the County.

31 (B) The State Highway Administration shall place signs prominently

1 providing notice that stop sign monitoring systems are in use on state highways.

2 (d) Recorded Images Requirements. A recorded image under this Section indicating that the
3 driver of a motor vehicle has committed a violation shall include:

- 4 (1) The time and date of the violation; and
- 5 (2) To the extent possible, the location of the violation.

6 (e) Penalties.

7 (1) Unless the driver of the motor vehicle received a citation from a police officer
8 at the time of the violation, the owner or, in accordance with Subsection (f)(3) or (h)(4) or (5) of
9 this Section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is
10 recorded by a stop sign monitoring system during the commission of a violation.

- 11 (2) A civil penalty under this Subsection may not exceed \$40.
- 12 (3) For purposes of this Section, the District Court shall prescribe:

13 (A) A uniform citation form consistent with Subsection (f)(1) of this
14 Section
15 and § 7-302 of the Courts Article; and

16 (B) A civil penalty, which shall be indicated on the citation, to be paid by
17 persons who choose to prepay the civil penalty without appearing in District Court.

18 (f) Citations.

19 (1) Subject to the provisions of Paragraphs (2) through (5) of this Subsection, an
20 agency shall mail to the owner liable under Subsection (e) of this Section a citation that shall
21 include:

- 22 (A) The name and address of the registered owner of the vehicle;
- 23 (B) The registration number of the motor vehicle involved in the violation;
- 24 (C) The violation charged;
- 25 (D) To the extent possible, the location of the violation;
- 26 (E) The date and time of the violation;
- 27 (F) A copy of the recorded image;
- 28 (G) The amount of the civil penalty imposed and the date by which the
29 civil

30 penalty must be paid;

31 (H) a signed statement by a technician employed by the agency that, based

1 on the inspection of the recorded image, the motor vehicle was being operated during the
 2 commission of a violation;

3 (I) a statement that the recorded image is evidence of a violation; and

4 (J) information advising the person alleged to be liable under this Section:

5 i. Of the manner and time in which liability as alleged in the
 6 citation may be contested in the District Court; and

7 ii. That failure to pay the civil penalty or to contest liability in a
 8 Timely manner is an admission of liability and may result in refusal or suspension of the motor
 9 vehicle registration.

10 (2) The agency may mail a warning notice in place of a citation to the owner liable
 11 under Subsection (e) of this Section.

12 (3) (a) Before mailing a citation to a motor vehicle rental company liable under
 13 Subsection (e) of this Section, an agency shall mail a notice to the motor vehicle rental company
 14 stating that a citation will be mailed to the motor vehicle rental company unless, within 45 days
 15 after receiving the notice, the motor vehicle rental company provides the agency with:

16 1. A statement made under oath that states the name and last known mailing
 17 address of the individual driving or renting the motor vehicle when the violation occurred;

18 2. (a) A statement made under oath that states that the motor vehicle rental
 19 company is unable to determine who was driving the vehicle at the time the violation occurred
 20 because the motor vehicle was stolen at the time of the violation; and

21 (b) A copy of the police report associated with the motor vehicle theft
 22 claimed under item a of this item; or

23 3. Payment for the penalty associated with the violation.

24 (b) An agency may not mail a citation to a motor vehicle rental company liable
 25 under subsection (e) of this Section if The motor vehicle rental company complies with
 26 Subparagraph (i) of this Paragraph.

27 (4) Except as provided in Paragraph (3) of this Subsection and Subsection (h)(4) and
 28 (5) of this Section, a citation issued under this Section shall be mailed not later than 2 weeks
 29 after the alleged violation.

30 (5) A person who receives a citation under Paragraph (1) of this Subsection may:

31 (i) pay the civil penalty in accordance with instructions on the citation; or

1 (ii) elect to stand trial for the alleged violation.

2 (G) (1) A certificate alleging that a violation occurred, sworn to or affirmed by a duly
3 authorized law enforcement officer employed by or under contract with an agency, based on the
4 inspection of a recorded image, shall be evidence of the facts contained in the certificate and
5 shall be admissible in any proceeding concerning the alleged violation.

6 (2) Adjudication of liability shall be based on preponderance of the evidence.

7 (H) (1) The District Court may consider in defense of a violation:

8 (i) Subject to Paragraph (2) of this Subsection, that the motor vehicle or
9 registration plates of the motor vehicle were stolen before the violation occurred and were not
10 under the control or possession of the owner at the time of the violation;

11 (ii) Subject to Paragraph (3) of this Subsection, evidence that the person named in
12 the citation was not operating the vehicle at the time of the violation; and

13 (iii) any other issues and evidence that the District Court considers pertinent.

14 (2) To demonstrate that the motor vehicle or the registration plates were stolen before
15 the violation occurred and were not under the control or possession of the owner at the time of
16 the violation, the owner must submit proof that a police report about the stolen motor vehicle or
17 registration plates was filed in a timely manner.

18 (3) To satisfy the evidentiary burden under Paragraph (1)(ii) of this Subsection, the
19 person named in the citation shall provide to the District Court evidence to the satisfaction of the
20 District Court of who was operating the vehicle at the time of the violation, including, at a
21 minimum, the operator's name and current address.

22 (4) (i) The provisions of this Paragraph apply only to a citation that involves a class e
23 (truck) vehicle with a registered gross weight of 26,001 pounds or more, class f (tractor) vehicle,
24 class g (trailer) vehicle operated in combination with a class f (tractor) vehicle, or class p
25 (passenger bus) vehicle.

26 (ii) To satisfy the evidentiary burden under Paragraph (1)(ii) of this Subsection,
27 the person named in a citation described under Subparagraph (i) of this Paragraph may provide
28 to the District Court a letter, sworn to or affirmed by the person and mailed by certified mail,
29 return receipt requested, that:

30 1. States that the person named in the citation was not operating the vehicle
31 at the time of the violation; and

1 2. Provides the name, address, and driver's license identification number of
 2 the person who was operating the vehicle at the time of the violation.

3 (5) (i) If the District Court finds that the person named in the citation was not operating
 4 the vehicle at the time of the violation or receives evidence under Paragraph (4)(ii)2 of this
 5 Subsection identifying the person driving the vehicle at the time of the violation, the Clerk of
 6 Court shall provide to the agency issuing the citation a copy of any evidence substantiating who
 7 was operating the vehicle at the time of the violation.

8 (ii) On receipt of substantiating evidence from the District Court under
 9 Subparagraph (i) of this Paragraph, the agency may issue a citation as provided in Subsection (f)
 10 of this Section to the person who the evidence indicates was operating the vehicle at the time of
 11 the violation.

12 (iii) A citation issued under Subparagraph (ii) of this Paragraph shall be mailed not later
 13 than 2 weeks after receipt of the evidence from the District Court.

14 (i) If the civil penalty is not paid and the violation is not contested, the Administration may
 15 refuse to register or reregister or may suspend the registration of the motor vehicle.

16 (j) A violation for which a civil penalty is imposed under this Section:

17 (1) Is not a moving violation for the purpose of assessing points under § 16-402 of the
 18 Md. Code Transportation Article and may not be recorded by the Administration on the driving
 19 record of the owner or driver of the vehicle; and

20 (2) May not be considered in the provision of motor vehicle insurance coverage.

21 (k) In consultation with law enforcement agencies, the Chief Judge of the District Court
 22 shall adopt procedures for the issuance of citations, trials for violations, and the collection of
 23 civil penalties imposed under this Section.

24 (l) (1) An agency or an agent or a contractor designated by the agency shall administer and
 25 process civil citations issued under this Section in coordination with the District Court.

26 (2) if a contractor in any manner operates a stop sign monitoring system or administers
 27 or processes citations generated by a monitoring system on behalf of a local jurisdiction, the
 28 contractor's fee may not be contingent on a per-ticket basis on the number of citations issued or
 29 paid.

30 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2025,
 31 the Prince George's County Department of Public Works and Transportation shall report to the

1 Governor and, in accordance with § 2–1257 of the State Government Article, the General
2 Assembly on:

3 (1) Through October 1, 2025:

4 (i) The time period during which stop sign monitoring systems were in use in the
5 county; and

6 (ii) The number of warnings and citations issued as a result of violations recorded by a
7 stop sign monitoring system in the county over the reported time period, by location and date;

8 (2) (i) The costs associated with implementing and operating stop sign monitoring
9 systems; and

10 (ii) The revenue collected on a monthly basis as a result of violations recorded by stop
11 sign monitoring systems;

12 (3) Appropriate locations for the deployment of stop sign monitoring systems;

13 (4) The performance and reliability of stop sign monitoring systems used by the county; and

14 (5) The effectiveness of stop sign monitoring systems in reducing violations, crashes, and
15 pedestrian injuries in the county and in areas where the stop sign monitoring systems were
16 implemented and used.

17 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
18 calendar days after it becomes law.

Adopted this _____ day of _____, 2024.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Jolene Ivey
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive