

A012-0304

10 **AN ACT CONCERNING**

20 **Red Light Camera Repeal**

30 FOR the purpose of prohibiting the use of traffic control signal monitoring systems to determine
40 compliance with the Maryland Vehicle Law, except under certain circumstances, and generally
50 relating to the use of traffic control signal monitoring systems to determine compliance with
60 certain laws and regulations.

70 BY repealing and reenacting, without amendments,
80 Article-Transportation
90 Section 21-202(h) and 21-202.1(a)(5)
100 Annotated Code of Maryland
110 (2002 Replacement Volume)

120 BY repealing and reenacting, with amendments,
130 Article-Transportation
140 Section 21-202.1(b)
150 Annotated Code of Maryland
160 (2002 Replacement Volume)

170 **Preamble**

180 **WHEREAS:** Modern technology is constantly improving; and,

190 **WHEREAS:** Red light cameras invoke privacy and legal
200 infringements, like violation of the 4th and 14th Amendments,
210 violation of our nation’s tradition of innocence until proven guilty,
220 unlawful use of police power to levy taxes; and,

230 **WHEREAS:** *Kyllo v. US* June, 2001 Supreme Court decision found
240 that the reasonableness of a search is inextricably linked to
250 common privacy-protecting practices; and,

260 **WHEREAS:** Red light cameras have been known to operate solely
270 as a source of revenue for some cities, such as San Diego, where
280 in an 18 month period over \$18.5 million dollars in fines were
290 collected from one camera site, and where said camera sites
300 were found to be steeped in corruption through the use of
310 shortened yellow lights, movement of sensor pads and where
320 camera sites did not correspond with highest rates of red light
330 running; and,

340 **WHEREAS:** Alaska, New Jersey, Utah and Wyoming have already
350 banned photo enforcement systems suggesting Maryland could
360 do it.

370 SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, That the
380 Laws of Maryland read as follows:

390 **Article-Transportation**

400 § 21-202

- 420 (h) (1) Vehicular traffic facing a steady circular red signal
430 alone:
- 440 (i) Shall stop at the near side of the intersection:
- 450 1. At a clearly marked stop line;
- 460 2. If there is no clearly marked stop sign,
470 before entering any crosswalk; or
- 480 3. If there is no crosswalk, before entering
490 the intersection; and
500
- 510 (ii) Except as provided in subsections (i), (j), and (k) of this
520 section, shall remain stopped until a signal to proceed is shown.

530 (2) Vehicular traffic facing a steady red arrow signal:

- 540 (i) May not enter the intersection to make the
550 movement indicated by the arrow;
- 560 (ii) Unless entering the intersection to make the
570 movement permitted by another signal, shall stop at the near
580 side of the intersection:
- 590 1. At a clearly marked stop line;
- 600 2. If there is no clearly marked stop line,
610 before entering any crosswalk; or
- 620 3. If there is no crosswalk, before entering
630 the intersection; and
- 640 (iii) Except as provided in subsections (i), (j), and
650 (k) of this section, shall remain stopped until a signal
660 permitting the movement is shown.

670 § 21-202.1.

680 (a) (5) “Traffic control signal monitoring system” means a
690 device with one or more motor vehicle sensors working in conjunction with
700 a traffic control signal to produce recorded images of motor vehicles
710 entering an intersection against a red signal indication.

720 (b) [This section applies to a violation of *21-202(h) of this
730 subtitle at an intersection monitored by a traffic control signal monitoring
740 system.]

750 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
760 SUBSECTION, A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM
770 MAY NOT BE USED TO DETERMINE COMPLIANCE WITH THE
780 MARYLAND VEHICLE LAW OR ANY LOCAL TRAFFIC LAW OR
790 REGULATION.

800 (2) A TRAFFIC CONTROL SIGNAL MONITORING
810 SYSTEM MAY BE USED TO DETERMINE COMPLIANCE WITH
820 *21202(h) OF THIS SUBTITLE:

830 (I) IN A SCHOOL ZONE;

840 (II) AT A RAILROAD CROSSING; OR,

850 (III) WHEN A LAW ENFORCEMENT OFFICER IS
860 PRESENT AT THE LOCATION WHERE THE TRAFFIC
870 CONTROL SIGNAL MONITORING SYSTEM IS BEING USED
880 AND, FOR A VIOLATION DETECTED BY THE TRAFFIC
890 CONTROL SIGNAL MONITORING SYSTEM ISSUES A
900 CITATION AT THE GENERAL TIME AND PLACE OF THE
910 VIOLATION.

920 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
930 effect June 1, 2005.

940 MANDATES: Governor Robert Ehrlich
950 Lt. Governor Michael Steele
960 Comptroller William Donald Schaefer
970 State Senator E.J. Pipkin

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