
By: **Chairman, Judicial Proceedings Committee (By Request -
Departmental - Transportation)**

Introduced and read first time: January 20, 2005

Rules suspended

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Stopping, Standing, and Parking**

3 FOR the purpose of prohibiting a person from stopping, standing, or parking certain
4 commercial motor vehicles on certain highways except under certain
5 circumstances; prohibiting, with certain exceptions, standing or parking certain
6 vehicles not attached to towing vehicles on certain highways; defining certain
7 vehicles left unattended on highways as abandoned vehicles; requiring that
8 certain citations be attached to certain unattended vehicles under certain
9 circumstances; increasing fines for certain stopping, standing, and parking
10 violations by certain vehicles; and generally relating to stopping, standing, and
11 parking by certain vehicles.

12 BY repealing and reenacting, without amendments,
13 Article - Transportation
14 Section 21-1001, 25-202, 25-203, and 26-303
15 Annotated Code of Maryland
16 (2002 Replacement Volume and 2004 Supplement)

17 BY adding to
18 Article - Transportation
19 Section 21-1002
20 Annotated Code of Maryland
21 (2002 Replacement Volume and 2004 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Transportation
24 Section 21-1003, 25-201, 26-201, and 27-101(w)
25 Annotated Code of Maryland
26 (2002 Replacement Volume and 2004 Supplement)

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

3 **Article - Transportation**

4 21-1001.

5 (a) Except as otherwise provided in this section, on any highway outside of a
6 business district or a residential district, a person may not stop, park, or leave
7 standing on the roadway any vehicle, whether attended or unattended, if it is
8 practicable to stop, park, or leave the vehicle standing off the roadway.

9 (b) Except as otherwise provided in this section, on any highway outside of a
10 business district or a residential district, a person may not leave any vehicle standing,
11 without providing an unobstructed width of the roadway opposite the standing
12 vehicle for the free passage of other vehicles.

13 (c) Except as otherwise provided in this section, on any highway outside of a
14 business district or a residential district, a person may not stop any vehicle, unless it
15 can be seen clearly from 200 feet away in each direction on the roadway.

16 (d) This section does not apply to the driver of a vehicle that has become
17 unintentionally so disabled while on the roadway that he cannot avoid stopping and
18 temporarily leaving it there.

19 21-1002.

20 A PERSON MAY NOT STOP, STAND, OR PARK A COMMERCIAL MOTOR VEHICLE ON
21 ANY CONTROLLED ACCESS HIGHWAY AS DEFINED IN § 8-101(F) OF THIS ARTICLE,
22 EXCEPT:

23 (1) AS NECESSARY TO AVOID INJURY OR DAMAGE TO ANY PERSON OR
24 PROPERTY;

25 (2) IN COMPLIANCE WITH THE DIRECTION OF A POLICE OFFICER OR
26 TRAFFIC CONTROL DEVICE;

27 (3) AT A DESIGNATED AREA FOR THE STOPPING, STANDING, OR
28 PARKING OF VEHICLES; OR

29 (4) IF THE VEHICLE IS DISABLED OR INVOLVED IN AN ACCIDENT, IN
30 WHICH CASE THE VEHICLE SHALL BE MOVED, IF POSSIBLE:

31 (I) OFF THE HIGHWAY;

32 (II) TO THE SHOULDER OF THE HIGHWAY; OR

33 (III) AS OTHERWISE DIRECTED BY A POLICE OFFICER;

1 (5) WHEN ATMOSPHERIC OR PAVEMENT SURFACE CONDITIONS MAKE
2 DRIVING UNUSUALLY HAZARDOUS;

3 (6) IN AN EMERGENCY THAT INVOLVES THE HEALTH OR SAFETY OF AN
4 OCCUPANT OF THE VEHICLE; OR

5 (7) TO PROVIDE REASONABLE ASSISTANCE OR RENDER AID TO
6 ANOTHER PERSON.

7 21-1003.

8 (a) The provisions of this section apply except as necessary to avoid conflict
9 with other traffic or in compliance with law or the directions of a police officer or
10 traffic control device.

11 (b) A person may not stop, stand, or park a vehicle in front of a public
12 driveway.

13 (c) A person may not stop, stand, or park a vehicle on a sidewalk.

14 (d) A person may not stop, stand, or park a vehicle in an intersection.

15 (e) A person may not stop, stand, or park a vehicle on a crosswalk.

16 (f) A person may not stop, stand, or park a vehicle between a safety zone and
17 the adjacent curb or within 30 feet of points on the curb immediately opposite the
18 ends of a safety zone, unless the State Highway Administration or local authority
19 indicates a different length by signs or markings.

20 (g) A person may not stop, stand, or park a vehicle alongside or opposite any
21 highway excavation or obstruction if to do so would obstruct traffic.

22 (h) A person may not stop, stand, or park a vehicle on any bridge or other
23 elevated structure on a highway.

24 (i) A person may not stop, stand, or park a vehicle in a highway tunnel.

25 (j) A person may not stop, stand, or park a vehicle at any place where
26 stopping is prohibited by an official sign.

27 (k) A person may not stop, stand, or park a vehicle on any entrance or exit
28 ramp of any highway with two or more lanes for traffic moving in the same direction.

29 (l) A person may not stand or park a vehicle in front of a private driveway
30 without the consent of the owner or occupant of the premises.

31 (m) A person may not stand or park a vehicle within 15 feet of a fire hydrant.

32 (n) A person may not stand or park a vehicle within 20 feet of a crosswalk at
33 an intersection.

1 (o) A person may not stand or park a vehicle within 30 feet on the approach to
2 any flashing signal, stop sign, yield sign, or traffic control signal located at the side of
3 a roadway.

4 (p) A person may not stand or park a vehicle within 20 feet of the driveway
5 entrance to any fire station or on the side of a highway opposite the entrance to any
6 fire station within 75 feet of the entrance, if properly signposted.

7 (q) A person may not stand or park a vehicle at any place where standing is
8 prohibited by an official sign.

9 (r) A person may not stand or park a vehicle on the roadway side of any other
10 vehicle that is stopped or parked at the edge or curb of a highway.

11 (s) A person may not stand or park a vehicle on a curve or hill where solid
12 lines on the surface of the roadway indicate a zone in which passing is prohibited.

13 (t) A person may not park a vehicle within 50 feet of the nearest rail in a
14 railroad grade crossing.

15 (u) A person may not stop, stand, or park a vehicle unless for the use of an
16 individual with a disability, in a space or zone marked as restricted for the use of
17 individuals with disabilities.

18 (v) A person may not park a vehicle on any property owned by the Board of
19 Education of Montgomery County or Montgomery College where parking is prohibited
20 by an official sign.

21 (w) A person may not park a vehicle on any property owned by the Board of
22 Education of Baltimore County or the community colleges of Baltimore County where
23 parking is prohibited by an official sign.

24 (x) A person may not park a vehicle on any property owned by the Board of
25 Education of Wicomico County or the community colleges of Wicomico County where
26 parking is prohibited by an official sign.

27 (y) A person may not park a vehicle on any property owned by the Board of
28 Education of Prince George's County where parking is prohibited by an official sign.

29 (z) A person may not park a vehicle on any property owned by the Board of
30 Education of Calvert County, Charles County, or St. Mary's County or the community
31 colleges of Calvert County, Charles County, or St. Mary's County where parking is
32 prohibited by an official sign.

33 (aa) A person may not park a vehicle at any other place where parking is
34 prohibited by an official sign.

35 (bb) A person may not move a vehicle that he does not lawfully control into any
36 prohibited area.

1 (cc) A person may not move a vehicle that the person does not lawfully control
2 away from a curb for an unlawful distance.

3 (dd) A person may not stop, stand, or park a vehicle in front of a curb ramp
4 designed for the use of individuals with disabilities.

5 (ee) A person may not stop, stand, or park a vehicle in front of or on a
6 passenger loading zone designed or marked for the use of individuals with
7 disabilities.

8 (FF) A PERSON MAY NOT STAND OR PARK A TRAILER OR SEMITRAILER THAT IS
9 NOT ATTACHED TO AN APPROPRIATE TOWING VEHICLE ON ANY STATE HIGHWAY OR
10 CONTROLLED ACCESS HIGHWAY AS DEFINED IN § 8-101(F) OF THIS ARTICLE.

11 25-201.

12 (a) In this subtitle the following words have the meanings indicated.

13 (b) "Abandoned vehicle" means any motor vehicle, trailer, or semitrailer:

14 (1) That is inoperable and left unattended on public property for more
15 than 48 hours;

16 (2) That has remained illegally on public property for more than 48
17 hours;

18 (3) That has remained on private property for more than 48 hours
19 without the consent of the owner or person in control of the property;

20 (4) That has remained in a garage for more than 10 days after the
21 garage keeper has given the owner of the vehicle notice by certified mail, return
22 receipt requested, bearing a postmark from the United States Postal Service, to
23 remove the vehicle;

24 (5) That has remained in a garage for more than 10 days after the period
25 when, by contract, the vehicle was to remain in the garage;

26 (6) That was left for more than 10 days in a garage by:

27 (i) Someone other than its registered owner; or

28 (ii) A person authorized to have possession of the vehicle under a
29 contract of use, service, storage, or repair;

30 (7) That has remained on public property for more than 48 hours and:

31 (i) Is not displaying currently valid registration plates; or

32 (ii) Is displaying registration plates of another vehicle;

1 (8) That has been left unattended on any portion of a "controlled access
2 highway" as defined in § 8-101(f) of this article for more than 24 hours;

3 (9) That has been left unattended on any portion of a primary or
4 secondary highway or controlled access highway, as defined in § 8-101 of this article,
5 and is in violation of any of the provisions of § 22-408 of this article; [or]

6 (10) THAT HAS BEEN LEFT UNATTENDED ON ANY HIGHWAY AND IS
7 CONSIDERED TO BE A SECURITY RISK OR A HAZARD TO OTHER PERSONS OR
8 VEHICLES; OR

9 [(10)] (11) That is not reclaimed as provided under § 27-111 of this article.

10 (c) "Garage" means any of the following, if operated for commercial purposes:

11 (1) A parking place or establishment;

12 (2) A vehicle storage facility; or

13 (3) An establishment for the servicing, repair, or maintenance of
14 vehicles.

15 (d) (1) "Lessor" means a person who regularly leases or offers to lease motor
16 vehicles.

17 (2) "Lessor" includes:

18 (i) An assignee of leases; and

19 (ii) A person who during any 12-month period offers to lease 5 or
20 more motor vehicles or who is assigned 5 or more leases.

21 (e) "Police department" means:

22 (1) The Department of State Police;

23 (2) The police department of any political subdivision of this State;

24 (3) In Baltimore City, the appropriate agency designated by the Board of
25 Estimates;

26 (4) The police forces of public colleges and universities;

27 (5) In Prince George's County, if designated by the County Executive, the
28 Prince George's County Department of Environmental Resources;

29 (6) In any municipality in Prince George's County or Montgomery
30 County, an appropriate agency or department designated by the governing body of the
31 municipality; and

32 (7) The police force of any State government agency.

1 25-202.

2 (a) A person may not abandon a vehicle:

3 (1) On any public property; or

4 (2) On any property other than his own without the permission of the
5 owner or lessee of the property.

6 (b) The last known registered owner of an abandoned vehicle is considered to
7 be the prima facie owner of the vehicle at the time it was abandoned and the person
8 who abandoned it.

9 25-203.

10 (a) A police department may take any abandoned vehicle into custody. For this
11 purpose, the police department may use its own personnel, equipment, and facilities
12 or, subject to the provisions of subsection (b) of this section, use other persons,
13 equipment, and facilities for removing, preserving, and storing abandoned vehicles.

14 (b) A police department may not authorize the use of a tow truck under
15 subsection (a) of this section unless the tow truck is registered under § 13-920 of this
16 article.

17 26-201.

18 (a) A police officer may charge a person with a violation of any of the following,
19 if the officer has probable cause to believe that the person has committed or is
20 committing the violation:

21 (1) The Maryland Vehicle Law, including any rule or regulation adopted
22 under any of its provisions;

23 (2) A traffic law or ordinance of any local authority;

24 (3) Title 9, Subtitle 2 of the Tax - General Article;

25 (4) Title 9, Subtitle 3 of the Tax - General Article; or

26 (5) Title 10, Subtitle 4 of the Business Regulation Article.

27 (b) A police officer who charges a person under this section shall issue a
28 written traffic citation to the person charged.

29 (c) A traffic citation issued to a person under this section shall contain:

30 (1) A notice to appear in court, including a notice that, if the offense is
31 not punishable by incarceration, the person may request a hearing regarding
32 sentencing and disposition in lieu of a trial as provided in § 26-204(b)(2) of this
33 subtitle;

- 1 (2) The name and address of the person;
- 2 (3) The number of the person's license to drive, if applicable;
- 3 (4) The State registration number of the vehicle, if applicable;
- 4 (5) The violation charged;
- 5 (6) Unless otherwise to be determined by the court, the time when and
6 place where the person is required to appear in court;
- 7 (7) A statement acknowledging receipt of the citation, to be signed by the
8 person;
- 9 (8) On the side of the citation to be signed by the person, a clear and
10 conspicuous statement that:
- 11 (i) The signing of the citation by the person does not constitute an
12 admission of guilt; and
- 13 (ii) The failure to sign may subject the person to arrest; and
- 14 (9) Any other necessary information.
- 15 (d) Unless the person charged demands an earlier hearing, a time specified in
16 the notice to appear shall be at least 5 days after the alleged violation.
- 17 (e) A place specified in the notice to appear shall be before a judge of the
18 District Court, as specified in § 26-401 of this title.
- 19 (f) An officer who discovers a vehicle stopped, standing, or parked in violation
20 of § 21-1001, § 21-1002, OR § 21-1003 of this article shall:
- 21 (1) Deliver a citation to the driver or, if the vehicle is unattended, attach
22 a citation to the vehicle in a conspicuous place; and
- 23 (2) Keep a copy of the citation, bearing his certification under penalty of
24 perjury that the facts stated in the citation are true.
- 25 (g) (1) A law enforcement officer who discovers a motor vehicle parked in
26 violation of § 13-402 of this article shall:
- 27 (i) Deliver a citation to the driver or, if the motor vehicle is
28 unattended, attach a citation to the motor vehicle in a conspicuous place; and
- 29 (ii) Keep a copy of the citation, bearing the law enforcement
30 officer's certification under penalty of perjury that the facts stated in the citation are
31 true.
- 32 (2) In the absence of the driver, the owner of the motor vehicle is
33 presumed to be the person receiving the citation or warning.

1 26-303.

2 (a) (1) The person receiving a citation under this subtitle shall:

3 (i) Pay for the parking violation directly to the political subdivision
4 or State agency serving the citation; or

5 (ii) Elect to stand trial for the violation.

6 (2) An election to stand trial shall be made by sending a notice of
7 intention to stand trial to the political subdivision or State agency at least 5 days
8 before the payment date specified in the citation.

9 (b) (1) If a person elects to stand trial and desires the presence at trial of the
10 officer who issued the citation, he shall so notify the political subdivision or State
11 agency at the time the notice of intention to stand trial is given.

12 (2) If proper notification is not given, the officer need not appear at the
13 trial, and the copy of the citation bearing the certification of the officer is prima facie
14 evidence of the facts stated in it.

15 27-101.

16 (w) [Any] NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, ANY
17 person who is convicted of committing a violation of § 21-1001, § 21-1002, OR §
18 [21-1003(j)] 21-1003 of this article while operating a commercial motor vehicle [in
19 Anne Arundel County] is subject to:

20 (1) For a first offense, a fine of \$100;

21 (2) For a second offense, a fine of \$250; and

22 (3) For a third or subsequent offense, a fine of \$500.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
24 effect October 1, 2005.