

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 877

(Delegate Kramer, *et al.*)

Environmental Matters

Vehicle Laws - Motorcycle at a Red Signal - Affirmative Defense

This bill establishes an affirmative defense for motorcycle operators against a claim of failure to obey properly placed traffic control device instructions or failure to stop at a steady circular red signal or a steady red arrow.

Fiscal Summary

State Effect: Potential minimal reduction in fine revenues to the extent the affirmative defense is successfully claimed by motorcycle operators in cases heard by the District Court. Enforcement can be handled with existing resources.

Local Effect: Enforcement can be handled with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: To claim the defense, the operator must establish that the motorcycle was brought to a complete stop at the intersection as required by the traffic control signal and at the time of the violation:

- the traffic control signal was operated by a visible vehicle sensor that controls the signal when a vehicle is detected;
- no other vehicle entitled to the right-of-way was sitting at, traveling through, or immediately approaching the intersection;
- no pedestrians were attempting to cross at or near the intersection; and

- the motorcycle remained stopped while facing a steady red signal for 120 seconds or one complete cycle of the traffic control signals controlling cross traffic at the intersection before the motorcycle operator proceeded to enter or cross the intersection.

Current Law: A “motorcycle” is a motor vehicle with motive power, and with a seat or saddle for the rider. It is designed to travel on not more than three wheels in contact with the ground at speeds exceeding 35 miles per hour and is of a type required to comply with all motor vehicle safety standards applicable to motorcycles under federal law.

The driver of any vehicle, except the driver of an emergency vehicle under specified circumstances, or unless directed otherwise by a police officer, must obey the instructions of any traffic control device applicable to the vehicle and placed in accordance with the Maryland Vehicle Law. A driver approaching an intersection is prohibited from driving across private property or leaving the roadway to avoid the instructions of a traffic control device. A driver who violates these provisions is guilty of a misdemeanor and is subject to a maximum fine of \$500. The prepayment penalty assessed by the District Court is \$90. If the violation contributes to an accident, the penalty increases to \$130. The Motor Vehicle Administration (MVA) must assess one point against the driver’s license. If the violation contributes to an accident, MVA must assess three points against the driver’s license.

Vehicular traffic facing a steady red signal or a steady red arrow must stop at the near side of the intersection at a clearly marked stop line. Vehicular traffic facing a steady red arrow signal may not enter the intersection to make the movement indicated by the arrow. If there is no stop line, traffic must stop before entering any crosswalk. If there is no crosswalk, traffic must stop before entering the intersection. Traffic must remain stopped until a signal to proceed is displayed. A violation of this provision is a misdemeanor and a violator is subject to a maximum fine of \$500. MVA must assess two points on the driver’s license or three points, if a violation contributes to an accident. The prepayment penalty assessed by the District Court is \$140 or \$180 if a violation contributes to an accident.

Additional Information

Prior Introductions: None.

Cross File: SB 784 (Senator Stone, *et al.*) - Judicial Proceedings.

Information Source(s): Department of Legislative Services

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mcp/ljm

Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510