

HOUSE BILL 886

R6

3lr2641

By: **Delegates Glass, James, and Myers**

Introduced and read first time: February 7, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Stopping on Shoulder – Warning Devices**

3 FOR the purpose of altering the requirements for placing warning devices for certain
4 motor vehicles that are not disabled but are stopped on the shoulder of a
5 roadway; providing that a violation of this Act is not a moving violation for the
6 purpose of assessing points; establishing certain penalties for violations of this
7 Act; and generally relating to requirements for placing warning devices for
8 motor vehicles that are stopped on the shoulder of a roadway.

9 BY repealing and reenacting, with amendments,
10 Article – Transportation
11 Section 22–408
12 Annotated Code of Maryland
13 (2012 Replacement Volume)

14 BY repealing and reenacting, without amendments,
15 Article – Transportation
16 Section 27–101(a) and (b)
17 Annotated Code of Maryland
18 (2012 Replacement Volume)

19 BY adding to
20 Article – Transportation
21 Section 27–101(ff)
22 Annotated Code of Maryland
23 (2012 Replacement Volume)

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

26 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 22-408.

2 (a) Whenever any truck, passenger bus, truck tractor, trailer, semitrailer, or
3 pole trailer, or any motor vehicle towing a mobile home is disabled on the roadway or
4 shoulder of any highway outside of any municipal corporation at any time when
5 lighted lamps are required on vehicles, the driver of the vehicle shall display the
6 following warning devices on the highway during the time the vehicle is so disabled on
7 the highway, except as provided in subsection (b), (c) or (e) of this section:

8 (1) A lighted fusee, a lighted red electric lantern, or a portable red
9 emergency reflector shall be immediately placed at the traffic side of the vehicle in the
10 direction of the nearest approaching traffic; and

11 (2) As soon thereafter as possible, but in any event within 15 minutes
12 or before any fusee used for this purpose burns out, whichever occurs first, the driver
13 shall place three liquid-burning flares (pot torches), three lighted red electric lanterns,
14 or three portable red emergency reflectors on the roadway of the highway in the
15 following order:

16 (i) One, approximately 100 feet from the disabled vehicle in the
17 center of the lane occupied by the vehicle and toward traffic approaching in that lane;

18 (ii) One, approximately 100 feet in the opposite direction from
19 the disabled vehicle and in the center of the traffic lane occupied by the vehicle; and

20 (iii) One, at the traffic side of the disabled vehicle not less than
21 10 feet rearward or forward of it in the direction of the nearest approaching traffic,
22 except that, if a lighted red electric lantern or a red portable emergency reflector has
23 been placed at the traffic side of the vehicle in accordance with paragraph (1) of this
24 subsection, it may be used for this purpose.

25 (b) Whenever any vehicle of a type referred to in this section is disabled
26 within 500 feet of a curve, hillcrest, or other obstruction to view, the warning signal in
27 that direction shall be placed to afford ample warning to other users of the highway,
28 but in no case less than 100 feet or more than 500 feet from the disabled vehicle.

29 (c) Whenever any vehicle of a type referred to in this section is disabled on
30 any roadway of a divided highway during the time lights are required, the appropriate
31 warning devices prescribed in subsections (a) and (e) of this section shall be placed as
32 follows:

33 (1) One at a distance of approximately 200 feet from the vehicle, in the
34 center of the lane occupied by the stopped vehicle and in the direction of traffic
35 approaching in that lane;

1 (2) One at a distance of approximately 100 feet from the vehicle, in the
2 center of the lane occupied by the vehicle and in the direction of traffic approaching in
3 that lane; and

4 (3) One at the traffic side of the vehicle and approximately 10 feet
5 from the vehicle in the direction of the nearest approaching traffic.

6 (d) Whenever any vehicle of a type referred to in this section is disabled on
7 the roadway or shoulder of any highway outside of any municipal corporation at any
8 time when the display of fusees, flares, red electric lanterns or portable red emergency
9 reflectors is not required, the driver of the vehicle shall display two red flags on the
10 roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of
11 approximately 100 feet in advance of the vehicle and one at a distance of
12 approximately 100 feet to the rear of the vehicle.

13 (e) (1) Whenever any motor vehicle used to carry explosives or any cargo
14 tank truck used to carry any flammable liquid or compressed flammable gas, or any
15 motor vehicle using compressed gas as a fuel, is disabled on a highway in this State at
16 any time or place mentioned in subsection (a) of this section, the driver of the vehicle
17 shall immediately display the following warning devices:

18 (i) One red electric lantern or portable red emergency reflector,
19 placed on the roadway at the traffic side of the vehicle; and

20 (ii) Two red electric lanterns or portable red reflectors, one
21 placed approximately 100 feet to the front and one placed approximately 100 feet to
22 the rear of this disabled vehicle, in the center of the traffic lane occupied by the
23 vehicle.

24 (2) Flares, fusees, or signals produced by flame may not be used as
25 warning devices for disabled vehicles of the type mentioned in this subsection.

26 **(f) (1) WHENEVER ANY VEHICLE OF A TYPE REFERRED TO IN THIS**
27 **SECTION IS NOT DISABLED BUT IS STOPPED ON THE SHOULDER OF A ROADWAY**
28 **DURING THE TIME LIGHTS ARE REQUIRED, THE APPROPRIATE WARNING**
29 **DEVICES SHALL BE PLACED AS FOLLOWS:**

30 **(i) ONE AT A DISTANCE, TO THE EXTENT FEASIBLE, OF**
31 **APPROXIMATELY 50 FEET FROM THE VEHICLE IN THE CENTER OF THE**
32 **SHOULDER AND IN THE DIRECTION OF THE NEAREST APPROACHING TRAFFIC;**
33 **AND**

34 **(ii) ONE AT THE TRAFFIC SIDE OF THE VEHICLE AND**
35 **APPROXIMATELY 10 FEET FROM THE VEHICLE IN THE DIRECTION OF THE**
36 **NEAREST APPROACHING TRAFFIC.**

1 **(2) A VIOLATION OF THIS SUBSECTION IS NOT A MOVING**
2 **VIOLATION FOR THE PURPOSE OF ASSESSING POINTS UNDER § 16-402 OF THIS**
3 **ARTICLE.**

4 **(G)** The flares, fusees, red electric lanterns, portable red emergency
5 reflectors, and flags to be displayed as required in this section shall conform with the
6 requirements of § 22-407 of this subtitle applicable to them.

7 27-101.

8 (a) It is a misdemeanor for any person to violate any of the provisions of the
9 Maryland Vehicle Law unless the violation:

10 (1) Is declared to be a felony by the Maryland Vehicle Law or by any
11 other law of this State; or

12 (2) Is punishable by a civil penalty under the applicable provision of
13 the Maryland Vehicle Law.

14 (b) Except as otherwise provided in this section, any person convicted of a
15 misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is
16 subject to a fine of not more than \$500.

17 **(FF) A PERSON WHO IS CONVICTED OF VIOLATING § 22-408(F) OF THIS**
18 **ARTICLE (IMPROPER WARNING DEVICES BY NONDISABLED VEHICLE) IS**
19 **SUBJECT TO:**

20 **(1) FOR A FIRST OFFENSE, A WARNING;**

21 **(2) FOR A SECOND OFFENSE, A FINE OF \$25; AND**

22 **(3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE OF \$50.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2013.