

# HOUSE BILL 322

R5

6lr1397

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By: **Delegate Afzali**

Introduced and read first time: January 27, 2016

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Failure to Obey Traffic Control Device on Maryland Route**  
3 **75 – Penalty**

4 FOR the purpose of increasing the maximum penalty for failure to obey a traffic control  
5 device governing the height of vehicles traveling on a certain portion of Maryland  
6 Route 75 in Frederick County.

7 BY repealing and reenacting, without amendments,  
8 Article – Transportation  
9 Section 11–167 and 21–201  
10 Annotated Code of Maryland  
11 (2012 Replacement Volume and 2015 Supplement)

12 BY adding to  
13 Article – Transportation  
14 Section 27–105.1  
15 Annotated Code of Maryland  
16 (2012 Replacement Volume and 2015 Supplement)

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

19 **Article – Transportation**

20 11–167.

21 “Traffic control device” means any sign, signal, marking, or device that:

22 (1) Is not inconsistent with the Maryland Vehicle Law; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Is placed by authority of an authorized public body or official to  
2 regulate, warn, or guide traffic.

3 21-201.

4 (a) (1) Subject to the exceptions granted in this title to the driver of an  
5 emergency vehicle, the driver of any vehicle, unless otherwise directed by a police officer,  
6 shall obey the instructions of any traffic control device applicable to the vehicle and placed  
7 in accordance with the Maryland Vehicle Law.

8 (2) The driver of a vehicle approaching an intersection controlled by a  
9 traffic control device may not drive across private property or leave the roadway for the  
10 purpose of avoiding the instructions of a traffic control device.

11 (b) (1) If a provision of the Maryland Vehicle Law or of an ordinance or  
12 regulation of a local authority requires a traffic control device, the provision is  
13 unenforceable against an alleged violator if, at the time and place of the alleged violation,  
14 the traffic control device is not in proper position and legible enough to be seen by an  
15 ordinarily observant individual.

16 (2) Unless a provision of the Maryland Vehicle Law or of an ordinance or  
17 regulation of a local authority states that a traffic control device is required, the provision  
18 is effective and enforceable even if no traffic control device is in place.

19 (c) Unless the contrary is established by competent evidence, if a traffic control  
20 device is placed in a position approximately meeting the requirements of the Maryland  
21 Vehicle Law, the device is presumed to have been placed by the official act or direction of  
22 lawful authority.

23 (d) Unless the contrary is established by competent evidence, if a traffic control  
24 device is placed in accordance with the Maryland Vehicle Law and purports to meet the  
25 lawful requirements governing these devices, the device is presumed to meet the  
26 requirements of the Maryland Vehicle Law.

27 **27-105.1.**

28 **A PERSON WHO, IN VIOLATION OF § 21-201 OF THIS ARTICLE, FAILS TO OBEY**  
29 **A TRAFFIC CONTROL DEVICE GOVERNING THE HEIGHT OF VEHICLES TRAVELING ON**  
30 **MARYLAND ROUTE 75 BETWEEN BALDWIN ROAD AND MARYLAND ROUTE 80 IN**  
31 **FREDERICK COUNTY IS SUBJECT TO A FINE OF NOT MORE THAN \$10,000.**

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 2016.