

Department of Legislative Services  
Maryland General Assembly  
2019 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 517

(Delegate Stewart, *et al.*)

Environment and Transportation

Judicial Proceedings

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Crosswalks – Violation of Pedestrian Right-of-Way – Penalty

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This bill increases the maximum fine, from \$500 to \$1,000, when a driver contributes to an accident by (1) failing to come to a stop when a pedestrian is crossing the roadway in a crosswalk, as specified or (2) overtaking and passing a stopped vehicle that is allowing a pedestrian to cross the roadway at a marked crosswalk or at an unmarked crosswalk at an intersection.

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Fiscal Summary

**State Effect:** General fund revenues may increase minimally due to the higher maximum penalty established by the bill. Enforcement can be handled with existing resources.

**Local Effect:** Enforcement can be handled with existing resources. Revenues are not affected.

**Small Business Effect:** None.

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Analysis

**Current Law:** The driver of a vehicle must come to a stop when a pedestrian crossing the roadway in a crosswalk is (1) on the half of the roadway on which the vehicle is traveling or (2) approaching from an adjacent lane on the other half of the roadway. However, this provision does not apply where (1) a pedestrian tunnel or overhead pedestrian crossing is provided or (2) a traffic control signal is in operation.

If a vehicle is stopped at a marked (or unmarked) crosswalk at an intersection to let a pedestrian cross the roadway, the driver of any other vehicle approaching from the rear is prohibited from overtaking and passing the stopped vehicle.

A violation of these provisions is a misdemeanor subject to a maximum fine of \$500. The prepayment penalty for each violation is \$80 and, upon conviction, one point is assessed against the driver's license. If the violation contributes to an accident, the person charged with the violation must appear in court and may not prepay the fine. In addition, upon conviction, three points are assessed against the driver's license.

**Background:** According to the District Court, in fiscal 2018, there were 2 violations and 2 guilty dispositions for a driver failing to stop for a pedestrian in a crosswalk that contributed to an accident. In addition, there were 67 violations and 44 guilty dispositions for a driver passing a vehicle stopped for a pedestrian at a crosswalk that contributed to an accident.

**State Revenues:** Beginning in fiscal 2020, general fund revenues may increase minimally as some violators are subject to paying a higher fine. As noted above, a violation of Transportation Article § 21-502(a) (failing to stop for a pedestrian in a crosswalk) or § 21-502(c) (passing a vehicle stopped for a pedestrian at a crosswalk) that contributes to an accident requires an appearance in court. The District Court does not track the amount of any fines paid by those convicted of these violations. As a result, the exact increase in general fund revenues under the bill cannot be estimated.

*As an illustrative example only*, assuming the number of convictions remains constant in future years and that all individuals convicted pay a fine that is increased by \$250, general fund revenues increase by about \$8,625 in fiscal 2020 and by \$11,500 in subsequent years.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 460 (Senator Waldstreicher, *et al.*) - Judicial Proceedings.

**Information Source(s):** Garrett and Montgomery counties; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Maryland Association of Counties; Department of Legislative Services

**Fiscal Note History:** First Reader - February 20, 2019  
sb/kdm Third Reader - March 27, 2019  
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