

Department of Legislative Services
 Maryland General Assembly
 2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 973 (Delegate Stewart, *et al.*)
 Environment and Transportation

Vehicle Laws - Violations Involving Pedestrians or Bicyclists - Penalties
(Pedestrian Safety Act of 2020)

This bill establishes specified minimum fines for violations of specified offenses under the Maryland Vehicle Law. Fines collected for violations of these offenses must be distributed to the Pedestrian Safety Fund. The Secretary of Transportation, in administering the fund, must prioritize enhancing the safety and quality of pedestrian and bicycle transportation near schools and school bus stops.

Fiscal Summary

State Effect: General fund expenditures increase by \$11,000 in FY 2021 only. General fund revenues decrease annually beginning in FY 2021; special fund revenues increase correspondingly. Special fund revenues increase further due to the bill’s minimum penalties; special fund expenditures increase correspondingly, as discussed below.

(in dollars)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
GF Revenue	(-)	(-)	(-)	(-)	(-)
SF Revenue	-	-	-	-	-
GF Expenditure	\$11,000	\$0	\$0	\$0	\$0
SF Expenditure	-	-	-	-	-
Net Effect	(\$11,000)	-	-	-	-

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

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

Small Business Effect: None.

Analysis

Bill Summary: A person convicted of unlawfully passing a vehicle stopped for a pedestrian at a crosswalk (Transportation § 21-502(c)), is subject to a minimum fine of \$100. In addition, a person convicted of the following violations is subject to a minimum fine of \$150:

- failure to yield the right-of-way to a pedestrian or bicycle after a green arrow signal (Transportation § 21-202(e));
- failure to yield the intersection right-of-way after a turn on a red signal to a pedestrian or bicycle lawfully within an adjacent crosswalk or any vehicle in the intersection or approaching on another roadway (Transportation § 21-202(k));
- failure to stop before entering a crosswalk at a flashing red signal (Transportation § 21-204(c));
- failure to stop for a pedestrian in a crosswalk (Transportation § 21-502(a)(2));
- failure to exercise due care to avoid colliding with a pedestrian (Transportation 21-504(a));
- failure to exercise proper precaution upon observing a child or obviously confused or incapacitated individual (Transportation 21-504(c));
- failure to yield the right-of-way to a blind or partially blind pedestrian using a guide dog or carrying a white or metallic cane (Transportation § 21-511(a)(1)(i));
- failure to yield the right-of-way to a deaf or hearing impaired pedestrian accompanied by a guide dog (Transportation § 21-511(a)(1)(ii));
- failure to yield the right-of-way to a mobility impaired individual crossing a roadway while using a mobility-assisted device (Transportation § 21-511(a)(1)(iii));
- failure to stop upon emerging from an alley, driveway, or building (Transportation § 21-705(a));
- failure to yield the right-of-way to a pedestrian upon entering an alley, driveway, or building (Transportation § 21-705(d));
- failure to stop at a stop sign before entering a crosswalk (Transportation § 21-707(b)); and
- failure to stop at a yield sign if required for safety before entering a crosswalk (Transportation § 21-707(e)).

Fines collected for violations of the above-specified offenses must be distributed to the Pedestrian Safety Fund. In addition, fines for other offenses are to be distributed to the fund, specifically fines collected for (1) failure to stop for a stopped school vehicle operating alternately flashing red lights and (2) failure to remain stopped for a stopped school vehicle operating alternately flashing red lights (Transportation § 21-706(a) and (b)).

Current Law/Background: Exhibit 1 displays the maximum penalties, prepayment penalties, and fiscal 2019 violations for the offenses specified under the bill:

Exhibit 1
Maximum and Prepayment Penalties and Fiscal 2019 Violations for Specified Traffic Offenses

<u>Offense</u>	<u>Maximum Penalty</u>	<u>Prepayment Penalty</u>	<u>Violations</u>
Failure to yield right-of-way to a pedestrian or bicycle after a green arrow signal	\$500	\$90 \$130 if CTA	8
Failure to yield the intersection right-of-way after a turn on a red signal	\$500	\$90 \$130 if CTA	105
Failure to stop before entering a crosswalk at a flashing red signal	\$500	\$90 \$130 if CTA	65
Failure to stop for a pedestrian in a crosswalk or unlawfully passing a vehicle stopped for a pedestrian at a crosswalk	\$500 If CTA, \$1,000 and/or 2 months imprisonment	\$80 Must appear if CTA	697
Failure to exercise due care to avoid colliding with a pedestrian or exercise proper precaution upon observing a child or an obviously confused or incapacitated individual	\$500	\$70 \$110 if CTA	129
Failure to yield the right-of-way to a blind or partially blind, hearing impaired, or mobility impaired individual	\$500	\$70 \$110 if CTA	1
Failure to stop or remain stopped for a stopped school vehicle operating alternately flashing red lights	\$1,000	\$570	742
Failure to stop upon emerging from or yield the right-of-way to a pedestrian upon entering an alley, driveway, or building	\$500	\$90 \$130 if CTA	15
Failure to stop at a stop sign or at a yield sign if required for safety before entering a crosswalk	\$500	\$90 \$130 if CTA	183

CTA: contributes to an accident

Source: Judiciary (Administrative Office of the Courts); Department of Legislative Services

Pedestrian Safety Fund

Chapter 512 of 2019, which took effect October 1, 2019, established the Pedestrian Safety Fund administered by the Secretary of Transportation. The Act also increased 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. The Act requires *all* fines collected for these violations (that contribute to an accident) to be dedicated to the fund. The fund also consists of (1) money appropriated in the State budget for the fund; (2) any interest earnings of the fund; and (3) any other money from any source accepted for the benefit of the fund.

The fund may be used only for enhancing the safety and quality of pedestrian and bicycle transportation, including:

- developing and providing educational programming for bicyclists, motorists, and pedestrians that raises the awareness of their joint responsibility to follow the rules of the road;
- physical design changes that calm traffic, minimize conflicts among street users, and protect bicyclists, motorists, and pedestrians, including specified design changes; and
- increasing enforcement of existing rules of the road, such as by using radar speed display signs in areas where pedestrian crashes have occurred.

The Maryland Department of Transportation advises that it is in the process of implementing the fund, which currently has zero balance.

State Fiscal Effect: The Judiciary advises that programming changes are required to implement the bill. Accordingly, general fund expenditures increase by an estimated \$11,000 in fiscal 2021 only.

General fund revenues decrease as fines collected for violations of specified offenses are diverted to the Pedestrian Safety Fund; special fund revenues increase by an equivalent amount. Special fund revenues increase further as a result of the minimum fine established by the bill for specified offenses. Special fund expenditures increase correspondingly with special fund revenue increases as available funds are spent. Neither the decrease in general fund revenues nor the increase in special fund revenues and expenditures resulting from the bill can be reliably estimated, as they depend on the actual amount of fines imposed for violations of specified offenses under the bill and the amount of fines currently collected, for which data is not readily available.

Under one illustrative scenario, general fund revenues decrease annually by at least \$260,800, and special fund revenues and expenditures increase annually by at least \$300,700. This estimate assumes that (1) the number of violations for specified offenses remains constant from fiscal 2019 levels and (2) approximately 50% of citations issued under these offenses are prepaid. In addition, this estimate assumes the existing prepayment penalties for failure to stop or remain stopped for school vehicles and assumes prepayment penalties of at least the minimum penalties established under the bill for other specified offenses.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 815 (Senator Waldstreicher) - Judicial Proceedings.

Information Source(s): Baltimore City; Montgomery and Prince George's counties; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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Analysis by: Elizabeth J. Allison

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