

Unofficial Copy  
R5  
SB 158/96 - JPR

1997 Regular Session  
7r2048  
CF SB 122

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**By: Delegates Snodgrass, Faulkner, DeCarlo, Clagett, Stup, Dypski, Poole, Hecht, McKee, Donoghue, Stull, Edwards, Klima, Elliott, and Patterson**

Introduced and read first time: January 31, 1997

Assigned to: Commerce and Government Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 1997

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

**2 Blind, Deaf, or Mobility Impaired Pedestrians - Right-of-Way - Penalties**

3 FOR the purpose of altering the number of points that the Motor Vehicle Administration  
4 is required to assess against an individual convicted of certain motor vehicle  
5 violations related to the failure to yield the right-of-way to blind, deaf, or mobility  
6 impaired pedestrians; and generally relating to the penalties for motor vehicle  
7 violations.

8 BY renumbering

9 Article - Transportation

10 Section 16-402(a)(8) through (33), respectively

11 to be Section 16-402(a)(9) through (34), respectively

12 Annotated Code of Maryland

13 (1992 Replacement Volume and 1996 Supplement)

14 ~~BY repealing and reenacting, with amendments,~~ adding to

15 Article - Transportation

16 Section 16-402(a)(8)

17 Annotated Code of Maryland

18 (1992 Replacement Volume and 1996 Supplement)

19 BY repealing and reenacting, without amendments,

20 Article - Transportation

21 Section 21-511(a) and 27-101(b)

22 Annotated Code of Maryland

23 (1992 Replacement Volume and 1996 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That Section(s) 16-402(a)(8) through (33), respectively, of Article -  
3 Transportation of the Annotated Code of Maryland be renumbered to be Section(s)  
4 16-402(a)(9) through (34), respectively.

5 SECTION 4. 2. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article - Transportation**

8 16-402.

9 (a) After the conviction of an individual for a violation of Article 27, § 388, §  
10 388A, or § 388B of the Code, or of the vehicle laws or regulations of this State or of any  
11 local authority, points shall be assessed against the individual as of the date of violation  
12 and as follows:

- 13 ~~(1) Any moving violation not listed below and not contributing to an~~  
14 ~~accident ..... 1 point~~
- 15 ~~(2) Following another vehicle too closely ..... 2 points~~
- 16 ~~(3) Speeding in excess of the posted speed limit by 10 miles an hour or~~  
17 ~~more ..... 2 points~~
- 18 ~~(4) Driving with an improper class of license ..... 2 points~~
- 19 ~~(5) Failing to stop for a school vehicle with alternately flashing lights ..... 2~~  
20 ~~points~~
- 21 ~~(6) Any violation of § 21-1111 of this article ..... 2 points~~
- 22 ~~(7) Passing an emergency or police vehicle under the provisions of §~~  
23 ~~21-405(d) of this article ..... 2 points~~
- 24 (8) EXCEPT AS PROVIDED IN ITEM (23) OF THIS SUBSECTION, A FIRST  
25 VIOLATION OF § 21-511(A) OF THIS ARTICLE ..... 2 POINTS
- 26 ~~{(8)} (9) [Any] EXCEPT AS PROVIDED IN ITEM (23) OF THIS~~  
27 ~~SUBSECTION, A moving violation contributing to an accident ..... 3 points~~
- 28 ~~{(9)} (10) Driving after suspension of license under the provisions of §~~  
29 ~~17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or~~  
30 ~~regulations of another state as described in § 16-303(i) of this title ..... 3 points~~
- 31 ~~{(10)} (11) Any violation, except violations committed on the John F. Kennedy~~  
32 ~~Memorial Highway, of § 21-1411 of this article ..... 3 points~~
- 33 ~~{(11)} (12) Reckless driving ..... 4 points~~
- 34 (13) EXCEPT AS PROVIDED IN ITEM (23) OF THIS SUBSECTION, A SECOND  
35 OR SUBSEQUENT VIOLATION OF § 21-511(A) OF THIS ARTICLE ..... 4 POINTS
- 36 ~~{(12)} (14) Speeding in excess of the posted speed limit by 30 miles an hour or~~  
37 ~~more ..... 5 points~~

- 1            ~~{(13)}~~ (15) Driving while not licensed ..... 5 points
- 2            ~~{(14)}~~ (16) Failure to report an accident ..... 5 points
- 3            ~~{(15)}~~ (17) Driving on a learner's permit unaccompanied ..... 5 points
- 4            ~~{(16)}~~ (18) Any violation of § 17-107 of this article ..... 5 points
- 5            ~~{(17)}~~ (19) Participating in a race or speed contest on a highway ..... 5 points
- 6            ~~{(18)}~~ (20) Any violation of § 16-304 or § 16-305 of this title ..... 5 points
- 7            ~~{(19)}~~ (21) Any violation of § 22-404.5 of this article ..... 5 points
- 8            ~~{(20)}~~ (22) Speeding in excess of a posted speed limit of 65 miles an hour by
- 9 20 miles an hour or more ..... 5 points
- 10           ~~(23) A VIOLATION OF § 21-511(A) OF THIS ARTICLE THAT RESULTS IN AN~~
- 11 ACCIDENT ..... 5 POINTS
- 12            ~~{(21)}~~ (24) Driving while under the influence of alcohol or while under
- 13 influence of a drug, combination of drugs, or combination of drugs and alcohol ..... 8 points
- 14            ~~{(22)}~~ (25) Turning off lights of a vehicle to avoid identification ..... 8 points
- 15            ~~{(23)}~~ (26) Failing to stop after accident resulting in damage to attended
- 16 vehicle or property ..... 8 points
- 17            ~~{(24)}~~ (27) Failing to stop after accident resulting in damage to unattended
- 18 vehicle or property ..... 8 points
- 19            ~~{(25)}~~ (28) Any violation of § 16-815 or § 16-816 of this title ..... 8 points
- 20            ~~{(26)}~~ (29) Failing to stop after an accident resulting in bodily injury or
- 21 death ..... 12 points
- 22            ~~{(27)}~~ (30) Driving after refusal, suspension, cancellation, or revocation of
- 23 license except for suspensions of license under the provisions of § 17-106, § 26-204, §
- 24 26-206, or § 27-103 of this article, or under the traffic laws or regulations of another state
- 25 as described in § 16-303(i) of this title ..... 12 points
- 26            ~~{(28)}~~ (31) Any violation of § 16-301, § 16-302, § 16-804, or § 16-808(1)
- 27 through (9) of this title ..... 12 points
- 28            ~~{(29)}~~ (32) Homicide, life threatening injury under Article 27, § 388B of the
- 29 Code, or assault committed by means of a vehicle ..... 12 points
- 30            ~~{(30)}~~ (33) Driving while intoxicated, while intoxicated per se, or while under
- 31 the influence of illegally used controlled dangerous substance ..... 12 points
- 32            ~~{(31)}~~ (34) Any felony involving use of a vehicle ..... 12 points
- 33            ~~{(32)}~~ (35) Fleeing or attempting to elude a police officer ..... 12 points
- 34            ~~{(33)}~~ (36) The making of a false affidavit or statement under oath, or falsely
- 35 certifying to the truth of any fact or information to the Administration under the

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1 ~~Maryland Vehicle Law or under any law relating to the ownership or operation of motor~~  
2 ~~vehicles ..... 12 points~~

3 ~~(b) If a conviction occurs on multiple charges based on offenses alleged to have~~  
4 ~~been committed at the same time or arising out of circumstances simultaneous in time~~  
5 ~~and place, the Administration:~~

6 ~~(1) Shall assess points against the individual convicted only on the charge~~  
7 ~~that has the highest point assessment; and~~

8 ~~(2) May not assess points on the remainder of the multiple charges.~~

9 21-511.

10 (a) The driver of a vehicle shall yield the right-of-way to:

11 (1) A blind or partially blind pedestrian using a guide dog or carrying a cane  
12 predominantly white or metallic in color (with or without a red tip);

13 (2) A deaf or hearing impaired pedestrian accompanied by a guide dog; or

14 (3) A mobility impaired individual crossing a roadway while using any of the  
15 following mobility-assisted devices:

16 (i) A manual or motorized wheelchair;

17 (ii) A motorized scooter;

18 (iii) Crutches; or

19 (iv) A cane.

20 27-101.

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

24 SECTION 2- ~~3~~ AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 1997.