

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

House Bill 276 (Garrett County Delegation and Allegany County Delegation)
Commerce and Government Matters

**Transportation - Failing to Stop for a School Vehicle with Activated Flashing
Lights - Penalties**

This bill increases, from three to five, the number of points assessed against a driver who fails to stop for a school vehicle that is stopped with activated alternatively flashing red lights. It also increases the maximum fine for failure to stop for a school vehicle from \$500 to \$1,000.

Fiscal Summary

State Effect: Potential increase in general fund revenue due to the increased penalty assessed for this offense under the Maryland Vehicle Law. The increase depends on the number of convictions, which cannot be determined beforehand. General fund expenditures could increase if the District Court cannot handle the increased number of trials with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: If a school vehicle has stopped on a roadway and is operating alternately flashing red lights, the driver of any other vehicle meeting or overtaking the school vehicle must stop at least 20 feet from the rear of the school vehicle, if approaching the school vehicle from its rear, or at least 20 feet from the front of the school vehicle, if approaching the school vehicle from its front. Violators may be assessed three points and

are subject to a maximum \$500 penalty under Maryland Vehicle Law. Drivers who elect not to contest the violation are subject to a \$270 pre-pay penalty.

If a school vehicle has stopped on a roadway and is operating alternately flashing red lights, the driver of any other vehicle meeting or overtaking the school vehicle may not proceed until the school vehicle resumes motion or the alternately flashing red lights are deactivated. Violators may be assessed up to three points and are subject to a \$500 fine. Drivers who elect not to contest the violation are subject to a \$270 pre-pay penalty. This requirement does not apply to the driver of a vehicle on a divided highway, if the school vehicle is on a different roadway.

Violations for which a \$1,000 fine can currently be assessed include reckless or negligent driving and submitting a fraudulent application for a certificate of title or vehicle registration.

Background: Chapter 332 of 2000 created a nonlapsing fund (through fiscal 2005) that allows the Department of State Police to provide annual grants up to \$35,000 to local law enforcement agencies to better enforce illegal passing of school vehicles. It also increased the number of points assessed against a violator from two to three. The State Police report that local law enforcement agencies have been meeting with local school boards and pupil transportation boards to identify problem areas and develop effective enforcement programs.

State Fiscal Effect: The Motor Vehicle Administration (MVA) advises that 979 drivers were charged with overtaking a stopped school vehicle in calendar 2000. General fund revenues would increase depending on the number of people assessed a higher fine.

The District Court of Maryland advises that increased fines can generate a significant increase in the number of defendants who choose to appear for trial. Any need for additional judges, court staff, or court facilities depends on the number of new trials, which cannot be reliably estimated at this time. The MVA advises that it can handle the requirements of the bill with existing resources.

Additional Information

Prior Introductions: None.

Cross File: SB 311 (Senator Hafer) – Judicial Proceedings.

Information Source(s): Allegany County, Department of Transportation, Judiciary (Administrative Office of the Courts), Department of State Police, Department of Legislative Services

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