

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 370 (Senator Hafer, *et al.*)
Judicial Proceedings

**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 alternately flashing red lights and increases, from two to five, the points assessed against a driver who fails to remain stopped. It increases the maximum fine for both violations 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. In addition, 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 three points and are subject to a maximum \$500 penalty under the Maryland Vehicle Law. Drivers who elect not to contest the violation are subject to a \$270 pre-pay penalty. These requirements do 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 may 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 of up to \$35,000 to local law enforcement agencies to better enforce illegal passing of school vehicles. The local agency must offer a plan to develop an effective enforcement program to receive the grant. It also increased the number of points assessed against a violator from two to three.

State Effect: The Motor Vehicle Administration (MVA) advises that in calendar 2001, 611 drivers were charged with overtaking a stopped school vehicle or failing to remain stopped. The MVA could handle the requirements of the bill with existing resources.

General fund revenues could increase depending on the number of people assessed a higher fine. 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. However, the number of drivers charged with these violations appears to be decreasing.

Additional Information

Prior Introductions: A similar bill was introduced as SB 311 in the 2002 session and received an unfavorable report by the Judicial Proceedings Committee.

Cross File: None.

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

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