

**Department of Legislative Services**  
 Maryland General Assembly  
 2003 Session

**FISCAL AND POLICY NOTE**

Senate Bill 719 (Senator Hafer)  
 Judicial Proceedings

**Vehicle Laws - Penalties - Motorcycle Safety Program**

This bill provides that if a driver is convicted of failing to yield the right-of-way to another vehicle and the violation contributes to an accident resulting in bodily injury to another person, then, in addition to any other penalty, the driver is subject to a fine of \$500 and suspension of the driver’s license for 90 days. If failing to yield the right-of-way to another vehicle contributes to an accident that results in the death of another person, then, in addition to any other penalty, the driver is subject to a fine of \$1,000 and suspension of the driver’s license for six months. All fines imposed concerning violations in which the vehicle is a motorcycle must be used to fund the Motorcycle Safety Program.

**Fiscal Summary**

**State Effect:** Special fund revenues increase by \$64,500 in FY 2004 due to surcharges from failure-to-yield accidents allocated to the Motorcycle Safety Fund. General fund revenues increase by \$327,000 in FY 2004 due to surcharges from failure-to-yield accidents resulting in bodily injuries or fatalities. Out-years include annualization, no change in the surcharge, and a relatively stable number of applicable accidents. General fund expenditures increase by \$205,500 in FY 2004 for one-time computer programming and revision of the Uniform Motor Vehicle Citation form. However, economies of scale could significantly reduce these estimated expenditures.

(in dollars)	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
GF Revenue	\$327,000	\$436,000	\$436,000	\$436,000	\$436,000
SF Revenue	64,500	86,000	86,000	86,000	86,000
GF Expenditure	205,500	0	0	0	0
Net Effect	\$186,000	\$522,000	\$522,000	\$522,000	\$522,000

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

**Local Effect:** None.

**Small Business Effect:** None.

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## **Analysis**

**Current Law:** Except at through highways and as otherwise provided, a vehicle at an intersection has the right-of-way over any other vehicle approaching from the left and must yield the right-of-way to any other vehicle approaching from the right. At a “T” intersection with no traffic control device, any person driving on a highway that intersects, but does not cross the highway, must yield the right-of-way to any other vehicle traveling on the other highway.

If a driver approaches a through highway, the driver must stop at the entrance and yield the right-of-way to any other vehicle approaching on the through highway. If a stop sign is placed at the entrance to an intersecting highway, the driver approaching the intersecting highway must stop as required by the stop sign and yield the right-of-way to any other approaching vehicle. If a “yield” sign is facing a driver on the approach to an intersection, the driver must approach the intersection with caution and yield the right-of-way to any other vehicle approaching on the other highway. To yield the right-of-way, the driver must stop, if necessary.

A driver about to enter or cross a highway from a private road or driveway must yield the right-of-way to any other vehicles approaching on the highway. The driver of a vehicle about to enter or cross a paved highway from an unpaved highway must yield the right-of-way to any other approaching vehicle on the paved highway. A driver about to enter or cross any part of a highway from a crossover, whether or not signposted, must yield the right-of-way to any other vehicle approaching on that part of the highway. On the immediate approach of an emergency vehicle that is lawfully using audible and visual signals or a police car lawfully using audible signals, the driver of every other vehicle must yield the right-of-way, unless otherwise directed by a police officer.

A violation of any of these laws is a misdemeanor. A violator is subject to a maximum fine of \$500 and the imposition of one point if the violation does not contribute to an accident, and three points if the violation contributes to an accident.

The purpose of the Motorcycle Safety Program, which is administered by the Maryland Department of Transportation and the Motor Vehicle Administration (MVA), is to improve the safety of motorcyclists through programs of cyclist training to improve rider skills and to generally provide for a public awareness effort that will benefit all highway users.

**State Revenues:** General fund revenues could increase by \$327,000 in fiscal 2004, accounting for an October 1 start date. Based upon information supplied by the MVA and the State Highway Administration (SHA), it is estimated that there are approximately 2,240 convictions annually for failure-to-yield accidents (including motorcycle accidents). Of this number, an estimated 9 convictions involved a fatality and 854 convictions involved bodily injuries (excluding motorcycle accidents). Accordingly, general fund revenues could increase by 436,000 annually, assuming no change in the surcharge and that the number of failure-to-yield accidents involving fatalities or bodily injuries remains relatively constant.

In addition, special fund revenues to the Motorcycle Safety Program could increase by \$64,500 in fiscal 2004. Out-years include annualization. The MVA advises that over the last seven-year period (1995 to 2002), failure-to-yield accidents involving motorcycles averaged 9 accidents with fatalities and 154 accidents with bodily injuries annually. Accordingly, the Motorcycle Safety Program would collect about \$9,000 in revenues from fatalities and \$77,000 from bodily injury accidents annually. Future year projections assume no change in the surcharge and that the number of failure-to-yield accidents involving a motorcycle would remain relatively constant.

**State Expenditures:** General fund expenditures could increase by \$205,250 in fiscal 2004 from one-time costs related to computer programming and revision of the Uniform Motor Vehicle Citation. With regard to the computer programming and form updating costs, the Department of Legislative Services (DLS) advises that if other legislation passes requiring computer programming changes and revisions to the Uniform Motor Vehicle Citation, then economies of scale could be realized and the required functions could be accomplished for significantly less than is being requested by the District Court.

The District Court advises that one permanent fiscal clerk would be needed to manage the additional surcharge and paperwork resulting from this bill, in addition to \$45,520 for additional computer programming and \$160,000 to update the Uniform Motor Vehicle Citation. DLS disagrees with the need for a new position. On average, about 2,240 accidents occur annually that would be covered by this bill. DLS believes that the surcharges that would be generated by this bill could be tracked and managed with existing resources. The District Court handles nearly a million citations annually, including about 10,000 citations from failure-to-yield charges alone. Also the District Court receives and processes manually about 40,000 citations from red light camera enforcement tickets. Since these functions can be managed within the resources of the District Court, DLS believes that the tracking of citations for the Motorcycle Safety Program, as required by this bill, would not require additional personnel.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 1114 (Delegate Owings) – Judiciary.

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

**Fiscal Note History:** First Reader - March 18, 2003  
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