
By: **Senators Brinkley and Mooney**
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Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Approaching Emergency Vehicles Parked on Highway -**
3 **Driver's Duties**

4 FOR the purpose of requiring drivers approaching emergency vehicles stopped,
5 standing, or parked on a highway and using any visual signals, except when
6 otherwise directed by a police officer, to vacate the lane closest to the emergency
7 vehicle under certain circumstances and to slow to certain speeds under certain
8 circumstances; requiring the Motor Vehicle Administration to assess a certain
9 number of points against a person who violates this Act; requiring the
10 Administration and the Department of State Police to conduct a certain public
11 education and awareness program; and generally relating to requiring drivers to
12 take certain actions when approaching certain emergency vehicles on a highway.

13 BY repealing and reenacting, with amendments,
14 Article - Transportation
15 Section 16-402(a) and 21-405
16 Annotated Code of Maryland
17 (2002 Replacement Volume and 2003 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Transportation**

21 16-402.

22 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
23 2-209, or § 3-211 of the Criminal Law Article, or of the vehicle laws or regulations of
24 this State or of any local authority, points shall be assessed against the individual as
25 of the date of violation and as follows:

- 26 (1) Any moving violation not listed below and not contributing
27 to an accident 1 point
- 28 (2) Following another vehicle too closely 2 points

- 1 (3) Speeding in excess of the posted speed limit by 10 miles an
2 hour or more 2 points
- 3 (4) Driving with an improper class of license 2 points
- 4 (5) Failing to stop for a school vehicle with activated
5 alternately flashing red lights 3 points
- 6 (6) Any violation of § 21-1111 of this article 2 points
- 7 (7) Passing an emergency or police vehicle under the
8 provisions of § 21-405(d) of this article 2 points
- 9 (8) A violation of § 21-511(a) of this article 2 points
- 10 (9) Failure to stop a vehicle for a steady red traffic signal in
11 violation of § 21-202 of this article 2 points
- 12 (10) FAILURE TO VACATE LANE OR REDUCE SPEED NEXT TO
13 EMERGENCY VEHICLE UNDER § 21-405(F) OF THIS ARTICLE 3 POINTS
- 14 (11) Any moving violation contributing to an accident 3 points
- 15 [(11)] (12) Driving after suspension of license under the
16 provisions of § 17-106, § 26-204, § 26-206, or § 27-103 of this article, or
17 under the traffic laws or regulations of another state as described in §
18 16-303(i) of this title 3 points
- 19 [(12)] (13) Any violation, except violations committed on the
20 John F. Kennedy Memorial Highway, of § 21-1411 of this article 3 points
- 21 [(13)] (14) Speeding in excess of the posted speed limit by 30
22 miles an hour or more 5 points
- 23 [(14)] (15) Driving while not licensed 5 points
- 24 [(15)] (16) Failure to report an accident 5 points
- 25 [(16)] (17) Driving on a learner's permit unaccompanied 5 points
- 26 [(17)] (18) Any violation of § 17-107 of this article 5 points
- 27 [(18)] (19) Participating in a race or speed contest on a highway 5 points
- 28 [(19)] (20) Any violation of § 16-304 or § 16-305 of this title 5 points
- 29 [(20)] (21) Any violation of § 22-404.5 of this article 5 points
- 30 [(21)] (22) Speeding in excess of a posted speed limit of 65 miles
31 an hour by 20 miles an hour or more 5 points

- 1 [(22)] (23) Aggressive driving in violation of § 21-901.2 of this
2 article 5 points
- 3 [(23)] (24) Reckless driving 6 points
- 4 [(24)] (25) Driving while impaired by alcohol or while impaired by a drug,
5 combination of drugs, or a combination of one or more drugs and alcohol, or driving
6 within 12 hours after arrest under § 21-902.1 of this article 8 points
- 7 [(25)] (26) Turning off lights of a vehicle to avoid identification 8 points
- 8 [(26)] (27) Failing to stop after accident resulting in damage to
9 attended vehicle or property 8 points
- 10 [(27)] (28) Failing to stop after accident resulting in damage to
11 unattended vehicle or property 8 points
- 12 [(28)] (29) Any violation of § 16-815 or § 16-816 of this title 8 points
- 13 [(29)] (30) Failing to stop after an accident resulting in bodily
14 injury or death 12 points
- 15 [(30)] (31) Driving after refusal, suspension, cancellation, or
16 revocation of license except for suspensions of license under the provisions
17 of § 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the
18 traffic laws or regulations of another state as described in § 16-303(i) of this
19 title..... 12 points
- 20 [(31)] (32) Any violation of § 16-301, § 16-302, § 16-804, or §
21 16-808(a)(1) through (9) of this title 12 points
- 22 [(32)] (33) Homicide, life threatening injury under § 3-211 of the
23 Criminal Law Article, or assault committed by means of a vehicle 12 points
- 24 [(33)] (34) Driving while under the influence of alcohol, while
25 under the influence of alcohol per se, or while impaired by an illegally used
26 controlled dangerous substance 12 points
- 27 [(34)] (35) Any felony involving use of a vehicle 12 points
- 28 [(35)] (36) Fleeing or attempting to elude a police officer 12 points
- 29 [(36)] (37) The making of a false affidavit or statement under
30 oath, or falsely certifying to the truth of any fact or information to the
31 Administration under the Maryland Vehicle Law or under any law relating
32 to the ownership or operation of motor vehicles 12 points
- 33 [(37)] (38) Any violation involving an unlawful taking or
34 unauthorized use of a motor vehicle under § 7-105 or § 7-203 of the
35 Criminal Law Article, or § 14-102 of this article 12 points

1 21-405.

2 (a) On the immediate approach of an emergency vehicle using audible and
3 visual signals that meet the requirements of § 22-218 of this article or of a police
4 vehicle lawfully using an audible signal, the driver of every other vehicle, unless
5 otherwise directed by a police officer, shall yield the right-of-way.

6 (b) On the immediate approach of an emergency vehicle using audible and
7 visual signals that meet the requirements of § 22-218 of this article or of a police
8 vehicle lawfully using an audible signal, the driver of every other vehicle, unless
9 otherwise directed by a police officer, shall drive immediately to a position parallel to
10 and as close as possible to the edge or curb of the roadway, clear of any intersection.

11 (c) On the immediate approach of an emergency vehicle using audible and
12 visual signals that meet the requirements of § 22-218 of this article or of a police
13 vehicle lawfully using an audible signal, the driver of every other vehicle, unless
14 otherwise directed by a police officer, shall stop and stay in this position until the
15 emergency vehicle has passed.

16 (d) A driver, when proceeding in the same direction as an emergency or police
17 vehicle, may not pass an emergency vehicle using audible and visual signals that
18 meet the requirements of § 22-218 of this article or a police vehicle lawfully using an
19 audible signal unless:

20 (1) The emergency vehicle has stopped; or

21 (2) Otherwise directed by a police officer.

22 (e) EXCEPT AS OTHERWISE DIRECTED BY A POLICE OFFICER, WHEN AN
23 EMERGENCY VEHICLE USING ANY VISUAL SIGNAL IS STOPPED, STANDING, OR
24 PARKED ON A HIGHWAY, THE DRIVER OF A VEHICLE APPROACHING THE EMERGENCY
25 VEHICLE FROM THE REAR, AS SOON AS IT IS SAFE, SHALL:

26 (1) IF THE VEHICLE IS TRAVELING ON A HIGHWAY WITH TWO OR MORE
27 LANES OF TRAFFIC MOVING IN THE DIRECTION THAT THE EMERGENCY VEHICLE IS
28 FACING:

29 (I) VACATE THE LANE CLOSEST TO THE EMERGENCY VEHICLE; OR

30 (II) IF UNABLE TO VACATE THE CLOSEST LANE, SLOW TO A SPEED
31 THAT IS 20 MILES PER HOUR LESS THAN THE POSTED SPEED LIMIT; OR

32 (2) IF THE VEHICLE IS TRAVELING ON A HIGHWAY WITH ONLY ONE
33 LANE OF TRAFFIC MOVING IN THE DIRECTION THAT THE EMERGENCY VEHICLE IS
34 FACING AND THE POSTED SPEED LIMIT IS 35 MILES PER HOUR OR GREATER, SLOW TO
35 A SPEED THAT IS 20 MILES PER HOUR LESS THAN THE POSTED SPEED LIMIT.

36 (F) This section does not relieve the driver of an emergency vehicle from the
37 duty to drive with due regard for the safety of all persons.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Motor Vehicle
2 Administration and the Department of State Police shall conduct a public education
3 and awareness program to inform the public of the requirements of this Act.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2004.