

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE

House Bill 1160

(Delegate Boteler, *et al.*)

Environmental Matters

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Vehicle Laws - Pedestrians' Right-of-Way in Crosswalks - Penalties

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This bill changes the penalties for a driver convicted of: (1) failing to stop for a pedestrian crossing the roadway in a marked crosswalk; and (2) overtaking and passing a vehicle that has stopped to let a pedestrian cross the roadway at a marked crosswalk or at an intersection. Any person convicted of these violations is subject to a \$125 prepayment fine and two points on his or her driver's license, rather than the current law penalty, which is one license point and maximum penalties of a \$500 fine and/or two months imprisonment. A person cited for this violation would no longer be required to appear in court.

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Fiscal Summary

**State Effect:** Potential minimal loss of general fund revenues due to the penalty provisions applicable under the Maryland Vehicle Law (maximum \$500 fine). Expenditures would not be affected.

**Local Effect:** Potential minimal expenditure decrease due to the repeal of the incarceration penalty.

**Small Business Effect:** None.

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Analysis

**Current Law:** The driver of a vehicle must come to a stop when a pedestrian crossing the roadway in a crosswalk is on the half of the roadway where the vehicle is traveling, or approaching so closely from the other half of the roadway as to be in danger. The

prohibition does not apply where there is a pedestrian tunnel or overhead pedestrian crossing, or when a traffic control signal is in operation. If a vehicle has stopped at a marked crosswalk, or at an unmarked crosswalk at an intersection to let a pedestrian cross, the driver of any other approaching vehicle may not overtake and pass the vehicle. A driver who violates these provisions is guilty of a misdemeanor, and is subject to a fine not to exceed \$500, imprisonment for not more than two months, or both. The Motor Vehicle Administration (MVA) is required to assess one point against the driver's license. If any of these violations contribute to an accident, the MVA is required to assess three points against the license.

A pedestrian is prohibited from suddenly leaving the curb or other place of safety to walk or run into the path of a vehicle that is so close that it is impossible for the driver to yield. If a pedestrian crosses a roadway at any point other than a marked crosswalk, or the unmarked crosswalk of an intersection, the pedestrian must yield to any approaching vehicle. A pedestrian who unsafely crosses in the path of a vehicle is guilty of a misdemeanor and is subject to a maximum fine of \$500.

A driver is required to exercise due care to avoid colliding with any pedestrian. A driver is also required to warn pedestrians, if necessary, by sounding the vehicle horn. A driver is also required to exercise proper precaution on observing any child or any obviously confused or incapacitated individual. A driver who violates these provisions is guilty of a misdemeanor and is subject to a maximum fine of \$500. The MVA is required to assess one point against the driver's license. The District Court currently assesses a \$55 fine for these violations.

**Background:** For fiscal 2003, the District Court reports that 591 citations were issued for violating a pedestrian's right-of-way in a crosswalk. Eighteen citations were issued for passing a vehicle that was stopped for a pedestrian. The number of citations issued for failure to exercise due care to avoid colliding with a pedestrian was 108. Five citations were issued for failure to warn a pedestrian, and six citations were issued for failure to exercise due care on observing children or certain other individuals.

**Local Expenditures:** Expenditures could decrease minimally as a result of the bill's limitation of the circumstances in which imprisonment may be imposed. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$28 to \$84 per inmate in fiscal 2004.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - March 11, 2004  
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