

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 782 (Senator Giannetti)
Judicial Proceedings

Vehicle Laws - Failure to Yield the Right-of-Way - Penalties

This bill establishes additional penalties against a person convicted of failing to yield the right of way if the violation contributed to bodily injury or death. If the violation contributes to an accident that results in bodily injury to another person, the violator is subject to a \$500 fine and a 90-day license suspension. If the violation contributes to an accident that results in the death of another, the person is subject to a fine of \$1,000 and a 180-day license suspension.

Fiscal Summary

State Effect: Potential significant increase in general fund revenues as a result of the bill's penalty provisions. Potential minimal increase in Transportation Trust Fund (TTF) revenues due to additional license fees. TTF expenditures could increase by at least \$19,600 in FY 2005 for additional personnel to handle the additional license hearing caseload generated by the bill.

Local Effect: Potentially minimal increase in revenues due to the bill's penalty provision. No effect on expenditures.

Small Business Effect: None.

Analysis

Current Law: A vehicle at an intersection generally 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 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 highway. A driver about to enter or cross a highway from a private road or driveway must yield the right of way to any approaching vehicles. A driver who is 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 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. There are no penalties associated specifically with accidents involving failure to yield right of way that result in bodily injury or death.

State Revenues: In calendar 2002, there were 18,400 failure-to-yield accidents, including 108 fatalities (18%) and 8,800 injuries (23%). According to the MVA, there were about 3,700 failure-to-yield convictions. The number of convictions for fatalities and injuries resulting from failure to yield the right of way is unknown. Convictions involving injury or fatalities may also result from other related charges, such as reckless or aggressive driving. Any revenue increase resulting from the bill could be significant.

TTF revenues will also increase by a minimal amount as those convicted for the offenses described above will have their license suspended for six months and must pay \$20 to obtain a new license.

State Expenditures: TTF expenditures will increase for additional administrative hearings and personnel. The MVA anticipates, based on past experience, that almost half of the licensees who face a suspension under the bill will request a hearing, which costs \$92 per case. The MVA further advises that the additional caseload will require an additional customer agent to prepare suspension and right-of-hearing notices and handle other administrative duties. The Department of Legislative Services agrees that additional personnel could be necessary but believes the caseload would likely only require a part-time employee which would cost \$19,562 in fiscal 2005.

Local Revenues: Revenues could increase minimally under the bill's monetary penalty provisions for those cases heard in the circuit courts.

Additional Information

Prior Introductions: Similar bills were introduced in 2003 as SB 719 and HB 1114, which would have allocated the additional penalty revenue to a fund for motorcycle safety programs. SB 719 was heard by the Judicial Proceedings Committee, which took no action. HB 1114 received an unfavorable report from the Judiciary Committee.

Cross File: None.

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

Fiscal Note History: First Reader - March 22, 2004

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