

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**

House Bill 954  
Judiciary

(Delegate Bronrott, *et al.*)

Judicial Proceedings

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**Vehicle Laws - Violation of Pedestrian Right-of-Way - Penalties**

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This bill alters the penalties for two types of violations of the right-of-way of pedestrians. The bill provides that a violation of the prohibition against a driver failing to stop for a pedestrian in a marked crosswalk or the prohibition against passing a vehicle stopped for a pedestrian in a marked or unmarked crosswalk at an intersection are punishable by imprisonment for not more than two months only if the violation contributes to an accident.

The bill provides that if a violation of these prohibitions does not contribute to an accident, then the violators are subject to a maximum fine of \$500, but not imprisonment.

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**Fiscal Summary**

**State Effect:** Potential minimal general fund expenditure decrease due to the bill's limitation of the circumstances in which imprisonment may be imposed. Revenues are not affected.

**Local Effect:** Potential minimal expenditure decrease due to the bill's limitation of the circumstances in which imprisonment may be imposed.

**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.

**State Expenditures:** General fund expenditures could decrease minimally as a result of the bill's limitation of the circumstances in which imprisonment may be imposed, due to fewer people being committed to Division of Correction (DOC) facilities and decreased payments to counties for reimbursement of inmate costs. Any such effect is expected to be minimal.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12

and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or DOC. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2004 are estimated to range from \$14 to \$59 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities.

**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.

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### **Additional Information**

**Prior Introductions:** This bill is a reintroduction of HB 691 from the 2003 session. HB 691 was referred to the Judiciary Committee, where it received an unfavorable report.

**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 8, 2004  
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