

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

**FISCAL AND POLICY NOTE**

Senate Bill 448

(Senators Brinkley and Mooney)

Judicial Proceedings

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

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This bill requires that as soon as it is safe, a driver approaching an emergency or police vehicle from the rear that is using any visual signal and is stopped on a highway must take the following actions, unless otherwise directed by a police officer:

- vacate the lane closest to the emergency or police vehicle if the driver's vehicle is on a highway with two or more lanes of traffic moving in the direction that the emergency or police vehicle is facing or, if unable to vacate the closest lane, slow to a speed that is 20 miles per hour less than the posted speed limit; or
- if the driver's vehicle is traveling on a highway with only one lane of traffic moving in the direction that the emergency or police vehicle is facing, and the posted speed limit is 35 miles per hour or greater, slow to a speed that is 20 miles per hour less than the posted speed limit.

A violation of this provision requires the assessment of three points against the driving record and is a misdemeanor subject to a penalty not exceeding \$500. The Motor Vehicle Administration (MVA) and the State Police are required to conduct a public awareness and education program about the requirements of the bill.

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**Fiscal Summary**

**State Effect:** Minimum general fund revenue increase from the penalty provision applicable to this offense under the Maryland Vehicle Law (maximum \$500 fine). Transportation Trust Fund (TTF) expenditures increase by \$20,000 and general fund expenditures for the State Police increase by \$20,000 for public education, both in FY 2005 only.

(in dollars)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
GF Revenue	-	-	-	-	-
GF Expenditure	20,000	0	0	0	0
SF Expenditure	20,000	0	0	0	0
Net Effect	(\$40,000)	\$0	\$0	\$0	\$0

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

**Local Effect:** Enforcement could be handled with existing resources.

**Small Business Effect:** None.

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## Analysis

**Current Law:** On the immediate approach of an emergency vehicle using authorized audible and visual signals or of a police vehicle lawfully using an audible signal, the driver of every other vehicle, unless otherwise directed by a police officer, must yield the right-of-way and: (1) drive immediately to a position parallel to and as close as possible to the edge or curb of the roadway, clear of any intersection; and (2) stop and stay in that position until the emergency vehicle has passed.

When proceeding in the same direction as an emergency or police vehicle using authorized audible and visual signals, or a police vehicle using an authorized audible signal, a driver may not pass that vehicle unless the emergency vehicle has stopped or unless otherwise directed by a police officer. The driver of an emergency vehicle has the duty to drive with due regard for the safety of all persons.

A violation of these provisions requires the assessment of one point against the driving record and is a misdemeanor, punishable by a penalty not exceeding \$500.

**State Expenditures:** In fiscal 2005 only, general fund expenditures and special fund expenditures could each increase by \$20,000 to conduct the public education and awareness campaign required under this bill. The fiscal estimate assumes that the total cost of the campaign would be \$40,000, split evenly between the State Police and the MVA, and of six months duration in fiscal 2005 only. The campaign would be of “average scope,” that is, limited to bushback advertisements, public service announcements, and print advertising in local newspapers.

The MVA advises that forms revision and printing would cost \$37,034 to update existing forms and handbooks. However, the Department of Legislative Services advises that the MVA must revise its forms annually to include law changes, thus forms reprinting is

simply a cost of doing business and can be handled within the existing resources of the MVA.

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### **Additional Information**

**Prior Introductions:** A similar bill, SB 87 of the 2003 session, was heard in the Judicial Proceedings Committee, which took no further action.

**Cross File:** HB 914 (Delegate Weldon, *et al.*) – Environmental Matters.

**Information Source(s):** Montgomery County, Prince George's County, Department of State Police, Baltimore City, Department of Legislative Services

**Fiscal Note History:** First Reader - February 17, 2004  
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