
By: **Chairman, Environmental Matters Committee (By Request -
Departmental - Transportation)**

Introduced and read first time: January 24, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Highway Work Zones - Offenses and Penalties**

3 FOR the purpose of establishing the misdemeanor of negligent driving in a highway
4 work zone; establishing the number of points to be assessed and the maximum
5 fine that may be assessed for negligent driving in a highway work zone;
6 clarifying the prohibition against exceeding the speed limit in a highway work
7 zone; establishing maximum fines for certain other motor vehicle violations
8 committed within a highway work zone; increasing the number of points to be
9 assessed for exceeding, by a certain amount, the posted speed limit in a highway
10 work zone; authorizing a court to find a person charged with negligent driving in
11 a highway work zone guilty of a lesser included offense under certain
12 circumstances; defining certain terms; making stylistic changes; and generally
13 relating to the operation of a motor vehicle in a highway work zone and
14 penalties for violations committed in a highway work zone.

15 BY repealing and reenacting, with amendments,
16 Article - Transportation
17 Section 16-402(a), 21-802.1, 21-901.1, 26-405, and 27-101(g)
18 Annotated Code of Maryland
19 (2002 Replacement Volume and 2004 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article - Transportation
22 Section 27-101(m)
23 Annotated Code of Maryland
24 (2002 Replacement Volume and 2004 Supplement)

25 BY adding to
26 Article - Transportation
27 Section 27-101(x)
28 Annotated Code of Maryland
29 (2002 Replacement Volume and 2004 Supplement)

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

3 **Article - Transportation**

4 16-402.

5 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
6 2-209, or § 3-211 of the Criminal Law Article, or of the vehicle laws or regulations of
7 this State or of any local authority, points shall be assessed against the individual as
8 of the date of violation and as follows:

- | | | | | |
|----|---|--|----------|----------|
| 9 | (1) | Any moving violation not listed below and not contributing to an | | |
| 10 | accident | ..... | 1 point | |
| 11 | (2) | Following another vehicle too closely | ..... | 2 points |
| 12 | (3) | Speeding in excess of the posted speed limit by 10 miles | | |
| 13 | an hour or more | ..... | 2 points | |
| 14 | (4) | Driving with an improper class of license | ..... | 2 points |
| 15 | (5) | Failing to stop for a school vehicle with activated | | |
| 16 | alternately flashing red lights | ..... | 3 points | |
| 17 | (6) | Any violation of § 21-1111 of this article | ..... | 2 points |
| 18 | (7) | Passing an emergency or police vehicle under the | | |
| 19 | provisions of § 21-405(d) of this article | ..... | 2 points | |
| 20 | (8) | A violation of § 21-511(a) of this article | ..... | 2 points |
| 21 | (9) | Failure to stop a vehicle for a steady red traffic signal in | | |
| 22 | violation of § 21-202 of this article | ..... | 2 points | |
| 23 | (10) | Any moving violation contributing to an accident | ..... | 3 points |
| 24 | (11) | Driving after suspension of license under the provisions | | |
| 25 | of § 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the | | | |
| 26 | traffic laws or regulations of another state as described in § 16-303(i) of | | | |
| 27 | this title | ..... | 3 points | |
| 28 | (12) | Any violation, except violations committed on the | | |
| 29 | John F. Kennedy Memorial Highway, of § 21-1411 of this article | ..... | 3 points | |
| 30 | (13) | SPEEDING IN EXCESS OF THE POSTED SPEED LIMIT BY | | |
| 31 | 10 MILES AN HOUR OR MORE WITHIN A HIGHWAY WORK ZONE IN VIOLATION OF | | | |
| 32 | § 21-802.1 | ..... | 5 POINTS | |
| 33 | [(13)] (14) | Speeding in excess of the posted speed limit by | | |
| 34 | 30 miles an hour or more | ..... | 5 points | |

- 1 [(14)] (15) Driving while not licensed 5 points
- 2 [(15)] (16) Failure to report an accident 5 points
- 3 [(16)] (17) Driving on a learner's permit unaccompanied 5 points
- 4 [(17)] (18) Any violation of § 17-107 of this article 5 points
- 5 [(18)] (19) Participating in a race or speed contest on a highway 5 points
- 6 [(19)] (20) Any violation of § 16-304 or § 16-305 of this title 5 points
- 7 [(20)] (21) Any violation of § 22-404.5 of this article 5 points
- 8 [(21)] (22) Speeding in excess of a posted speed limit of 65 miles
9 an hour by 20 miles an hour or more 5 points
- 10 [(22)] (23) Aggressive driving in violation of § 21-901.2 of this
11 article 5 points
- 12 [(24)] (24) A VIOLATION OF § 21-901.1(B)(3) OF THIS ARTICLE 5 POINTS
- 13 [(23)] (25) Reckless driving 6 points
- 14 [(24)] (26) Driving while impaired by alcohol or while impaired
15 by a drug, combination of drugs, or a combination of one or more drugs and
16 alcohol, or driving within 12 hours after arrest under § 21-902.1 of this
17 article 8 points
- 18 [(25)] (27) Turning off lights of a vehicle to avoid identification 8 points
- 19 [(26)] (28) Failing to stop after accident resulting in damage to
20 attended vehicle or property 8 points
- 21 [(27)] (29) Failing to stop after accident resulting in damage to
22 unattended vehicle or property 8 points
- 23 [(28)] (30) Any violation of § 16-815 or § 16-816 of this title 8 points
- 24 [(29)] (31) Failing to stop after an accident resulting in bodily
25 injury or death 12 points
- 26 [(30)] (32) Driving after refusal, suspension, cancellation, or
27 revocation of license except for suspensions of license under the
28 provisions of § 17-106, § 26-204, § 26-206, or § 27-103 of this article,
29 or under the traffic laws or regulations of another state as described in
30 § 16-303(i) of this title 12 points
- 31 [(31)] (33) Any violation of § 16-301, § 16-302, § 16-804, or
32 § 16-808(a)(1) through (9) of this title 12 points

1 [(32)] (34) Homicide, life threatening injury under § 3-211 of
 2 the Criminal Law Article, or assault committed by means of a vehicle 12 points

3 [(33)] (35) Driving while under the influence of alcohol, while
 4 under the influence of alcohol per se, or while impaired by an illegally used
 5 controlled dangerous substance 12 points

6 [(34)] (36) Any felony involving use of a vehicle 12 points

7 [(35)] (37) Fleeing or attempting to elude a police officer 12 points

8 [(36)] (38) The making of a false affidavit or statement under
 9 oath, or falsely certifying to the truth of any fact or information to the
 10 Administration under the Maryland Vehicle Law or under any law
 11 relating to the ownership or operation of motor vehicles 12 points

12 [(37)] (39) Any violation involving an unlawful taking or
 13 unauthorized use of a motor vehicle under § 7-105 or § 7-203 of the
 14 Criminal Law Article, or § 14-102 of this article 12 points

15 21-802.1.

16 (a) In this section, "highway work zone" means a construction or maintenance
 17 area on or alongside a highway that is marked by appropriate warning signs or other
 18 traffic control devices designating that work is in progress.

19 (B) A PERSON MAY NOT DRIVE A MOTOR VEHICLE AT A SPEED EXCEEDING
 20 THE SPEED LIMIT WITHIN A HIGHWAY WORK ZONE.

21 [(b)] (C) (1) The State Highway Administration may reduce established
 22 speed limits in a highway work zone upon a determination that the change is
 23 necessary to ensure the public safety.

24 (2) A county may:

25 (i) Designate an area on a county highway or a highway on which
 26 the county is authorized to do work pursuant to a maintenance agreement as a
 27 highway work zone; and

28 (ii) Reduce established speed limits in the highway work zone after
 29 a determination that the change is necessary to ensure the public safety.

30 (3) A municipal corporation may:

31 (i) Designate an area on a municipal highway or a highway on
 32 which the municipal corporation is authorized to do work pursuant to a maintenance
 33 agreement as a highway work zone; and

34 (ii) Reduce established speed limits in the highway work zone after
 35 a determination that the change is necessary to ensure the public safety.

1 [(c)] (D) A speed limit established under this section shall become effective
2 when posted.

3 21-901.1.

4 (a) A person is guilty of reckless driving if [he] THE PERSON drives a motor
5 vehicle:

6 (1) In wanton or willful disregard for the safety of persons or property; or

7 (2) In a manner that indicates a wanton or willful disregard for the
8 safety of persons or property.

9 (b) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
10 MEANINGS INDICATED.

11 (II) "HIGHWAY WORK ZONE" HAS THE MEANING STATED IN
12 § 21-802.1 OF THIS TITLE.

13 (III) "HIGHWAY WORKER" MEANS A PERSON PERFORMING
14 AUTHORIZED CONSTRUCTION, MAINTENANCE, UTILITY, OR RELATED ACTIVITIES,
15 INCLUDING LAW ENFORCEMENT DUTIES.

16 (2) A person is guilty of negligent driving if [he] THE PERSON drives a
17 motor vehicle in a careless or imprudent manner that endangers any property or the
18 life or person of any individual.

19 (3) A PERSON IS GUILTY OF NEGLIGENT DRIVING IN A HIGHWAY WORK
20 ZONE IF THE PERSON DRIVES A MOTOR VEHICLE:

21 (I) WITHIN A HIGHWAY WORK ZONE WHEN A HIGHWAY WORKER IS
22 PRESENT; AND

23 (II) IN A CARELESS OR IMPRUDENT MANNER THAT ENDANGERS
24 ANY PROPERTY OR THE LIFE OR PERSON OF ANY INDIVIDUAL.

25 26-405.

26 If a person is charged with a violation of § 21-901.1 of this article [("Reckless
27 and negligent driving")] ("RECKLESS DRIVING, NEGLIGENT DRIVING, AND
28 NEGLIGENT DRIVING IN A HIGHWAY WORK ZONE") or § 21-902 of this article
29 ("Driving while under the influence of alcohol, while under the influence of alcohol per
30 se, while impaired by alcohol, or while impaired by a drug, a combination of drugs, a
31 combination of one or more drugs and alcohol, or while impaired by a controlled
32 dangerous substance"), the court may find the person guilty of any lesser included
33 offense under any subsection of the respective section.

34 27-101.

35 (g) Any person who is convicted of a violation of any of the following sections of
36 this article is subject to a fine of not more than \$1,000:

- 1 (1) § 13-704 ("Fraud in application");
- 2 (2) § 21-706 ("Overtaking and passing school vehicle"); [or]
- 3 (3) § 21-901.1(a) ("Reckless driving"); OR
- 4 (4) § 21-901.1(B)(3) ("NEGLIGENT DRIVING IN A HIGHWAY WORK ZONE").

5 (m) Any person who is convicted of a violation of any of the provisions of
6 § 21-802.1 of this article (Exceeding speed limit within highway work zone) is subject
7 to a fine of not more than \$1,000.

8 (X) EXCEPT AS PROVIDED IN SUBSECTIONS (G) AND (M) OF THIS SECTION, IN
9 ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, ANY PERSON CONVICTED OF
10 A VIOLATION OF ANY PROVISION OF TITLE 21 OF THIS ARTICLE COMMITTED IN A
11 HIGHWAY WORK ZONE, AS DEFINED IN § 21-802.1 OF THIS ARTICLE, WHEN A
12 HIGHWAY WORKER, AS DEFINED IN § 21-901.1 OF THIS ARTICLE, IS PRESENT, IS
13 SUBJECT TO A FINE THAT IS DOUBLE THE AMOUNT THAT WOULD OTHERWISE APPLY.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
15 effect October 1, 2005.