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By: **Delegate Weldon**  
Introduced and read first time: February 10, 2005  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring drivers approaching emergency vehicles stopped,  
5 standing, or parked on a highway and using any visual signals, except when  
6 otherwise directed by a police officer, to vacate the lane closest to the emergency  
7 vehicle under certain circumstances and to slow to a speed that is sufficient to  
8 ensure the safety of police officers or emergency services personnel in the  
9 vicinity of the emergency vehicle under certain circumstances; requiring the  
10 Motor Vehicle Administration to assess a certain number of points against a  
11 person who violates this Act; requiring the Administration and the Department  
12 of State Police to conduct a certain public education and awareness program;  
13 and generally relating to requiring drivers to take certain actions when  
14 approaching certain emergency vehicles on a highway.

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

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

22 **Article - Transportation**

23 16-402.

24 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §  
25 2-209, or § 3-211 of the Criminal Law Article, or of the vehicle laws or regulations of  
26 this State or of any local authority, points shall be assessed against the individual as  
27 of the date of violation and as follows:

28 (1) Any moving violation not listed below and not contributing  
29 to an accident ..... 1 point

- 1 (2) Following another vehicle too closely ..... 2 points
- 2 (3) Speeding in excess of the posted speed limit by 10 miles an  
3 hour or more ..... 2 points
- 4 (4) Driving with an improper class of license ..... 2 points
- 5 (5) Failing to stop for a school vehicle with activated  
6 alternately flashing red lights ..... 3 points
- 7 (6) Any violation of § 21-1111 of this article ..... 2 points
- 8 (7) Passing an emergency or police vehicle under the  
9 provisions of § 21-405(d) of this article ..... 2 points
- 10 (8) A violation of § 21-511(a) of this article ..... 2 points
- 11 (9) Failure to stop a vehicle for a steady red traffic signal in  
12 violation of § 21-202 of this article ..... 2 points
- 13 (10) FAILURE TO VACATE LANE OR REDUCE SPEED NEXT TO  
14 EMERGENCY VEHICLE UNDER § 21-405(E) OF THIS ARTICLE ..... 3 POINTS
- 15 (11) Any moving violation contributing to an accident ..... 3 points
- 16 [(11)] (12) Driving after suspension of license under the  
17 provisions of § 17-106, § 26-204, § 26-206, or § 27-103 of this article, or  
18 under the traffic laws or regulations of another state as described in §  
19 16-303(i) of this title ..... 3 points
- 20 [(12)] (13) Any violation, except violations committed on the  
21 John F. Kennedy Memorial Highway, of § 21-1411 of this article ..... 3 points
- 22 [(13)] (14) Speeding in excess of the posted speed limit by 30  
23 miles an hour or more ..... 5 points
- 24 [(14)] (15) Driving while not licensed ..... 5 points
- 25 [(15)] (16) Failure to report an accident ..... 5 points
- 26 [(16)] (17) Driving on a learner's permit unaccompanied ..... 5 points
- 27 [(17)] (18) Any violation of § 17-107 of this article ..... 5 points
- 28 [(18)] (19) Participating in a race or speed contest on a highway ..... 5 points
- 29 [(19)] (20) Any violation of § 16-304 or § 16-305 of this title ..... 5 points
- 30 [(20)] (21) Any violation of § 22-404.5 of this article ..... 5 points

- 1 [(21)] (22) Speeding in excess of a posted speed limit of 65 miles  
 2 an hour by 20 miles an hour or more ..... 5 points
- 3 [(22)] (23) Aggressive driving in violation of § 21-901.2 of this  
 4 article ..... 5 points
- 5 [(23)] (24) Reckless driving ..... 6 points
- 6 [(24)] (25) Driving while impaired by alcohol or while impaired  
 7 by a drug, combination of drugs, or a combination of one or more drugs and  
 8 alcohol, or driving within 12 hours after arrest under § 21-902.1 of this  
 9 article ..... 8 points
- 10 [(25)] (26) Turning off lights of a vehicle to avoid identification ..... 8 points
- 11 [(26)] (27) Failing to stop after accident resulting in damage to  
 12 attended vehicle or property ..... 8 points
- 13 [(27)] (28) Failing to stop after accident resulting in damage to  
 14 unattended vehicle or property ..... 8 points
- 15 [(28)] (29) Any violation of § 16-815 or § 16-816 of this title ..... 8 points
- 16 [(29)] (30) Failing to stop after an accident resulting in bodily  
 17 injury or death ..... 12 points
- 18 [(30)] (31) Driving after refusal, suspension, cancellation, or  
 19 revocation of license except for suspensions of license under the provisions  
 20 of § 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the  
 21 traffic laws or regulations of another state as described in § 16-303(i) of this  
 22 title..... 12 points
- 23 [(31)] (32) Any violation of § 16-301, § 16-302, § 16-804, or §  
 24 16-808(a)(1) through (9) of this title ..... 12 points
- 25 [(32)] (33) Homicide, life threatening injury under § 3-211 of the  
 26 Criminal Law Article, or assault committed by means of a vehicle ..... 12 points
- 27 [(33)] (34) Driving while under the influence of alcohol, while  
 28 under the influence of alcohol per se, or while impaired by an illegally used  
 29 controlled dangerous substance ..... 12 points
- 30 [(34)] (35) Any felony involving use of a vehicle ..... 12 points
- 31 [(35)] (36) Fleeing or attempting to elude a police officer ..... 12 points
- 32 [(36)] (37) The making of a false affidavit or statement under  
 33 oath, or falsely certifying to the truth of any fact or information to the  
 34 Administration under the Maryland Vehicle Law or under any law relating  
 35 to the ownership or operation of motor vehicles ..... 12 points

1 [(37)] (38) Any violation involving an unlawful taking or  
2 unauthorized use of a motor vehicle under § 7-105 or § 7-203 of the  
3 Criminal Law Article, or § 14-102 of this article ..... 12 points

4 21-405.

5 (a) On the immediate approach of an emergency vehicle using audible and  
6 visual signals that meet the requirements of § 22-218 of this article or of a police  
7 vehicle lawfully using an audible signal, the driver of every other vehicle, unless  
8 otherwise directed by a police officer, shall yield the right-of-way.

9 (b) On the immediate approach of an emergency vehicle using audible and  
10 visual signals that meet the requirements of § 22-218 of this article or of a police  
11 vehicle lawfully using an audible signal, the driver of every other vehicle, unless  
12 otherwise directed by a police officer, shall drive immediately to a position parallel to  
13 and as close as possible to the edge or curb of the roadway, clear of any intersection.

14 (c) On the immediate approach of an emergency vehicle using audible and  
15 visual signals that meet the requirements of § 22-218 of this article or of a police  
16 vehicle lawfully using an audible signal, the driver of every other vehicle, unless  
17 otherwise directed by a police officer, shall stop and stay in this position until the  
18 emergency vehicle has passed.

19 (d) A driver, when proceeding in the same direction as an emergency or police  
20 vehicle, may not pass an emergency vehicle using audible and visual signals that  
21 meet the requirements of § 22-218 of this article or a police vehicle lawfully using an  
22 audible signal unless:

23 (1) The emergency vehicle has stopped; or

24 (2) Otherwise directed by a police officer.

25 (e) EXCEPT AS OTHERWISE DIRECTED BY A POLICE OFFICER, WHEN AN  
26 EMERGENCY VEHICLE USING ANY VISUAL SIGNAL IS STOPPED, STANDING, OR  
27 PARKED ON A HIGHWAY, THE DRIVER OF A VEHICLE APPROACHING THE EMERGENCY  
28 VEHICLE FROM THE REAR, AS SOON AS IT IS SAFE, SHALL:

29 (1) IF THE VEHICLE IS TRAVELING ON A HIGHWAY WITH TWO OR MORE  
30 LANES OF TRAFFIC MOVING IN THE DIRECTION THAT THE EMERGENCY VEHICLE IS  
31 FACING:

32 (I) VACATE THE LANE CLOSEST TO THE EMERGENCY VEHICLE; OR

33 (II) IF UNABLE TO VACATE THE CLOSEST LANE, SLOW TO A SPEED  
34 THAT IS SUFFICIENT TO ENSURE THE SAFETY OF POLICE OFFICERS OR EMERGENCY  
35 SERVICES PERSONNEL IN THE VICINITY OF THE EMERGENCY VEHICLE; OR

36 (2) IF THE VEHICLE IS TRAVELING ON A HIGHWAY WITH ONLY ONE  
37 LANE OF TRAFFIC MOVING IN THE DIRECTION THAT THE EMERGENCY VEHICLE IS  
38 FACING AND THE POSTED SPEED LIMIT IS 35 MILES PER HOUR OR GREATER, SLOW TO

1 A SPEED THAT IS SUFFICIENT TO ENSURE THE SAFETY OF POLICE OFFICERS OR  
2 EMERGENCY SERVICES PERSONNEL IN THE VICINITY OF THE EMERGENCY VEHICLE.

3 (F) This section does not relieve the driver of an emergency vehicle from the  
4 duty to drive with due regard for the safety of all persons.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the Motor Vehicle  
6 Administration and the Department of State Police shall conduct a public education  
7 and awareness program to inform the public of the requirements of this Act and to  
8 increase public awareness of all other driver requirements when approaching or  
9 approached by an emergency vehicle using audible or visual emergency signals.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2005.