

Department of Legislative Services  
 Maryland General Assembly  
 2005 Session

**FISCAL AND POLICY NOTE**

House Bill 937 (Delegate Weldon)  
 Environmental Matters

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

This bill specifies the duties of drivers when approaching a stopped, standing, or parked emergency vehicle using signals from the rear. The bill establishes a misdemeanor penalty for noncompliance and requires the assessment of points against the driver's license. The bill also requires public awareness and education campaigns regarding the requirements of the bill and the duties of drivers when in the vicinity of emergency vehicles.

**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 \$40,000 and general fund expenditures for the State Police increase by \$40,000 for public education, both in FY 2006 only.

(in dollars)	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
GF Revenue	-	-	-	-	-
GF Expenditure	40,000	0	0	0	0
SF Expenditure	40,000	0	0	0	0
Net Effect	(\$80,000)	\$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.

## Analysis

**Bill Summary:** This bill requires that as soon as it is safe, a driver approaching an emergency or police vehicle from the rear that is stopped on a highway using a visual signal 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 ensures the safety of police officers or emergency services personnel in the vicinity of the emergency vehicle; 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 sufficient to ensure the safety of police officers or emergency services vehicles in the vicinity of the emergency vehicle.

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 bill's requirements and to increase public awareness of all other driver requirements when approaching or being approached by emergency vehicles with emergency signals.

**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 Fiscal Effect:** In fiscal 2006 only, general and special fund expenditures could each increase by \$40,000 to conduct the public education and awareness campaigns required under this bill, for a total cost of \$80,000. This assumes that the total cost of the campaign would be split evenly between the State Police and the MVA and of six months duration in fiscal 2006 only. The campaign would be of “average scope,” that is, limited to busback advertisements, public service announcements, and print advertising in local newspapers.

The MVA advises that \$300,000 would be needed to provide the public education campaigns required by the bill, that the State Police would assume 70% of the cost of the campaigns, and the MVA portion of the cost would be \$90,000. The Department of Legislative Services (DLS) disagrees with this assessment. The bill specifies that both the State Police and the MVA are responsible for the campaigns and it is appropriate that the agencies should bear an equal share of the costs. In addition, the State Police advise that they could initiate public service announcements for television with existing resources. Since the State Police would be willing to absorb television advertising costs, the remainder of the campaign would involve print media for newspapers and buses. DLS advises that since each agency would incur new costs for print media only and the education campaigns are limited to six months, each agency should be able to comply with the bill’s requirements for \$40,000.

The MVA advises that forms revision and printing would cost \$64,793 to update existing forms and handbooks. However, DLS 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.

The MVA also advises that the three point penalty in the bill could affect any drivers with two or more points who are convicted of the offense in this bill. Any driver who accumulates five to seven points is required to take a remedial driving course. A driver who does not attend the course is subject to license suspension. Any driver who accumulates 8 to 11 points is subject to license suspension. Any driver who accumulates 12 points is subject to license revocation. To the extent that those who are convicted under this bill’s provisions are subject to these sanctions, the MVA may require additional resources for personnel, mailings, and hearings. However, to the same extent, the MVA may attain additional special fund revenue from processing new licenses and providing reinstatements to those drivers subject to license suspension or revocation as a result of the point accumulation that could occur under this bill. DLS advises, however, that it is expected the number of convictions under this bill will be minimal and could be handled within the existing resources of the MVA.

## **Additional Information**

**Prior Introductions:** This bill is a reintroduction of HB 914/SB 448 of 2004. HB 914 was heard in the Environmental Matters Committee, but was then withdrawn. SB 448 was given an unfavorable report by the Judicial Proceedings Committee. SB 87, a similar bill from the 2003 session, was heard in the Judicial Proceedings Committee, but no further action was taken.

**Cross File:** None.

**Information Source(s):** Department of State Police, Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - February 25, 2005  
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