

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

Senate Bill 149

(Chairman, Judicial Proceedings Committee)
(By Request – Departmental – Transportation)

Judicial Proceedings

Vehicle Laws - Stopping, Standing, and Parking

This departmental bill prohibits persons from parking or standing trailers or semitrailers on the side of State highways or controlled access highways unless attached to an appropriate towing vehicle. It also prohibits stopping, standing, or parking a commercial motor vehicle on a controlled access highway except under specified circumstances. The penalty for these offenses is a \$100 fine for a first offense, a \$250 fine for a second offense, and a \$500 fine for all subsequent offenses.

It also sets the fine for a commercial vehicle committing specified other parking offenses at a \$100 fine for a first offense, a \$250 fine for a second offense, and a \$500 fine for all subsequent offenses.

Fiscal Summary

State Effect: Potential general fund revenue increase due to the penalty provision applicable to these offenses under the Maryland Vehicle Law (maximum \$500 fine for multiple offenses). There is no anticipated effect on State expenditures as enforcement could be handled with existing resources.

Local Effect: None. Enforcement of these prohibitions could be handled with existing resources.

Small Business Effect: The Maryland Department of Transportation has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Bill Summary: The bill expands the definition of “abandoned vehicle” to include a motor vehicle, trailer, or semitrailer that is left unattended on a highway and is considered to be a security risk or a hazard to other persons or vehicles.

A person may not stand or park a trailer or semitrailer on any State highway or controlled access highway unless it is attached to an appropriate towing vehicle. A person may not stand, stop, or park a commercial vehicle on a controlled access highway except:

- as necessary to avoid injury or damage to any person or property;
- at the direction of a police officer or traffic control device;
- if the vehicle is disabled or involved in an accident;
- at a designated area;
- when conditions are too hazardous to continue driving;
- in an emergency that involves the health or safety of an occupant of the vehicle; or
- to provide reasonable assistance to another person.

The penalty for these offenses is a \$100 fine for a first offense, a \$250 fine for a second offense, and a \$500 fine for all subsequent offenses.

The bill also subjects a commercial motor vehicle that violates existing laws prohibiting stopping, standing, or parking in specified places to a \$100 fine for a first offense, a \$250 fine for a second offense, and a \$500 fine for all subsequent offenses.

Current Law: A person may not stop, park, or leave standing on the roadway any vehicle if it is practical for the person to move the vehicle off the roadway. A person may not stand their vehicle where it blocks the road so that other vehicles cannot pass. A person may not stop a vehicle on a roadway, outside of a business or residential district, unless it can be clearly seen from 200 feet in each direction.

A motor vehicle, trailer, or semitrailer is an “abandoned vehicle” if it has been left unattended on any portion of a controlled access highway for more than 24 hours, or if it has been left unattended on a primary, secondary, or controlled access highway and does not meet specified requirements for displaying warning devices.

A person convicted of stopping, standing, or parking a vehicle where prohibited by an existing sign while operating a commercial vehicle in Anne Arundel County is subject to a fine of \$100 for a first offense, \$250 for a second offense, and \$500 for a third or subsequent offense.

Except as otherwise provided, a violation of any standing, stopping, or parking offense under current law is a misdemeanor subject to a maximum fine of \$500. If the fine is prepaid rather than contested, the penalty for these offenses ranges from \$35 to \$55.

Background: The State Highway Administration (SHA) advises that large commercial trucks are often parked along major freeways and expressways while drivers eat and rest. SHA also advises that when local ordinances prevent drivers from parking commercial vehicles on residential streets or in motel parking lots, drivers will instead park the vehicle along a highway. A vehicle must currently be unattended under specified conditions or parked for 48 hours before it can be considered abandoned.

SHA advises that, in 2002, there were more than 500 accidents in the State, including five fatal ones, involving a vehicle striking another vehicle that was standing, stopped, or parked along the side of a highway. Four of the five fatal accidents involved a parked truck.

From 1994 through 2002, on average 550 accidents per year in the State involved a vehicle striking a vehicle stopped, standing, or parked along the shoulder of the road. Approximately seven accidents per year resulted in fatalities, and nearly 60% of fatal accidents involved a stopped, standing, or parked large truck.

State Revenues: General fund revenues would increase based on the application of the new fine schedule for commercial motor vehicle violations of existing laws under §§ 21-1001 and 21-1003 of the Transportation Article. The District Court advises that there were approximately 1,719 citations for violations of these laws in fiscal 2004; however, it is impossible to determine how many of these citations were issued to individuals operating commercial vehicles. For illustrative purposes, assuming that the number of citations remains constant, commercial vehicles accounted for 10% of these offenses, and all offenses were first offenses which had been fined an average of \$45 per offense, general fund revenues would increase by \$7,095 in fiscal 2006, given the October 1 effective date, and by \$9,460 in subsequent years. If however, all the commercial vehicle offenses were third or subsequent offenses, then revenues would increase by \$58,695.

General fund revenues would also increase minimally due to the penalty provisions applicable to standing or parking a trailer or semitrailer on any State highway or controlled access highway, unless attached to an appropriate towing vehicle and to stopping, standing, or parking a commercial vehicle on a controlled access highway except under specified circumstances. Such violations would be subject to a fine ranging from \$100 for a first offense to \$500 for third and subsequent offenses. The number of citations for such offenses cannot be reliably estimated at this time.

State Expenditures: The number of motor vehicle cases handled by the District Court would increase, requiring an increase in judicial and clerical time necessary to process cases. However the Chief Clerk of the Judiciary advises that this would not be significant. Enforcement of these provisions would be handled with existing resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Department of Legislative Services

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