
By: **Senator Stone**

Introduced and read first time: March 6, 2006

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Highway Work Zones - Law Enforcement Presence and**
3 **Penalties**

4 FOR the purpose of requiring a county, municipal corporation, or the State Highway
5 Administration to provide for at least one law enforcement officer to be present
6 in or near highway work zones when certain workers are present under certain
7 circumstances; requiring law enforcement officers present in or near highway
8 work zones under this Act to be in uniform, be in marked police vehicles, display
9 certain lights or visual signals, and be located in highway work zones in a
10 certain manner; authorizing law enforcement officers present in or near
11 highway work zones to take any appropriate action to enforce traffic laws in the
12 highway work zone; prohibiting the use of speed monitoring systems to enforce
13 speed limit laws in highway work zones except under certain circumstances;
14 authorizing the State Highway Administrator and the Secretary of State Police
15 to adopt certain regulations; providing for a certain minimum penalty for a first
16 conviction of a violation of certain laws relating to highway work zones;
17 providing for a certain minimum and maximum penalty for a second or
18 subsequent conviction of a violation of certain laws relating to highway work
19 zones within a certain period of time; and generally relating to highway work
20 zones.

21 BY repealing and reenacting, with amendments,
22 Article - Transportation
23 Section 21-802.1 and 27-101(m)
24 Annotated Code of Maryland
25 (2002 Replacement Volume and 2005 Supplement)

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

1 **Article - Transportation**

2 21-802.1.

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

6 (b) (1) The State Highway Administration may reduce established speed
7 limits in a highway work zone upon a determination that the change is necessary to
8 ensure the public safety.

9 (2) A county may:

10 (i) Designate an area on a county highway or a highway on which
11 the county is authorized to do work [pursuant to] UNDER a maintenance agreement
12 as a highway work zone; and

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

15 (3) A municipal corporation may:

16 (i) Designate an area on a municipal highway or a highway on
17 which the municipal corporation is authorized to do work [pursuant to] UNDER a
18 maintenance agreement as a highway work zone; and

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

21 (c) A speed limit established under this section shall become effective when
22 posted.

23 (D) (1) WHEN A WORKER IS PRESENT IN A HIGHWAY WORK ZONE FOR THE
24 PURPOSE OF WORKING ON A HIGHWAY CONSTRUCTION OR MAINTENANCE PROJECT,
25 AT LEAST ONE LAW ENFORCEMENT OFFICER SHALL BE PRESENT IN OR NEAR THE
26 HIGHWAY WORK ZONE.

27 (2) A LAW ENFORCEMENT OFFICER PRESENT IN OR NEAR A HIGHWAY
28 WORK ZONE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

29 (I) BE IN UNIFORM;

30 (II) BE IN A MARKED LAW ENFORCEMENT VEHICLE;

31 (III) DISPLAY THE VISUAL LIGHTS OR SIGNAL DEVICES INSTALLED
32 ON THE LAW ENFORCEMENT VEHICLE; AND

33 (IV) BE LOCATED IN OR NEAR THE HIGHWAY WORK ZONE IN A
34 MANNER TO:

UNOFFICIAL COPY OF SENATE BILL 1035

1 1. ENHANCE CONSTRUCTION OR MAINTENANCE WORKER
2 SAFETY; AND

3 2. FACILITATE THE ENFORCEMENT OF TRAFFIC LAWS.

4 (3) A LAW ENFORCEMENT OFFICER SPECIFIED IN PARAGRAPH (1) OF
5 THIS SUBSECTION SHALL BE PROVIDED:

6 (I) FOR A COUNTY HIGHWAY OR A HIGHWAY ON WHICH A COUNTY
7 IS AUTHORIZED TO DO WORK UNDER A MAINTENANCE AGREEMENT, BY THE
8 COUNTY;

9 (II) FOR A MUNICIPAL HIGHWAY OR A HIGHWAY ON WHICH A
10 MUNICIPAL CORPORATION IS AUTHORIZED TO DO WORK UNDER A MAINTENANCE
11 AGREEMENT, BY THE MUNICIPAL CORPORATION; OR

12 (III) FOR ALL OTHER HIGHWAYS, BY THE STATE HIGHWAY
13 ADMINISTRATION.

14 (4) A LAW ENFORCEMENT OFFICER PRESENT IN OR NEAR A HIGHWAY
15 WORK ZONE UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY TAKE ANY
16 APPROPRIATE ACTION TO ENFORCE TRAFFIC LAWS IN THE HIGHWAY WORK ZONE.

17 (E) EXCEPT AS AUTHORIZED UNDER § 21-809 OF THIS SUBTITLE, A SPEED
18 LIMIT ESTABLISHED UNDER THIS SECTION MAY NOT BE ENFORCED THROUGH THE
19 USE OF SPEED MONITORING SYSTEMS.

20 (F) THE STATE HIGHWAY ADMINISTRATOR AND THE SECRETARY OF STATE
21 POLICE MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

22 27-101.

23 (m) Any person who is convicted of a violation of any of the provisions of §
24 21-802.1 of this article (Exceeding speed limit within highway work zone):

25 (1) FOR A FIRST OFFENSE, is subject to a fine of not LESS THAN \$250 AND
26 NOT more than \$1,000; AND

27 (2) FOR A SECOND OR SUBSEQUENT OFFENSE WITHIN A 12-MONTH
28 PERIOD, IS SUBJECT TO A FINE OF NOT LESS THAN \$500 AND NOT MORE THAN \$2,000.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2006.