

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 255 (Delegate Conaway)
Environmental Matters

Vehicle Laws - Emergency and Police Vehicle and Personnel Protection Act

This bill specifies the duties of drivers when approaching from the rear a stopped, standing, or parked emergency or police vehicle using signals. Violators are guilty of a misdemeanor and subject to a \$75 fine upon conviction.

Fiscal Summary

State Effect: Minimum general fund revenue increase from the \$75 penalty provision applicable to this offense. Enforcement could be handled with existing resources.

Local Effect: Enforcement could be handled with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires, except as otherwise directed by a police officer, a driver approaching from the rear an emergency or police vehicle that is stopped, standing, or parked on a highway and using any visual signal to take the following actions as soon as it is safe:

- 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
- slow to a speed that is sufficient to ensure the safety of police officers or emergency services personnel in the vicinity of the emergency or police vehicle 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.

A violation of this provision is a misdemeanor subject to a penalty of \$75.

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 • first, yield the right-of-way; • second, 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 • third, 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 of up to \$500. The District Court has established a prepayment penalty of \$110 if the violation does not contribute to an accident. However, if the violation does contribute to an accident, the prepayment penalty increases to \$150, and three points must be assessed against the driving record.

State Revenues: The District Court advises that, in fiscal 2007, 808 people were convicted for violating provisions relating to the operation of vehicles on the approach of emergency vehicles. The number of convictions under the bill cannot be reliably estimated.

Additional Information

Prior Introductions: This bill is a reintroduction of SB 517/HB 671 of 2007. These bills were given unfavorable reports by the Senate Judicial Proceedings Committee and the House Environmental Matters Committee, respectively. This bill is similar to HB 937 of 2005, which received an unfavorable report from the House Environmental Matters Committee. This bill is also similar to HB 914/SB 448 of 2004. HB 914 was heard in Environmental Matters but was subsequently withdrawn. SB 448 received an unfavorable report from the Senate Judicial Proceedings Committee. Another similar bill, SB 87 of 2003, received no action after being heard by Judicial Proceedings.

Cross File: SB 454 (Senator Jacobs, *et al.*) – Judicial Proceedings. In addition, HB 131 is identical.

Information Source(s): Montgomery County, Caroline County, Calvert County, Howard County, Baltimore City, Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 10, 2008
ncs/ljm

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