

HOUSE BILL 172

R5

9lr1022

By: **Delegates G. Clagett, Barkley, DeBoy, Hecht, Holmes, Levy, Love, Robinson, Weldon, and Wood**

Introduced and read first time: January 26, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Recklessly Contributing to an Accident in a Highway Work**
3 **Zone – Penalties**

4 FOR the purpose of establishing that a person is guilty of the misdemeanor of
5 recklessly contributing to an accident in a highway work zone if the person is
6 driving a motor vehicle in a certain manner in a highway work zone and the
7 driving contributes to an accident; establishing the number of points to be
8 assessed for recklessly contributing to an accident in a highway work zone;
9 authorizing a court to find a person charged with recklessly contributing to an
10 accident in a highway work zone guilty of a lesser included offense under
11 certain circumstances; establishing a certain penalty; defining a certain term;
12 making stylistic changes; and generally relating to the operation of a motor
13 vehicle in a highway work zone.

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 16–402(a)(23), 21–901.1, and 26–405
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2008 Supplement)

19 BY adding to
20 Article – Transportation
21 Section 27–101(cc)
22 Annotated Code of Maryland
23 (2006 Replacement Volume and 2008 Supplement)

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

26 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 16-402.

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

6 (23) Reckless driving **IN VIOLATION OF § 21-901.1(A) OF THIS**
7 **ARTICLE OR RECKLESSLY CONTRIBUTING TO AN ACCIDENT**
8 **IN A HIGHWAY WORK ZONE IN VIOLATION OF § 21-901.1(C)**
9 **OF THIS ARTICLE** 6 points

10 21-901.1.

11 (a) A person is guilty of reckless driving if [he] **THE PERSON** drives a motor
12 vehicle:

13 (1) In wanton or willful disregard for the safety of persons or property;
14 or

15 (2) In a manner that indicates a wanton or willful disregard for the
16 safety of persons or property.

17 (b) A person is guilty of negligent driving if [he] **THE PERSON** drives a motor
18 vehicle in a careless or imprudent manner that endangers any property or the life or
19 person of any individual.

20 (c) (1) **IN THIS SUBSECTION, “HIGHWAY WORK ZONE” MEANS A**
21 **TEMPORARY OR PERMANENT CONSTRUCTION OR MAINTENANCE AREA ON OR**
22 **ALONGSIDE A HIGHWAY THAT IS MARKED BY APPROPRIATE WARNING SIGNS OR**
23 **OTHER TRAFFIC CONTROL DEVICES DESIGNATING THAT WORK IS IN PROGRESS.**

24 (2) **A PERSON IS GUILTY OF RECKLESSLY CONTRIBUTING TO AN**
25 **ACCIDENT IN A HIGHWAY WORK ZONE IF:**

26 (i) **THE PERSON IS DRIVING A MOTOR VEHICLE IN**
27 **VIOLATION OF SUBSECTION (A) OF THIS SECTION IN A HIGHWAY WORK ZONE;**
28 **AND**

29 (ii) **THE DRIVING CONTRIBUTES TO AN ACCIDENT.**

30 26-405.

31 If a person is charged with a violation of § 21-901.1 of this article [(“Reckless
32 and negligent driving”)](**“RECKLESS DRIVING, NEGLIGENT DRIVING, AND**

1 **RECKLESSLY CONTRIBUTING TO AN ACCIDENT IN A HIGHWAY WORK ZONE**) or §
2 21-902 of this article (“Driving while under the influence of alcohol, while under the
3 influence of alcohol per se, while impaired by alcohol, or while impaired by a drug, a
4 combination of drugs, a combination of one or more drugs and alcohol, or while
5 impaired by a controlled dangerous substance”), the court may find the person guilty
6 of any lesser included offense under any subsection of the respective section.

7 27-101.

8 **(CC) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 21-901.1(C)**
9 **OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS**
10 **SUBJECT TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT**
11 **EXCEEDING \$1,000 OR BOTH.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2009.