

SENATE BILL 682

R5

9lr2010
CF HB 271

By: **Senator Muse**

Introduced and read first time: February 6, 2009

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – “Road Rage” Offenses**

3 FOR the purpose of establishing a vehicle offense of maliciously violating certain
4 provisions of the Maryland Vehicle Law under certain circumstances;
5 establishing certain maximum penalties for convictions for the offense under
6 certain circumstances; providing for certain procedures concerning a certain
7 penalty; and generally relating to establishing a vehicle offense of maliciously
8 violating certain provisions of the Maryland Vehicle Law under certain
9 circumstances.

10 BY repealing and reenacting, without amendments,
11 Article – Transportation
12 Section 21–303(c) and (e), 21–309(b), 21–310, 21–604(e), 21–804(a), and
13 21–1102
14 Annotated Code of Maryland
15 (2006 Replacement Volume and 2008 Supplement)

16 BY adding to
17 Article – Transportation
18 Section 21–901.3 and 27–101(cc)
19 Annotated Code of Maryland
20 (2006 Replacement Volume and 2008 Supplement)

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

23 **Article – Transportation**

24 21–303.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(c) The driver of a vehicle overtaking another vehicle that is going in the same direction, until safely clear of the overtaken vehicle, may not drive any part of his vehicle directly in front of the overtaken vehicle.

(e) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle, until completely passed by the overtaking vehicle, may not increase the speed of his vehicle.

21-309.

(b) A vehicle shall be driven as nearly as practicable entirely within a single lane and may not be moved from that lane or moved from a shoulder or bikeway into a lane until the driver has determined that it is safe to do so.

21-310.

(a) The driver of a motor vehicle may not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the other vehicle and of the traffic on and the condition of the highway.

(b) Subject to the provisions of subsection (d) of this section, whenever conditions permit, the driver of every truck, while traveling on a roadway outside of a business district or a residential district and following any other truck or any other motor vehicle towing another vehicle, shall leave enough space so that an overtaking vehicle may enter and occupy the space without danger.

(c) Subject to the provisions of subsection (d) of this section, whenever conditions permit, the driver of every motor vehicle towing another vehicle, while traveling on a roadway outside of a business district or a residential district and following any other truck or any other motor vehicle towing another vehicle, shall leave enough space so that an overtaking vehicle may enter and occupy the space without danger.

(d) A truck or a motor vehicle towing another vehicle may overtake and pass any other vehicle or combination of vehicles.

(e) (1) This subsection does not apply to a funeral procession.

(2) A motor vehicle being driven on a roadway outside of a business district or a residential district in a caravan or motorcade, whether or not towing another vehicle, shall be driven to allow enough space between each two vehicles or combination of vehicles so that any other vehicle may enter and occupy the space without danger.

21-604.

(e) If there is an opportunity to signal, a person may not stop or suddenly decrease the speed of a vehicle until he gives an appropriate signal in the manner required by this subtitle to the driver of any other vehicle immediately to the rear.

21-804.

(a) Unless reduced speed is necessary for the safe operation of the vehicle or otherwise is in compliance with law, a person may not willfully drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic.

21-901.3.

(A) THIS SECTION DOES NOT APPLY TO A PERSON WHO CAUSES THE DEATH OF AN INDIVIDUAL.

(B) A PERSON MAY NOT VIOLATE WITH MALICE ANY OF THE FOLLOWING PROVISIONS OF THE MARYLAND VEHICLE LAW:

(1) § 21-303(C) OR (E) OF THIS TITLE (“OVERTAKING AND PASSING VEHICLES”);

(2) § 21-309(B) OF THIS TITLE (“DRIVING IN SINGLE LANE REQUIRED”);

(3) § 21-310 OF THIS TITLE (“FOLLOWING TOO CLOSELY”);

(4) § 21-604(E) OF THIS TITLE (“STOPPING OR DECREASING SPEED”);

(5) § 21-804(A) OF THIS TITLE (“SLOW SPEED IMPEDING TRAFFIC PROHIBITED”); OR

(6) § 21-1102 OF THIS TITLE (“LIMITATIONS ON BACKING”).

21-1102.

(a) The driver of a vehicle may not back it unless the movement can be made safely and without interfering with other traffic.

(b) The driver of a vehicle may not back it on any shoulder or roadway of any controlled access highway.

27-101.

(CC) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERSON WHO IS CONVICTED OF A VIOLATION OF § 21-901.3 OF THIS ARTICLE

1 **(“OFFENSES COMMITTED WITH MALICE”) IS SUBJECT TO A FINE OF NOT MORE**
2 **THAN \$1,000.**

3 **(2) (I) IF A PERSON IS CONVICTED OF A VIOLATION OF §**
4 **21-901.3 OF THIS ARTICLE (“OFFENSES COMMITTED WITH MALICE”) AND THE**
5 **TRIER OF FACT FINDS BEYOND A REASONABLE DOUBT THAT THE VIOLATION**
6 **CAUSED AN ACCIDENT OR COLLISION, THE PERSON IS SUBJECT TO A FINE OF**
7 **NOT MORE THAN \$2,000 OR IMPRISONMENT FOR NOT MORE THAN 2 MONTHS OR**
8 **BOTH.**

9 **(II) A COURT MAY NOT IMPOSE A PENALTY UNDER THIS**
10 **PARAGRAPH UNLESS THE STATE’S ATTORNEY SERVES NOTICE OF THE ALLEGED**
11 **ACCIDENT OR COLLISION ON THE DEFENDANT OR THE DEFENDANT’S COUNSEL**
12 **BEFORE THE ACCEPTANCE OF A PLEA OF GUILTY OR NOLO CONTENDRE OR AT**
13 **LEAST 15 DAYS BEFORE TRIAL IN A CIRCUIT COURT OR AT LEAST 5 DAYS**
14 **BEFORE TRIAL IN THE DISTRICT COURT, WHICHEVER IS EARLIER.**

15 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
16 **October 1, 2009.**