

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 989 (Delegate Conaway, *et al.*)
Environmental Matters

Vehicle Laws - Emergency and Police Vehicle and Personnel Protection Act

This bill establishes 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 can be handled with existing resources.

Local Effect: Enforcement can 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 if bodily injury or death results from the accident, the District Court assesses a penalty of \$750. Also, if the offense contributes to an accident, three points must be assessed against the driving record.

State Revenues: The District Court advises that, in fiscal 2008, 752 people were convicted for violating provisions for the operation of vehicles on the approach of emergency vehicles. The number of convictions under the bill cannot be reliably estimated but is expected to be minimal.

Additional Information

Prior Introductions: HB 255 and HB 1263 of 2008 each received an unfavorable report from the House Environmental Matters Committee. SB 454, the cross file of HB 255, received an unfavorable report from the Senate Judicial Proceedings Committee. HB 131 of 2008 was heard in the House Environmental Matters Committee but received no further action. In 2007, SB 517/HB 671 each received unfavorable reports from the Senate Judicial Proceedings Committee and the House Environmental Matters Committee, respectively. HB 937 of 2005, a similar bill, received an unfavorable report from the House Environmental Matters Committee. HB 914 of 2004, another similar bill,

was heard in the House Environmental Matters Committee and subsequently withdrawn. Its cross file, SB 448 of 2004, received an unfavorable report from the Senate Judicial Proceedings Committee. Another similar bill, SB 87 of 2003, received no action after being heard by the Senate Judicial Proceedings Committee.

Cross File: None designated, although HB 622 is identical.

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

Fiscal Note History: First Reader - February 26, 2009
mlm/ljm

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