

Department of Legislative Services
2010 Session

FISCAL AND POLICY NOTE
Revised

House Bill 499

(Delegate Malone, *et al.*)

Environmental Matters

Judicial Proceedings

Motor Vehicles - Approaching Emergency Vehicles and Personnel

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 maximum fine of \$500 upon conviction.

Fiscal Summary

State Effect: Minimal general fund revenue increase from the penalty provision applicable to this offense under the Maryland Vehicle Law. Enforcement can be handled with existing resources.

Local Effect: None. Enforcement can be handled with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires, unless otherwise directed by a police officer or a traffic control device, a driver, when approaching from the rear an emergency vehicle that is stopped, standing, or parked on a highway and using any authorized visual signal, to take the following actions:

- make a lane change into an available lane not immediately adjacent to the emergency vehicle with due regard for safety and traffic conditions, if practicable and not otherwise prohibited; or
- slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicle or pedestrian traffic conditions, if the driver of the motor vehicle is unable

to make a lane change into an available lane not immediately adjacent to the emergency vehicle with due regard for safety and traffic conditions.

A violation of this provision is a misdemeanor subject to a maximum fine of \$500.

Current Law: Generally, every emergency vehicle, in addition to any other equipment and markings required by the Maryland Vehicle Law, must be equipped with signal lamps mounted as high as practical that are capable of displaying to the front and rear a flashing red light or lights with sufficient intensity to be visible at least 500 feet in normal sunlight. Vehicles of the police department or other government law enforcement agencies may be equipped with and display red, white, or blue lights or signal devices. Fire departments and rescue squads may be equipped with red and/or white lights or signal devices. State law establishes other standards for authorized lighting or signal device equipment for emergency, rescue, law enforcement, and other vehicles as specified.

A person may not drive or move on any highway any vehicle or equipment that is equipped with or displays any light or signal device designed to emit an oscillating, blinking, rotating, or other similar emission of light unless designated and authorized by the Motor Vehicle Administrator. The use of authorized signal equipment on emergency and other authorized vehicles imposes on drivers of other vehicles the obligation to yield the right-of-way and stop as required by the Maryland Vehicle Law. The use of flashing lighting on an unauthorized vehicle and the failure to yield to an authorized vehicle displaying such lighting are misdemeanor offenses subject to a maximum fine of \$500. The prepayment penalty established by the District Court is \$50 for each of these offenses.

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.

Generally, a violation of these provisions requires the assessment of one point against the driving record except for the offense of passing a moving emergency or police vehicle, which requires the assessment of two points. All of these offenses are misdemeanors,

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 serious 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.

Background: According to the National Law Enforcement Officers Memorial Fund, more than 150 U.S. law enforcement officers have been killed after being struck by vehicles along America's highways over the past 10 years. According to the organization *Move Over, America*, Maryland is one of only three states that have not enacted a "move over" law, along with New York and Hawaii. The District of Columbia has also not enacted such a law. It reports that five states enacted such laws in 2009: Nebraska, Massachusetts, Connecticut, Rhode Island, and New Jersey.

State Revenues: The District Court advises that, in calendar 2009, 930 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 989 of 2009 and HB 622 of 2009, both similar bills, each received an unfavorable report from the House Environmental Matters Committee. Similar bills, 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. Similar bill HB 131 of 2008 was heard in the House Environmental Matters Committee but received no further action. In 2007, SB 517 and HB 671, both similar bills, each received unfavorable reports from the Senate Judicial Proceedings Committee and the House Environmental Matters Committee, respectively. Similar bills were also introduced in the 2003 through 2005 legislative sessions.

Cross File: SB 324 (Senator Glassman, *et al.*) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; National Law Enforcement Officers Memorial Fund; *Move Over America*; Department of Legislative Services

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