Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

Senate Bill 596   (Senator Robey)

Judicial Proceedings

Vehicle Laws - Distracted Driving - Animals

This bill prohibits a person from driving a vehicle if there is an animal or animal activity in the front seat of the vehicle that obstructs the view of the driver to the front or either side of the vehicle. It also prohibits a person from driving a vehicle if an animal or animal activity in the front seat of the vehicle interferes with the driver's control over the driving mechanism of the vehicle. A violation is a misdemeanor, subject to a maximum fine of $500.

Fiscal Summary

State Effect: General fund revenues increase due to the bill's penalty provision for those cases processed by and heard in the District Court; the magnitude of the increase cannot be reliably estimated at this time. No effect on expenditures.

Local Effect: Enforcement can be handled with existing resources.

Small Business Effect: Potential minimal.

Analysis

Current Law: No State law specifically prohibits a driver from operating a motor vehicle while transporting animals in the front seat.

State law does prohibit the driving of a vehicle if it is so loaded or there are so many passengers in the front seat that the driver's views to the vehicle's front or sides are obstructed or if the load or passengers interfere with the driver's control over the vehicle's driving mechanism. Passengers are prohibited from riding in a position where

they may interfere with the driver's view to the front or sides of the vehicle or interfere with the driver's control of the vehicle. A violation of these provisions is a misdemeanor, subject to a maximum $500 fine. The prepayment penalty assessed by the District Court for these offenses is $70 and one point against the driver's license. If the violation contributes to an accident, the prepayment penalty is $110 and three points are assessed against the driver's license.

Background: According to the National Highway Traffic Safety Administration, over 5,400 people were killed in crashes involving driver distraction and an estimated 448,000 were injured in 2009. The focus of most distracted driving campaigns is on the use of electronic devices while operating a motor vehicle; however, some safety advocates and animal welfare organizations have cited concerns in recent years about the distraction of having an unrestrained pet in a motor vehicle while driving.

According to the advocacy group *BarkBuckleUp*, pet travel has increased by 300% since 2005. Pet owners are more likely to take pets on long trips, where the pet owner can patronize the increasing number of pet-friendly lodging and restaurant facilities, rather than pay for expensive kennel upkeep. In 2010, *BarkBuckleUp* estimated that about 89% of pets travelling in cars were not secured properly. The group also reports that the state of Hawaii has enacted legislation that prohibits drivers from holding animals in their laps or letting them be close enough to interfere with the driver's control of the vehicle. Other states where similar legislation was considered include California, Virginia, and Oregon. The Governors Highway Safety Association reports that Maine, New Hampshire, and Utah are among the states that have enacted laws against distracted driving, regardless of the source of distraction.

Additional Information

Prior Introductions: None.

Cross File: HB 837 (Delegate Malone) - Environmental Matters.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, *BarkBuckleUp*, *USA Today, The Wall Street Journal*, *The New York Times*, National Highway Traffic Safety Administration, Governors Highway Safety Association, Department of Legislative Services

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