

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 886 (Delegate Glass, *et al.*)
Environmental Matters

Motor Vehicles - Stopping on Shoulder - Warning Devices

This bill establishes a new requirement for specified motor vehicles that are stopped, but not disabled, on the shoulder of a roadway during a time that lights are required. It applies to any truck, passenger bus, truck tractor, trailer, semitrailer or pole trailer, or any motor vehicle towing a motor home and specifies that appropriate warning devices be placed as required by the bill. A violation of the bill is a misdemeanor but is not a moving violation for the purpose of assessing points. However, a person who is guilty of committing the offense of improper warning devices by a nondisabled vehicle is subject to a (1) warning for a first offense; (2) fine of \$25 for a second offense; and (3) fine of \$50 for a third or subsequent offense.

Fiscal Summary

State Effect: Minimal increase in general fund revenues, due to additional citations issued for violations of the bill. Enforcement can be handled with existing resources.

Local Effect: Enforcement can be handled with existing resources.

Small Business Effect: Minimal.

Analysis

Bill Summary: The appropriate warning devices are a lighted fusee, a lighted red electric lantern, or a portable red emergency reflector. The warning devices must be placed (1) one at a distance (*to the extent feasible*) of about 50 feet from the vehicle in the center of the shoulder and in the direction of the nearest approaching traffic and (2) one at

the traffic side of the vehicle and about 10 feet from the vehicle in the direction of the nearest approaching traffic.

Current Law: Whenever any truck, passenger bus, truck tractor, trailer, semitrailer or pole trailer, or any motor vehicle towing a mobile home is disabled on the roadway or shoulder of any highway outside of any municipal corporation, at any time when lighted lamps are required, the driver must display warning devices for the time the vehicle is disabled on the roadway. These warning devices are considered appropriate: a lighted fusee, a lighted red electric lantern, or a portable red emergency reflector. They must be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

As soon thereafter as possible, but no later than within 15 minutes or before any fusee burns out (whichever occurs first), the driver must place three liquid-burning flares, three lighted red electric lanterns, or three portable red emergency reflectors on the roadway. These devices must be placed in the following order: (1) one, about 100 feet from the disabled vehicle in the center of the lane occupied by the vehicle and toward traffic approaching in that lane; (2) one, about 100 feet in the opposite direction from the disabled vehicle in the center of the traffic lane occupied by the vehicle; and (3) one, at the traffic side of the disabled vehicle not less than 10 feet rearward or forward of it in the direction of the nearest approaching traffic. However, if a lighted red electric lantern or red portable emergency reflector has been placed at the traffic side of the vehicle in the direction of the nearest approaching traffic, it may be used for this purpose.

If the specified vehicle is disabled within 500 feet of a curve, hillcrest, or other obstruction to view, the warning signal in that direction must be placed to afford ample warning to other users of the highway, but in no case less than 100 feet or more than 500 feet from the disabled vehicle.

If the specified vehicle is disabled on any roadway of a divided highway during a time that lights are required, appropriate warning devices, as specified, must be placed as follows: (1) one, at a distance of about 200 feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching from that lane; (2) one, at a distance of about 100 feet from the vehicle in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; and (3) one, at the traffic side of the vehicle and about 10 feet from the vehicle in the direction of the nearest approaching traffic.

Other warning equipment and display requirements apply to (1) specified vehicles that are disabled on the roadway or shoulder of any highway outside of a municipal corporation at any time when the display of lighted warning devices is not required and

(2) motor vehicles used to carry explosives, flammable liquid, or compressed flammable gas.

A violation of the requirements for warning light equipment and their display for specified disabled vehicles is a misdemeanor. Violators are subject to a maximum fine of \$500. The prepayment penalty set by the District Court is \$60.

Background: In fiscal 2012, the District Court reports that four citations were issued for the failure to display a required roadway warning device for a disabled highway vehicle when lights are required. Of these citations, three were prepaid and one went to trial.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 27, 2013
mlm/ljm

Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510