

Department of Legislative Services  
Maryland General Assembly  
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 378

(Senator Jacobs)

Judicial Proceedings

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Vehicle Laws - Operation of Vehicle on Approach of Tow Truck

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This bill generally requires a driver approaching a tow truck that is stopped, standing, or parked on a highway and using an applicable visual signal to make a lane change or, if a lane change cannot be made, slow to a reasonable and prudent speed, as is currently required upon approaching an emergency vehicle using an applicable visual signal that is stopped, standing, or parked. A violation of the bill is a misdemeanor that carries a \$500 maximum fine.

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Fiscal Summary

**State Effect:** General fund revenues increase, potentially significantly, due to the application of the bill's penalty provision. Expenditures are not affected. Enforcement can be handled with existing resources.

**Local Effect:** Enforcement can be handled with existing resources.

**Small Business Effect:** Potential meaningful beneficial impact on small business towing services to the extent that the bill results in fewer accidents involving tow trucks.

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Analysis

**Current Law:** A driver approaching an emergency vehicle from the rear, which is stopped, standing, or parked on a highway and using an applicable visual signal must, unless otherwise directed by a police officer or traffic control device, 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. If the lane

change cannot be made, then the driver must slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions.

A violation of these provisions of the Maryland Vehicle Law is a misdemeanor with a \$500 maximum civil penalty. If prepaid, the fine is \$110 generally, \$150 if the violation contributes to an accident, and \$750 if the violation results in death or serious bodily injury.

**Background:** According to the American Automobile Association, 24 states have enacted a “move over” law that applies to tow trucks in addition to emergency vehicles.

**State Revenues:** A reliable estimate of the increase in general fund revenues from the application of the bill’s penalty provision cannot be made due to significant uncertainty regarding the frequency with which vehicles approach tow trucks in a manner that violates the bill as well as uncertainty regarding the deterrent effect of the bill, if any, on the future number of violations.

For contextual purposes, 2,182 citations were issued in fiscal 2012 for illegally approaching an emergency vehicle from the rear. Of these citations, 926 resulted in the prepayment of the fine. Even if none of the prepaid fines was based on a violation that contributed to an accident or resulted in death or serious bodily injury (which carry higher fines), then the 926 fines generated \$101,860 in revenues. This does not account for any fines paid following the conviction at trial and, therefore, undercounts the total collection in fine revenues. However, it is uncertain whether the number of violations of the bill would be similar to the number of violations of illegally approaching emergency vehicles.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 18, 2013  
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