

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE
Revised

House Bill 436

(Delegates Rudolph and Malone)

Environmental Matters

Judicial Proceedings

Vehicle Laws - Operation of Vehicle When Approaching a Tow Truck

This bill generally requires a driver approaching (from the rear) a properly registered 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.

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.

Analysis

Current Law: The Maryland Vehicle Law prohibits a person from operating a tow truck for hire unless the tow truck is registered with the Motor Vehicle Administration, as specified. A “tow truck” means a Class E truck that is designed to lift, pull, or carry a vehicle by a hoist or mechanical apparatus. The truck must have a manufacturer’s gross vehicle weight rating of 10,000 pounds or more and be equipped as a tow truck or

designed as a rollback (that is, with a ramp on wheels and a hydraulic lift that can haul or tow an additional vehicle).

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 maximum fine of \$500. 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.

Service vehicles, rural letter carrier vehicles, slow-moving farm vehicles, and tow trucks are authorized to be equipped with and display yellow or amber lights or signal devices. The yellow or amber lights may be flashed or oscillated or otherwise used only in the course of official duties, to indicate to the public that the vehicle is slow moving or is otherwise impeding traffic.

Background: According to the American Automobile Association, 29 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, 2,444 citations were issued in fiscal 2013 for illegally approaching an emergency vehicle from the rear. Of these citations, 1,123 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 1,123 prepaid fines generated \$123,530 in revenues. This does not account for any fines paid following convictions after trial and, therefore, undercounts the total collection in fine revenues. However, it is uncertain whether the number of violations under the bill would be similar to the number of violations from illegally approaching emergency vehicles.

Additional Information

Prior Introductions: SB 378 of 2013, a similar bill, received an unfavorable report from the Senate Judicial Proceedings Committee.

Cross File: SB 3 (Senators Jacobs and Simonaire) - Judicial Proceedings.

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 6, 2014
ncs/ljm Revised - House Third Reader - March 13, 2014

Analysis by: Karen D. Morgan

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