

Department of Legislative Services
 Maryland General Assembly
 2014 Session

FISCAL AND POLICY NOTE

House Bill 247 (Delegate Hogan)
 Environmental Matters

Vehicle Laws - Road Rage Reduction Act of 2014

This bill establishes an expanded duty for a driver on a roadway with two or more lanes of traffic moving in the same direction to give way when being overtaken. If the driver is in the far left lane and is being overtaken by another vehicle in the far left lane, the driver must give way to the right in favor of the overtaking vehicle. This duty takes precedence over the existing duty of a driver to give way to the right if the overtaking vehicle gives an audible signal, unless overtaking and passing on the right is permitted. Existing penalties apply to this offense. The State Highway Administration (SHA) is required to erect signs along each roadway in the State that has two or more lanes of traffic moving in the same direction to instruct the driver of an overtaken vehicle to give way in favor of the overtaking vehicle. Signage must be placed every five miles or as closely as possible to that interval along the roadways.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase by \$376,300 in FY 2015 only to erect the signage required by the bill. Nonbudgeted expenditures for the Maryland Transportation Authority (MDTA) likely increase by \$30,000 in FY 2015 only to reimburse SHA for the erection of signage required by the bill. Thus, TTF revenues increase by \$30,000 as well. Ongoing maintenance for signs erected under the bill can be handled with existing resources. Potential minimal increase in general fund revenues to the extent additional people receive citations under the bill’s provisions. Enforcement can be handled with existing resources.

(\$ in thousands)	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
SF Revenue	\$30	\$0	\$0	\$0	\$0
SF Expenditure	\$376	\$0	\$0	\$0	\$0
NonBud Exp.	\$30	\$0	\$0	\$0	\$0
Net Effect	(\$376)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Enforcement can be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: The Maryland Vehicle Law requires that, when overtaking another vehicle that is going in the same direction, the driver must pass to the left of the overtaken vehicle at a safe distance. A driver who wants to overtake another vehicle going in the same direction must wait until safely clear of the overtaken vehicle before driving in front of that vehicle. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle, upon audible signal, must give way to the right in favor of an overtaking vehicle. Also, except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle may not increase speed until completely passed by the overtaking vehicle.

A violation of these provisions is a misdemeanor with a maximum fine of \$500. The prepayment penalty for these violations is \$90 and, upon conviction, one point assessed against the driver's license. If the violation contributes to an accident, the prepayment penalty is \$130 and three points assessed against the license.

Background: Exhibit 1 shows the frequency of charges for unlawfully overtaking another vehicle.

Exhibit 1 Citations – Overtaking Vehicles Fiscal 2013

Overtaking Vehicles	<u>Open</u>	<u>Prepaid</u>	<u>Trial</u>	<u>Total</u>
Failure to Overtake at Safe Distance	38	121	200	359
Driving in Front of Overtaken Vehicle – Not Safely Clear	5	16	42	63
Failure to Yield to Overtaking Vehicle on Audible Signal	3	0	7	10
Overtaken Vehicle Increasing Speed	6	2	20	28

Source: District Court of Maryland

In April 2007, two people were killed on the I-270 highway in Montgomery County during a road rage incident. Police reported that witnesses saw the drivers of two vehicles (a green pick-up truck and a Chrysler convertible) exchange angry gestures. The driver in the green pick-up truck pulled in front of the Chrysler and slammed on the brakes. The Chrysler swerved to miss the truck, flipped over, and rolled several times. The two occupants of the Chrysler were not wearing seat belts, were ejected from their car, and died at the scene. The driver of the pick-up truck sped away.

According to the National Highway Traffic Safety Administration (NHTSA), road rage and aggressive driving, while often used interchangeably in casual conversation, are different. While aggressive driving is a combination of moving traffic offenses that endangers other persons or property, “road rage” is an assault with a motor vehicle or other dangerous weapon by the operator or passengers of one motor vehicle on the operator or passengers of another motor vehicle or an assault that is caused by an incident that occurred on a roadway. Road rage requires a willful and wanton disregard for the safety of others.

Maryland, Virginia, Pennsylvania, and the District of Columbia have been involved in a public education/enforcement program called “Smooth Operator” since 1997. This campaign targets many of the aggressive driver behaviors that could lead to road rage. In addition to increased enforcement, public education campaigns attempt to stigmatize tailgating, speeding, unsafe lane changes, running red lights or stop signs, and other behaviors that compromise traffic safety. In addition, the Maryland Strategic Highway Safety Plan for 2011-2015 includes focusing on fatalities and injuries related to aggressive driving by reducing:

- aggressive driving fatalities from 63 in 2008 to fewer than 51 by the end of 2015; and
- aggressive driving injuries from 4,203 in 2008 to fewer than 3,495 by the end of 2015.

State Fiscal Effect: TTF expenditures increase by \$376,267 in fiscal 2015 only for the erection of roadway signage required by the bill. SHA advises that, considering signs need to be placed on both sides of roadways for traffic traveling in opposite directions, the following assumptions apply:

- 532 large signs are needed for both directions of the 1,329 miles of interstate and U.S. routes subject to the bill; and
- 369 small signs are needed for both directions of the 922 miles of Maryland routes subject to the bill.

SHA advises that the total cost for materials, installation equipment, and labor is \$307,212. Administrative overhead adds \$69,055.

Nonbudgeted expenditures for MDTA increase by \$30,000 for 60 signs (50 large signs, 10 small signs, and administrative overhead) that are erected for those roadways under its jurisdiction. MDTA advises that SHA will require MDTA to reimburse SHA for the signs erected for the highways under its jurisdiction; thus, TTF revenues increase correspondingly.

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, National Highway Traffic Safety Administration, Department of Legislative Services

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