

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 808 (Delegates Beidle and Frush)
Environment and Transportation

Vehicle Laws - Operation of Vehicle When Approaching a Service Vehicle

This bill generally requires a driver approaching (from the rear) a service vehicle 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 required upon approaching an emergency vehicle or tow truck using an applicable visual signal that is stopped, standing, or parked. A violation of the bill is a misdemeanor that generally carries a \$500 maximum fine.

Fiscal Summary

State Effect: Minimal increase in general fund revenues, due to the application of the bill's penalty provision. Minimal reduction in general, special, and federal fund expenditures to the extent the bill results in fewer accidents involving service vehicles. Enforcement can be handled with existing resources.

Local Effect: Minimal reduction in expenditures for local governments to the extent that the bill results in fewer accidents involving service vehicles. Enforcement can be handled with existing resources.

Small Business Effect: Potential meaningful beneficial impact for private service vehicles providing governmental services to the extent that the bill results in fewer accidents involving these vehicles.

Analysis

Current Law: A driver approaching an emergency vehicle or tow truck from the rear, either of 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 or tow truck 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 that does not contribute to an accident involving serious bodily injury or death is a misdemeanor with a maximum fine of \$500. If the violation does not contribute to an accident, the prepayment penalty is \$110, with one point assessed against the driver's license. If the violation contributes to an accident, however, three points are assessed against the driver's license and the prepayment penalty is \$150. A violation of these provisions that contributes to an accident involving serious bodily injury or death is a misdemeanor with a maximum fine of \$1,000, and the prepayment penalty increases to \$750. Although three points are assessed against the driver's license, the driver may also have his or her license suspended for up to 180 days.

“Service vehicles” means vehicles (designated as such) of (1) federal, State, or local agencies; (2) public service companies; and (3) persons performing governmental functions under a contract with any federal, State, or local government.

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 (AAA), 50 states have enacted some type of “move over” law that applies to at least emergency vehicles that are displaying an authorized signal. The laws in New Hampshire and Pennsylvania appear to limit the requirement to drivers approaching designated emergency response areas. The laws of 45 states specifically include tow trucks along with emergency vehicles. The laws of seven states (Arkansas, California, Massachusetts, New Jersey, New Mexico, Texas, and Utah) specifically include highway maintenance vehicles as well as emergency vehicles and tow trucks. One law, enacted in Arizona, applies to any stationary vehicle with flashing or warning lights. According to AAA, the District of Columbia is the only jurisdiction without a specific “move over” law.

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 service vehicles 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, during fiscal 2013, when the “move over” law applied only to emergency vehicles, 2,444 citations were issued for illegally approaching an emergency vehicle from the rear. During fiscal 2014, when the “move over” law was expanded to include tow trucks (as of October 1, 2013), 7,828 citations were issued in fiscal 2014 for noncompliance with the “move over” requirement. Of the citations issued in fiscal 2014, 3,560 resulted in prepayment of the fine. Assuming 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 3,560 prepaid fines generated about \$391,600 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 or tow trucks.

Additional Information

Prior Introductions: None.

Cross File: SB 98 (Senator Norman, *et al.*) - Judicial Proceedings.

Information Source(s): Department of State Police, American Automobile Association, Department of Legislative Services

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