

HOUSE BILL 578

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CF SB 338

By: **Delegates Kramer, Carr, Barkley, Chang, Cullison, Fraser-Hidalgo, Gutierrez, C. Howard, Jackson, Korman, Krimm, Morales, and Valentino-Smith**

Introduced and read first time: January 30, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Pedestrian Hybrid Signals**

3 FOR the purpose of requiring the driver of a vehicle to obey a pedestrian hybrid signal as
4 provided in this Act; specifying the manner in which vehicular traffic is required to
5 obey a pedestrian hybrid signal; establishing that a pedestrian hybrid signal may be
6 placed only at certain locations; establishing a penalty for a violation of certain
7 provisions of this Act; establishing that certain provisions of law relating to traffic
8 control signal monitoring systems apply to pedestrian hybrid signals; establishing
9 the manner in which a pedestrian or bicyclist is required to obey a pedestrian hybrid
10 signal; establishing that certain provisions of law do not apply to pedestrian hybrid
11 signals; requiring the State Highway Administration to update a certain manual to
12 conform with the provisions of this Act within a certain period of time; defining
13 “pedestrian hybrid signal”; making stylistic and conforming changes; and generally
14 relating to pedestrian hybrid signals.

15 BY repealing and reenacting, without amendments,

16 Article – Transportation

17 Section 21-101(a), 21-201(a)(1), and 21-202(a)

18 Annotated Code of Maryland

19 (2012 Replacement Volume and 2016 Supplement)

20 BY adding to

21 Article – Transportation

22 Section 21-101(l-1), 21-201(e), 21-202(n), 21-204.2, and 21-204.3

23 Annotated Code of Maryland

24 (2012 Replacement Volume and 2016 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article – Transportation

27 Section 21-202(m), 21-202.1, 21-204, 21-209, 21-502(a), and 26-305(a)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland (2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
the Laws of Maryland read as follows:

Article – Transportation

6 21-101.

7 (a) In this title and Title 25 of this article the following words have the meanings
8 indicated.

9 (L-1) "PEDESTRIAN HYBRID SIGNAL" MEANS A TRAFFIC CONTROL SIGNAL
10 LOCATED AT A CROSSWALK THAT:

14 (2) IS ACTIVATED BY A PEDESTRIAN OR BICYCLIST; AND

15 (3) IS COORDINATED WITH A CORRESPONDING PEDESTRIAN
16 CONTROL SIGNAL.

17 21-201.

18 (a) (1) Subject to the exceptions granted in this title to the driver of an
19 emergency vehicle, the driver of any vehicle, unless otherwise directed by a police officer,
20 shall obey the instructions of any traffic control device applicable to the vehicle and placed
21 in accordance with the Maryland Vehicle Law.

22 (E) A PEDESTRIAN HYBRID SIGNAL MAY ONLY BE PLACED AT A MIDBLOCK
23 OR "T" INTERSECTION CROSSWALK.

24 21-202.

25 (a) (1) Except for special pedestrian signals that carry a legend, where traffic
26 is controlled by traffic control signals that show different colored lights or colored lighted
27 arrows, whether successively one at a time or in combination, only the colors green, red,
28 and yellow may be used.

29 (2) These lights apply to drivers and pedestrians as provided in this
30 section.

1 (m) [Except for those provisions of this section that by their very nature cannot
2 apply, this section applies to a traffic control signal placed at a location other than an
3 intersection.] Each stop required by the signal shall be made at a sign or marking on the
4 pavement indicating where the stop shall be made or, if there is no sign or marking, at the
5 signal.

(N) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND FOR THOSE PROVISIONS OF THIS SECTION THAT BY THEIR VERY NATURE CANNOT APPLY, THIS SECTION APPLIES TO A TRAFFIC CONTROL SIGNAL PLACED AT A LOCATION OTHER THAN AN INTERSECTION.

12 21-202.1.

13 (a) (1) In this section the following words have the meanings indicated.

14 (2) "Agency" means:

15 (i) For a traffic control signal operated and maintained at an
16 intersection **OR MIDBLOCK CROSSWALK** under the control of the State, the law
17 enforcement agency primarily responsible for traffic control at that intersection; or

22 (3) (i) "Owner" means the registered owner of a motor vehicle or a
23 lessee of a motor vehicle under a lease of 6 months or more.

(ii) "Owner" does not include a motor vehicle rental or leasing company or a holder of a special registration plate issued under Part III of Title 13, Subtitle 9 of this article.

27 (4) "Recorded images" means images recorded by a traffic control signal
28 monitoring system:

29 (i) On:

30 1. Two or more photographs;

31 2. Two or more microphotographs;

32 3. Two or more electronic images;

1 4. Videotape; or

2 5. Any other medium; and

3 (ii) Showing the rear of a motor vehicle and, on at least one image or
4 portion of tape, clearly identifying the registration plate number of the motor vehicle.

5 (5) "Traffic control signal monitoring system" means a device with one or
6 more motor vehicle sensors working in conjunction with a traffic control signal to produce
7 recorded images of motor vehicles entering an intersection **OR MIDBLOCK CROSSWALK**
8 against a red signal indication.

9 (b) The agency primarily responsible for traffic control at an intersection **OR**
10 **MIDBLOCK CROSSWALK** monitored by a traffic control signal monitoring system shall
11 ensure that the length of time that a traffic control signal displays a yellow light before
12 changing to a red signal indication is set in accordance with regulations adopted by the
13 State Highway Administration consistent with standards or guidelines established by the
14 Federal Highway Administration.

15 (c) This section applies to:

16 (1) [a] A violation of § 21-202(h) of this subtitle at an intersection
17 monitored by a traffic control signal monitoring system; **AND**

18 (2) **A VIOLATION OF § 21-204.2(E) OF THIS SUBTITLE AT A MIDBLOCK**
19 **OR "T" INTERSECTION CROSSWALK MONITORED BY A TRAFFIC CONTROL SIGNAL**
20 **MONITORING SYSTEM.**

21 (d) (1) Unless the driver of the motor vehicle received a citation from a police
22 officer at the time of the violation, the owner or, in accordance with subsection (g)(5) of this
23 section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is
24 recorded by a traffic control signal monitoring system while being operated in violation of
25 § 21-202(h) **OR § 21-204.2(E)** of this subtitle.

26 (2) A civil penalty under this subsection may not exceed \$100.

27 (3) For purposes of this section, the District Court shall prescribe:

28 (i) A uniform citation form consistent with subsection (e)(1) of this
29 section and § 7-302 of the Courts and Judicial Proceedings Article; and

30 (ii) A civil penalty, which shall be indicated on the citation, to be paid
31 by persons who choose to prepay the civil penalty without appearing in District Court.

4 (i) The name and address of the registered owner of the vehicle;

5 (ii) The registration number of the motor vehicle involved in the
6 violation;

7 (iii) The violation charged;

8 (iv) The location of the intersection **OR MIDBLOCK CROSSWALK**;

9 (v) The date and time of the violation;

10 (vi) A copy of the recorded image;

11 (vii) The amount of the civil penalty imposed and the date by which
12 the civil penalty should be paid;

13 (viii) A signed statement by a technician employed by the agency that,
14 based on inspection of recorded images, the motor vehicle was being operated in violation
15 of § 21-202(h) OR **§ 21-204.2(E)** of this subtitle;

16 (ix) A statement that recorded images are evidence of a violation of §
17 21–202(h) OR **§ 21–204.2(E)** of this subtitle; and

18 (x) Information advising the person alleged to be liable under this
19 section:

20 1. Of the manner and time in which liability as alleged in the
21 citation may be contested in the District Court; and

(3) Except as provided in subsection (g)(5) of this section, a citation issued under this section shall be mailed no later than 2 weeks after the alleged violation.

29 (4) An agency may not mail a citation to a person who is not an owner
30 under subsection (a)(3)(ii) of this section.

(5) A person who receives a citation under paragraph (1) of this subsection

2 may:

(i) Pay the civil penalty, in accordance with instructions on the order, to the political subdivision or to the District Court; or

(ii) Elect to stand trial for the alleged violation.

(f) (1) A certificate alleging that the violation of § 21–202(h) OR § 04.2(E) of this subtitle occurred, sworn to or affirmed by a duly authorized agent of the agency, based on inspection of recorded images produced by a traffic control signal monitoring system shall be evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under this section.

(2) Adjudication of liability shall be based on a preponderance of evidence.

(g) (1) The District Court may consider in defense of a violation:

(i) That the driver of the vehicle passed through the intersection in 1-202(h) of this subtitle **OR THROUGH A MIDBLOCK OR "T" ROSSWALK IN VIOLATION OF § 21-204.2(E) OF THIS SUBTITLE:**

1. In order to yield the right-of-way to an emergency vehicle;

17 or

2. As part of a funeral procession in accordance with §

19 21–207 of this subtitle;

(ii) Subject to paragraph (2) of this subsection, that the motor vehicle plates of the motor vehicle were stolen before the violation occurred and the control or possession of the owner at the time of the violation;

23 (iii) That under § 21–201 of this subtitle, this section is unenforceable
24 against the owner because at the time and place of the alleged violation, the traffic control
25 signal was not in proper position and legible enough to be seen by an ordinarily observant
26 individual;

27 (iv) Subject to paragraph (3) of this subsection, evidence that the
28 person named in the citation was not operating the vehicle at the time of the violation; and

(v) Any other issues and evidence that the District Court deems

(3) To satisfy the evidentiary burden under paragraph (1)(iv) of this subsection, the person named in the citation shall provide to the District Court evidence to the satisfaction of the court of who was operating the vehicle at the time of the violation, including, at a minimum, the operator's name and current address.

(iii) A citation issued under subparagraph (ii) of this paragraph shall be mailed no later than 2 weeks after receipt of the evidence from the District Court.

29 (h) If the civil penalty is not paid and the violation is not contested, the
30 Administration may refuse to register or reregister or may suspend the registration of the
31 motor vehicle.

32 (i) A violation for which a civil penalty is imposed under this section;

33 (1) Is not a moving violation for the purpose of assessing points under §
34 16–402 of this article and may not be recorded by the Administration on the driving record
35 of the owner or driver of the vehicle:

(3) May not be considered in the provision of motor vehicle insurance coverage.

8 21-204.

11 (b) If a red lens is lit with rapid intermittent flashes, the driver of a vehicle shall
12 stop at the near side of the intersection at a clearly marked stop line.

13 (c) If a red lens is lit with rapid intermittent flashes, the driver of a vehicle shall
14 stop at the near side of the intersection, if there is no clearly marked stop line, before
15 entering any crosswalk.

16 (d) If a red lens is lit with rapid intermittent flashes, the driver of a vehicle shall
17 stop at the near side of the intersection, if there is no crosswalk, before entering the
18 intersection.

21 (f) If a yellow lens is lit with rapid intermittent flashes, the driver of a vehicle
22 may proceed through the intersection or past the signal only with caution.

23 (g) This section does not apply at [any]:

24 (1) A railroad grade crossing; OR

25 (2) A PEDESTRIAN HYBRID SIGNAL

26 21-204 2

27 **(A) THE DRIVER OF A VEHICLE SHALL OBEY A PEDESTRIAN HYBRID SIGNAL**
28 **AS PROVIDED IN THIS SECTION.**

29 **(B) VEHICULAR TRAFFIC FACING A DARK SIGNAL MAY PROCEED THROUGH**
30 **THE CROSSWALK.**

1 (C) VEHICULAR TRAFFIC FACING A FLASHING YELLOW SIGNAL MAY
2 PROCEED THROUGH THE CROSSWALK WITH CAUTION.

3 (D) VEHICULAR TRAFFIC FACING A STEADY YELLOW SIGNAL IS WARNED
4 THAT MOVEMENT RELATED TO THE FLASHING YELLOW SIGNAL IS ENDING AND THAT
5 A RED SIGNAL WILL BE SHOWN IMMEDIATELY AFTER THE YELLOW SIGNAL.

6 (E) (1) VEHICULAR TRAFFIC FACING A STEADY RED SIGNAL SHALL:

7 (I) STOP AT THE NEAR SIDE OF A CROSSWALK; AND

8 (II) REMAIN STOPPED UNTIL THE SIGNAL:

9 1. FLASHES RED; OR

10 2. GOES DARK.

11 (2) VEHICULAR TRAFFIC FACING A STEADY RED SIGNAL MAY NOT
12 ENTER THE INTERSECTION AND MAKE:

13 (I) A RIGHT TURN; OR

14 (II) A LEFT TURN FROM A ONE-WAY STREET ONTO A ONE-WAY
15 STREET.

16 (F) VEHICULAR TRAFFIC FACING A FLASHING RED SIGNAL MAY PROCEED
17 THROUGH THE CROSSWALK WITH CAUTION AFTER:

18 (1) STOPPING AT THE NEAR SIDE OF THE CROSSWALK; AND

19 (2) CHECKING THAT ANY PEDESTRIAN OR BICYCLIST WHO IS
20 LAWFULLY WITHIN THE CROSSWALK:

21 (I) HAS CROSSED OUT OF THE VEHICLE'S LANE OF TRAVEL; OR

22 (II) IS NOT MOVING INTO THE VEHICLE'S LANE OF TRAVEL.

23 (G) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO
24 IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR
25 BOTH.

26 21-204.3.

1 **(A) WHERE A PEDESTRIAN HYBRID SIGNAL SHOWING THE WORDS “WALK”,**
2 **“DON’T WALK”, OR “WAIT”, OR THE SYMBOLS OF “WALKING PERSON” OR “UPRAISED**
3 **HAND” ARE IN PLACE, THE SIGNAL HAS THE INDICATIONS PROVIDED IN THIS**
4 **SECTION.**

5 **(B) A PEDESTRIAN OR BICYCLIST FACING A “WALK” OR “WALKING PERSON”**
6 **SIGNAL MAY CROSS THE ROADWAY IN THE DIRECTION OF THE SIGNAL AND SHALL BE**
7 **GIVEN THE RIGHT-OF-WAY BY THE DRIVER OF ANY VEHICLE.**

8 **(C) A PEDESTRIAN OR BICYCLIST MAY NOT START TO CROSS THE ROADWAY**
9 **IN THE DIRECTION OF A “DON’T WALK”, “UPRAISED HAND”, OR “WAIT” SIGNAL.**

10 **(D) IF A PEDESTRIAN OR BICYCLIST HAS PARTLY COMPLETED CROSSING ON**
11 **A “WALK” OR “WALKING PERSON” SIGNAL, THE PEDESTRIAN OR BICYCLIST SHALL**
12 **PROCEED WITHOUT DELAY TO A SIDEWALK OR SAFETY ISLAND WHILE THE “DON’T**
13 **WALK”, “WAIT”, OR “UPRAISED HAND” SIGNAL IS SHOWING.**

14 21–209.

15 **(A) THIS SECTION DOES NOT APPLY TO VEHICULAR TRAFFIC APPROACHING**
16 **A PEDESTRIAN HYBRID SIGNAL.**

17 **(B) Vehicular traffic approaching a nonfunctioning traffic control signal at an**
18 **intersection shall:**

19 (1) Stop:

20 (i) At a clearly marked stop line;

21 (ii) If there is no clearly marked stop line, before entering any
22 crosswalk; or

23 (iii) If there is no clearly marked stop line or crosswalk, before
24 entering the intersection;

25 (2) Yield to any vehicle or pedestrian in the intersection; and

26 (3) Remain stopped until it is safe to enter and continue through the
27 intersection.

28 21–502.

29 (a) (1) This subsection does not apply where:

(i) A pedestrian tunnel or overhead pedestrian crossing is provided, as described in § 21-503(b) of this subtitle; [or]

3 (ii) A traffic control signal is in operation; OR

(III) A PEDESTRIAN HYBRID SIGNAL IS IN OPERATION.

(2) The driver of a vehicle shall come to a stop when a pedestrian crossing the roadway in a crosswalk is:

7 (i) On the half of the roadway on which the vehicle is traveling; or

8 (ii) Approaching from an adjacent lane on the other half of the
9 roadway.

10 26-305.

20 (1) It is notified by a political subdivision or authorized State agency that
21 the person cited for the violation under this subtitle, § 21–202.1, § 21–809, or § 21–810 of
22 this article, or § 10–110 or § 10–112 of the Criminal Law Article has failed to either:

23 (i) Pay the fine for the violation by the date specified in the citation;
24 or

25 (ii) File a notice of his intention to stand trial for the violation;

(2) It is notified by the District Court that a person who has elected to stand trial for the violation under this subtitle, under § 21–202.1, § 21–809, or § 21–810 of this article, or under § 10–110 or § 10–112 of the Criminal Law Article has failed to appear for trial; or

32 (i) Has failed to pay the fine for the violation by the date specified
33 in the federal citation; or

3 SECTION 2. AND BE IT FURTHER ENACTED, That the State Highway
4 Administration shall update the manual required under section 25-104 of the
5 Transportation Article to conform with the provisions of this Act within 90 days of the
6 effective date of this Act.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2017.