

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 12

(Senator Ramirez, *et al.*)

Judicial Proceedings

Environment and Transportation

Vehicle Laws - Obstruction Hanging From Rearview Mirror - Enforcement

This bill subjects only to secondary enforcement the prohibition against driving on the highway with an obstructed windshield view if the violation is caused by an object, material, or obstruction that is hanging from the vehicle's rearview mirror and interferes with the clear view of the driver through the windshield. Under secondary enforcement, a police officer may not issue a citation to a driver for violating this provision unless the police officer has first detained the driver for another suspected violation of State law.

Fiscal Summary

State Effect: Minimal revenue decrease to the extent that citations are not issued for objects, materials, or obstructions hanging from rearview mirrors. Enforcement can be handled with existing resources.

Local Effect: Enforcement can be handled with existing resources. Revenues are not affected.

Small Business Effect: Potential minimal to the extent that people are more likely to purchase objects to hang from vehicle rearview mirrors due to the reduced level of enforcement required under the bill.

Analysis

Current Law: Except as otherwise specified, violations of the Maryland Vehicle Law are subject to primary enforcement. Accordingly, a police officer may detain a driver for a suspected violation of most provisions of the Maryland Vehicle Law without having to first suspect a violation of another State law.

The Maryland Vehicle Law prohibits driving a vehicle on a highway with any object, material, or obstruction placed in or on the vehicle in such a way as to interfere with the clear view of the driver through the windshield. The provision does not apply to (1) required or permitted vehicle equipment; (2) adjustable, nontransparent sun visors that are not attached to glass; or (3) direction, destination, or termini signs on any passenger common carrier motor vehicle. A violation of this provision is a misdemeanor, subject to a maximum fine of \$500. The prepayment penalty established by the District Court is \$110 and one point against the license. If the violation contributes to an accident, however, the prepayment penalty increases to \$150 and three points assessed against the driver's license.

Except as otherwise specified, a person is prohibited from driving a vehicle with any sign, poster, card, sticker, or other nontransparent material on the windshield, side wings, or side or rear windows of the vehicle. The provision does not apply to materials placed on a windshield or rear window within a seven-square-inch area of the lower corner or placed on the side windows of the vehicle to the rear of the driver, if the materials are placed so as not to interfere with the driver's clear view of traffic. The provision also does not apply to the direction, destination, or termini signs on passenger common carrier vehicles or to electronic toll tags placed on the windshield in accordance with regulations of the Maryland Transportation Authority. The Motor Vehicle Administration (MVA) is required to adopt regulations to exempt from this provision materials placed on a vehicle windshield in compliance with security measures required by federal or State government and approved by MVA. A violation of this provision is a misdemeanor, subject to a \$500 maximum fine. The prepayment penalty established by the District Court is \$70 and one point against the driver's license. If the violation contributes to an accident, the prepayment penalty increases to \$110 and three points assessed against the driver's license.

Background: According to the District Court, in fiscal 2016, 1,439 citations were issued to drivers for driving on the highway with a windshield view obstructed by objects or materials. Of those, 254 citations were prepaid. It is not known how many of the citations were issued for objects hanging from a rearview mirror, as specified in the bill.

For driving with sign material attached to the windshield or window of a vehicle in violation of the Maryland Vehicle Law, 308 citations were issued in fiscal 2016. Of those, 120 were prepaid.

Additional Information

Prior Introductions: SB 53 of 2016 passed the Senate but received an unfavorable report from the House Environment and Transportation Committee. Its cross file, HB 563,

received a hearing in the House Environment and Transportation Committee but was withdrawn. SB 316 of 2015 passed the Senate and received a hearing in the House Environment and Transportation Committee, but no further action was taken.

Cross File: HB 1335 (Delegate Wilkins, *et al.*) – Environment and Transportation.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - January 12, 2017
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