

Department of Legislative Services
 Maryland General Assembly
 2018 Session

FISCAL AND POLICY NOTE
 First Reader

Senate Bill 1193 (Senator Klausmeier)
 Judicial Proceedings

Vehicle Laws - Yielding the Right-of-Way - Through Highways, Stop Signs, and Yield Signs

This bill limits the duty of a driver to yield the right-of-way when approaching a through highway and other highway intersections. Specifically, it repeals what is referred to as the “boulevard rule,” which is the requirement that a driver of a vehicle (1) stop at the entrance to a through highway and yield the right-of-way to any other approaching vehicle or (2) stop at a stop sign or yield sign placed at an intersecting highway and yield the right-of-way to any approaching vehicle, even if the intersecting highway is not a part of a through highway.

Fiscal Summary

State Effect: General fund revenues decrease by *at least* \$37,300 in FY 2019. Out-years reflect annualization. Enforcement can be handled with existing resources.

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
GF Revenue	(\$37,300)	(\$49,700)	(\$49,700)	(\$49,700)	(\$49,700)
Expenditure	0	0	0	0	0
Net Effect	(\$37,300)	(\$49,700)	(\$49,700)	(\$49,700)	(\$49,700)

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

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

Small Business Effect: Minimal.

Analysis

Bill Summary: As a result of the bill's repeal of the boulevard rule, the offense is no longer included as one of the violations that comprise an aggressive driving offense, if committed in combination with at least two other specified offenses during a single, continuous driving period.

Existing provisions that require a driver to obey all applicable traffic control devices are not altered by the bill.

Current Law:

Right-of-way – Generally

Except at a through highway, and unless otherwise specified, a vehicle at an intersection generally has the right-of-way over any other vehicle approaching from the left and must yield the right-of-way to any other vehicle approaching from the right. At a "T" intersection with no traffic control device, any person driving on a highway that intersects but does not cross the highway must yield to any other vehicle traveling on the other highway.

Stop or Yield Intersections

Under the Maryland Vehicle Law, stop signs or yield signs may indicate a preferential right-of-way at an intersection. Generally, if a driver approaches a through highway, the driver must stop at the entrance of the through highway and yield the right-of-way to any other vehicle approaching on the through highway. If a stop sign is placed at the entrance to an intersecting highway, even if the intersecting highway is not a part of the through highway, the driver approaching the intersecting highway must obey the stop sign and yield the right-of-way to any other vehicle that is approaching on the intersecting highway. If a yield sign facing the driver of a vehicle is placed on the approach to an intersection, the driver must approach the intersection with caution, yield the right-of-way to any other vehicle approaching on the other highway, and stop, if necessary, to yield the right-of-way.

A person who violates any right-of-way provision is guilty of a misdemeanor with a maximum fine of \$500. The prepayment penalty is \$110 and one point must be assessed against the license. If the violation contributes to an accident, the prepayment penalty is \$150 and three points must be assessed against the license.

Accidents Resulting in Serious Injury or Death – Penalties

A violation of right-of-way 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 is \$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.

Aggressive Driving

A person is guilty of aggressive driving if three or more of the following offenses are committed at the same time or during a single and continuous period of driving: (1) failing to obey traffic lights with steady indication; (2) overtaking and passing vehicles; (3) passing on the right; (4) driving unsafely on laned roadways; (5) following too closely; (6) failing to yield the right-of-way; or (7) exceeding the maximum speed limit or the posted maximum speed limit.

A driver who commits aggressive driving is guilty of a misdemeanor, which has a maximum fine of \$500. The prepayment penalty established by the District Court is \$370, and MVA must assess five points against the driver's license. In addition, the holder of a provisional license who is younger than age 18 is subject to license suspension for the commission of an aggressive driving offense. Such a driver is guilty of high-risk driving if a young driver commits an aggressive driving offense, and MVA must suspend the driver's license for six months for a first offense. For a second or subsequent offense, MVA must suspend the provisional driver's license for one year. A person who receives a license suspension under these circumstances may request an administrative hearing.

A “serious bodily injury” means an injury that:

- creates a substantial risk of death;
- causes serious permanent or serious protracted disfigurement;
- causes serious permanent or serious protracted loss of the function of any body part, organ, or mental faculty; or
- causes serious permanent or serious protracted impairment of the function of any bodily member or organ.

Background: The Judiciary advises that, in fiscal 2017, there were 472 violations of the right-of-way requirement for through highways and intersections. Of those, 215 citations were prepaid, 163 went to trial, and 94 remained open.

State Revenues: General fund revenues decrease by *at least* \$37,290 in fiscal 2019, accounting for the bill's October 1, 2018 effective date. General fund revenues decrease

by *at least* \$49,720 beginning in fiscal 2020 due to the reduction in fine revenue as a result of repealing the right-of-way requirement for through highways and other highway intersections. This estimate is based on the two-year average of citations issued for the specified right-of-way violations that were committed in fiscal 2016 and 2017. It does not include additional reductions in revenue from (1) fewer aggressive driving citations being filed and (2) right-of-way citations that contribute to an accident or result in serious bodily injury, which require a higher prepayment amount.

Transportation Trust Fund revenues may decline minimally as a result of fewer aggressive citations issued to provisionally licensed young drivers who are subject to suspension for committing an aggressive driving offense.

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; Department of Legislative Services

Fiscal Note History: First Reader - March 12, 2018
mm/kdm

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