

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 445

(Senator Norman, *et al.*)

Judicial Proceedings

Environment and Transportation

Motor Vehicles - Operation When Approaching Vehicle With Visual Signals

This bill applies the “move over” requirement in Maryland Vehicle Law to specified vehicles in addition to emergency vehicles and tow trucks. Thus, a driver approaching (from the rear) a commercial vehicle providing emergency maintenance to a disabled vehicle, a service vehicle, or a waste or recycling collection vehicle that is stopped, standing, or parked on a highway and using an applicable visual signal must make a lane change, unless otherwise directed by a police officer or a traffic control device. If a lane change cannot be made, the driver must slow to a reasonable and prudent speed. A violation of the bill is a misdemeanor, subject to a \$500 maximum fine.

Fiscal Summary

State Effect: Minimal general fund revenue increase from the penalty provision applicable to this offense under the Maryland Vehicle Law. Enforcement can be handled with existing resources.

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

Small Business Effect: Potential meaningful.

Analysis

Current Law:

“Move Over” Requirement

A driver approaching, from the rear, an emergency vehicle or tow truck 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 is a misdemeanor, subject to a maximum fine of \$500. If prepaid, the fine is \$110 and the Motor Vehicle Administration (MVA) must assess one point against the driver’s license; if the violation contributes to an accident, the fine is \$150 and three points against the driver’s license. If the violation results in death or serious bodily injury, the prepaid fine is \$750.

Service Vehicles

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

Flashing Lights and Signal Devices

Service vehicles, waste or recycling collection vehicles, rural letter carrier vehicles, slow-moving farm vehicles, and tow trucks are authorized to be equipped with or display yellow or amber lights or signal devices. The yellow or amber lights or signal devices 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 otherwise is impeding traffic.

One or more amber flashing lights may be displayed by a tow truck while at the scene of an accident or a disabled vehicle or while towing a vehicle and by snow removal and other highway maintenance and service equipment and escort vehicles.

Background: According to the District Court, 3,901 citations were issued in fiscal 2017 for failure to make a lane change or slow to a reasonable and prudent speed while passing

a stopped emergency vehicle or tow truck. Of these citations, 2,114 resulted in the prepayment of the fine.

State Revenues: General fund revenues increase minimally due to additional citations from the application of the bill's penalty provision. A reliable estimate of the increase cannot be made due to significant uncertainty regarding the frequency with which vehicles approach service vehicles, waste or recycling collection vehicles, and the commercial vehicles specified in a manner that violates the bill. There is also uncertainty regarding the deterrent effect of the bill, if any, on the future number of violations. However, the number of violations as a result of the bill is expected to be minimal.

Small Business Effect: The bill may result in fewer accidents involving waste or recycling collection services vehicles and other commercial vehicles providing emergency maintenance services.

Additional Information

Prior Introductions: None.

Cross File: HB 531 (Delegate Healey, *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

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