

HOUSE BILL 376

R5

9lr0015

By: **Chair, Environment and Transportation Committee (By Request – Departmental – Transportation)**

Introduced and read first time: January 30, 2019

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Traffic Accident or Incident Management**
3 **(Clear the Road Act of 2019)**

4 FOR the purpose of authorizing certain State or local agencies to push or move a disabled
5 vehicle, spilled cargo, or debris off the roadway without certain consent under certain
6 circumstances; authorizing certain State or local agencies to direct certain persons
7 to push or move a disabled vehicle or assist with the cleanup of spilled cargo or debris
8 under certain circumstances; prohibiting the pushing or moving of a disabled vehicle,
9 spilled cargo, or debris off the roadway under certain circumstances; establishing
10 standards of liability for certain persons that contract or cooperate with a State or
11 local agency to tow a disabled vehicle or assist with the cleanup of spilled cargo or
12 debris at the scene of a traffic accident or incident; providing for the application of
13 this Act; and generally relating to traffic accident or incident management.

14 BY adding to
15 Article – Transportation
16 Section 21–1132
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2018 Supplement)

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

21 **Article – Transportation**

22 **21–1132.**

23 **(A) THIS SECTION APPLIES ONLY TO A TRAFFIC ACCIDENT OR INCIDENT ON:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) AN INTERSTATE HIGHWAY, AS DEFINED IN § 8-101 OF THIS
2 ARTICLE;

3 (2) AN EXPRESSWAY; OR

4 (3) A CONTROLLED ACCESS HIGHWAY.

5 (B) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION AND
6 IF NECESSARY TO ELIMINATE OR REDUCE A HAZARD TO PUBLIC SAFETY, BEFORE
7 TOWING OR HAULING A DISABLED VEHICLE, SPILLED CARGO, OR DEBRIS FROM THE
8 SCENE OF A TRAFFIC ACCIDENT OR INCIDENT, THE STATE HIGHWAY
9 ADMINISTRATION, THE MARYLAND TRANSPORTATION AUTHORITY, THE
10 MARYLAND STATE POLICE, OR A LOCAL AGENCY ON A HIGHWAY UNDER ITS
11 JURISDICTION MAY:

12 (I) PUSH OR MOVE A DISABLED VEHICLE, SPILLED CARGO, OR
13 DEBRIS THAT IS BLOCKING THE ROADWAY OFF THE ROADWAY WITHOUT THE
14 CONSENT OF THE OWNER OR DRIVER OF THE VEHICLE; OR

15 (II) DIRECT ANY INDIVIDUAL OR PRIVATE ENTITY WORKING
16 UNDER CONTRACT OR IN COOPERATION WITH THE STATE OR LOCAL AGENCY TO
17 PUSH OR MOVE THE DISABLED VEHICLE OR ASSIST WITH THE CLEANUP OF THE
18 SPILLED CARGO OR DEBRIS.

19 (2) EXCEPT WHEN THE DRIVER IS NEEDED TO CONTROL THE
20 VEHICLE, A DISABLED VEHICLE MAY NOT BE PUSHED OR MOVED OFF THE ROADWAY
21 UNTIL THE DRIVER AND ALL PASSENGERS HAVE EXITED OR BEEN REMOVED FROM
22 THE DISABLED VEHICLE.

23 (3) A DISABLED VEHICLE, SPILLED CARGO, OR DEBRIS MAY NOT BE
24 PUSHED OR MOVED OFF THE ROADWAY FOR A TRAFFIC ACCIDENT OR INCIDENT:

25 (I) FOR WHICH PUSHING OR MOVING THE VEHICLE, SPILLED
26 CARGO, OR DEBRIS MAY CAUSE OR INCREASE THE SEVERITY OF A FUEL, OIL, OR
27 HAZARDOUS MATERIAL SPILL, WITHOUT THE AUTHORIZATION OF THE INCIDENT
28 COMMANDER RESPONSIBLE FOR THE SCENE OF THE TRAFFIC ACCIDENT OR
29 INCIDENT; OR

30 (II) INVOLVING SERIOUS PERSONAL INJURY, DEATH, OR A
31 COMMERCIAL MOTOR VEHICLE, WITHOUT THE AUTHORIZATION OF THE POLICE
32 OFFICER RESPONSIBLE FOR THE INVESTIGATION OF THE TRAFFIC ACCIDENT OR
33 INCIDENT.

34 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN

1 INDIVIDUAL OR A PRIVATE ENTITY WORKING UNDER CONTRACT OR IN
2 COOPERATION WITH A STATE OR LOCAL AGENCY TO TOW A DISABLED VEHICLE OR
3 ASSIST WITH THE CLEANUP OF SPILLED CARGO OR DEBRIS AT THE SCENE OF A
4 TRAFFIC ACCIDENT OR INCIDENT IS IMMUNE FROM LIABILITY FOR PROPERTY
5 DAMAGE TO THE DISABLED VEHICLE, SPILLED CARGO, OR DEBRIS THAT THE
6 INDIVIDUAL OR PRIVATE ENTITY IS DIRECTED TO PUSH OR MOVE.

7 (2) THIS SUBSECTION DOES NOT PROVIDE IMMUNITY FROM
8 LIABILITY FOR PROPERTY DAMAGE CAUSED BY GROSS NEGLIGENCE OR RECKLESS,
9 WANTON, OR INTENTIONAL MISCONDUCT.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2019.