

HOUSE BILL 1422

R5

9lr3235

By: **Delegate Barve**

Introduced and read first time: March 4, 2019

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Highway Worker Safety**

3 FOR the purpose of prohibiting a person from committing certain acts while operating a
4 motor vehicle in a highway work zone or on a bridge or highway that is under
5 construction if a highway worker is present; providing that a person may not be
6 convicted for a violation under this Act if the violation was due to a mechanical
7 failure of the vehicle or the negligence of a highway worker or another person;
8 establishing certain penalties for certain violations of this Act; defining a certain
9 term; and generally relating to highway workers.

10 BY repealing and reenacting, without amendments,
11 Article – Criminal Law
12 Section 3–201(d)
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2018 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Transportation
17 Section 16–402(a)(1), (13), and (36)
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2018 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Transportation
22 Section 21–802.1
23 Annotated Code of Maryland
24 (2012 Replacement Volume and 2018 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Criminal Law

3–201.

(d) “Serious physical injury” means physical injury that:

- (1) creates a substantial risk of death; or
- (2) causes permanent or protracted serious:
 - (i) disfigurement;
 - (ii) loss of the function of any bodily member or organ; or
 - (iii) impairment of the function of any bodily member or organ.

Article – Transportation

16–402.

(a) After the conviction of an individual for a violation of Title 2, Subtitle 5, § 2–209, § 3–211, or § 10–110 of the Criminal Law Article, or of the vehicle laws or regulations of this State or of any local authority, points shall be assessed against the individual as of the date of violation and as follows:

- (1) Any moving violation not listed below and not contributing to an accident.....1 point
- (13) Any moving violation contributing to an accident..... 3 points
- (36) Homicide, life threatening injury under § 3–211 of the Criminal Law Article, or assault committed by means of a vehicle 12 points

21–802.1.

(a) (1) In this [section, “highway] SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “HIGHWAY work zone” means a construction or maintenance area on or alongside a highway that is marked by appropriate warning signs or other traffic control devices designating that work is in progress.

(3) (I) “HIGHWAY WORKER” MEANS A PERSON WHO PERFORMS WORK ON A BRIDGE OR HIGHWAY OR IN A HIGHWAY WORK ZONE.

(II) “HIGHWAY WORKER” INCLUDES:

1 **1. A PERSON WHO PERFORMS MAINTENANCE, REPAIRS,**
2 **OR CONSTRUCTION ON A BRIDGE OR HIGHWAY OR IN A HIGHWAY WORK ZONE;**

3 **2. A PERSON WHO OPERATES A TRUCK, LOADER, OR**
4 **OTHER CONSTRUCTION OR MAINTENANCE EQUIPMENT ON A BRIDGE OR HIGHWAY**
5 **OR IN A HIGHWAY WORK ZONE;**

6 **3. A STATE OR LOCAL PUBLIC SAFETY OFFICER WHO**
7 **ENFORCES HIGHWAY WORK ZONE-RELATED TRANSPORTATION MANAGEMENT AND**
8 **TRAFFIC CONTROL;**

9 **4. A LAW ENFORCEMENT OFFICER WHO CONDUCTS**
10 **TRAFFIC CONTROL OR ENFORCEMENT OPERATIONS ON A BRIDGE OR HIGHWAY OR**
11 **IN A HIGHWAY WORK ZONE; AND**

12 **5. A LAW ENFORCEMENT OFFICER, A FIREFIGHTER, AN**
13 **EMERGENCY MEDICAL SERVICES PROVIDER, OR ANY OTHER AUTHORIZED PERSON**
14 **WHO REMOVES HAZARDS FROM OR RESPONDS TO ACCIDENTS AND OTHER**
15 **INCIDENTS ON A BRIDGE OR HIGHWAY OR IN A HIGHWAY WORK ZONE.**

16 (b) (1) The State Highway Administration may reduce established speed
17 limits in a highway work zone upon a determination that the change is necessary to ensure
18 the public safety.

19 (2) A county may:

20 (i) Designate an area on a county highway or a highway on which
21 the county is authorized to do work pursuant to a maintenance agreement as a highway
22 work zone; and

23 (ii) Reduce established speed limits in the highway work zone after
24 a determination that the change is necessary to ensure the public safety.

25 (3) A municipal corporation may:

26 (i) Designate an area on a municipal highway or a highway on
27 which the municipal corporation is authorized to do work pursuant to a maintenance
28 agreement as a highway work zone; and

29 (ii) Reduce established speed limits in the highway work zone after
30 a determination that the change is necessary to ensure the public safety.

31 (c) A speed limit established under this section shall become effective when
32 posted.

1 (d) A PERSON MAY NOT OPERATE A MOTOR VEHICLE IN A HIGHWAY WORK
2 ZONE OR ON A BRIDGE OR HIGHWAY THAT IS UNDER CONSTRUCTION OR
3 MAINTENANCE WHILE:

4 (1) AT LEAST ONE HIGHWAY WORKER IS PRESENT IN THE HIGHWAY
5 WORK ZONE OR IN PROXIMITY TO THE BRIDGE OR HIGHWAY UNDER CONSTRUCTION
6 OR MAINTENANCE; AND

7 (2) (I) EXCEEDING THE POSTED SPEED LIMIT;

8 (II) FAILING TO OBEY TRAFFIC CONTROL DEVICES ERECTED TO
9 CONTROL THE FLOW OF MOTOR VEHICLES THROUGH A HIGHWAY WORK ZONE FOR
10 ANY REASON OTHER THAN:

11 1. AN EMERGENCY;

12 2. THE AVOIDANCE OF AN OBSTACLE; OR

13 3. THE PROTECTION OF THE HEALTH AND SAFETY OF
14 ANOTHER PERSON;

15 (III) IN THE CASE OF A VEHICLE BEING OPERATED IN A HIGHWAY
16 WORK ZONE, DRIVING THROUGH OR AROUND THE HIGHWAY WORK ZONE IN A LANE
17 NOT CLEARLY DESIGNATED FOR USE BY MOTOR VEHICLES; OR

18 (IV) PHYSICALLY ASSAULTING OR ATTEMPTING TO ASSAULT A
19 HIGHWAY WORKER, INCLUDING ASSAULT WITH A MOTOR VEHICLE OR ANOTHER
20 OBJECT.

21 (E) A person convicted of [a violation] EXCEEDING A SPEED LIMIT
22 ESTABLISHED UNDER SUBSECTION (B) of this section is subject to a fine not exceeding
23 \$1,000.

24 (F) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS
25 PARAGRAPH, A PERSON WHO COMMITS A VIOLATION OF SUBSECTION (D) OF THIS
26 SECTION:

27 (I) IS SUBJECT TO A FINE OF NOT LESS THAN \$500 AND NOT
28 EXCEEDING \$1,000; AND

29 (II) SHALL BE ASSESSED THE POINTS AS PROVIDED FOR IN §
30 16-402(A)(1) OF THIS ARTICLE.

1 **(2) A PERSON WHO COMMITS A VIOLATION OF SUBSECTION (D) OF**
2 **THIS SECTION IN WHICH A HIGHWAY WORKER SUFFERS PHYSICAL INJURY AND THE**
3 **VIOLATION WAS THE SOLE PROXIMATE CAUSE OF THE INJURY:**

4 **(I) IS SUBJECT TO A FINE OF NOT LESS THAN \$1,000 AND NOT**
5 **EXCEEDING \$2,000; AND**

6 **(II) SHALL BE ASSESSED THE POINTS AS PROVIDED FOR IN §**
7 **16-402(A)(13) OF THIS ARTICLE.**

8 **(3) A PERSON WHO COMMITS A VIOLATION OF SUBSECTION (D) OF**
9 **THIS SECTION IN WHICH A HIGHWAY WORKER SUFFERS SERIOUS PHYSICAL INJURY**
10 **AS DEFINED UNDER § 3-201(D) OF THE CRIMINAL LAW ARTICLE AND THE**
11 **VIOLATION WAS THE SOLE PROXIMATE CAUSE OF THE INJURY:**

12 **(I) IS SUBJECT TO A FINE OF NOT LESS THAN \$2,000 AND NOT**
13 **EXCEEDING \$5,000 AND IMPRISONMENT NOT EXCEEDING 60 DAYS; AND**

14 **(II) SHALL BE ASSESSED THE POINTS AS PROVIDED FOR IN §**
15 **16-402(A)(36) OF THIS ARTICLE.**

16 **(G) A PERSON MAY NOT BE CONVICTED OF A VIOLATION OF SUBSECTION (D)**
17 **OF THIS SECTION IF THE VIOLATION WAS DUE IN PART TO:**

18 **(1) A MECHANICAL FAILURE OF THE MOTOR VEHICLE THE PERSON**
19 **WAS OPERATING; OR**

20 **(2) THE NEGLIGENCE OF A HIGHWAY WORKER OR ANOTHER PERSON.**

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