

HOUSE BILL 130

R5

2lr1145

(PRE-FILED)

By: **Delegate Healey**

Requested: November 1, 2021

Introduced and read first time: January 12, 2022

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Required Stops – Secondary Enforcement**

3 FOR the purpose of authorizing a police officer to enforce certain provisions of the Maryland
4 Vehicle Law related to required stops only as a secondary action, subject to certain
5 exceptions; and generally relating to the enforcement of the Maryland Vehicle Law
6 related to required stops.

7 BY repealing and reenacting, with amendments,

8 Article – Transportation

9 Section 21–204, 21–404, 21–705(a), and 21–707

10 Annotated Code of Maryland

11 (2020 Replacement Volume and 2021 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Transportation

14 Section 21–403(b) and (c)

15 Annotated Code of Maryland

16 (2020 Replacement Volume and 2021 Supplement)

17 BY adding to

18 Article – Transportation

19 Section 21–403(e)

20 Annotated Code of Maryland

21 (2020 Replacement Volume and 2021 Supplement)

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

24 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 21-204.

2 (a) If a flashing red or yellow light is used in a traffic signal or with a traffic sign,
3 it requires obedience by vehicular traffic as provided in this section.

4 (b) (1) If a red lens is lit with rapid intermittent flashes, the driver of a vehicle
5 shall stop [at]:

6 (I) AT the near side of the intersection at a clearly marked stop line;

7 (II) IF THERE IS NO CLEARLY MARKED STOP LINE, AT THE NEAR
8 SIDE OF THE INTERSECTION BEFORE ENTERING ANY CROSSWALK; OR

9 (III) IF THERE IS NO CROSSWALK, AT THE NEAR SIDE OF THE
10 INTERSECTION BEFORE ENTERING THE INTERSECTION.

11 [(c) If a red lens is lit with rapid intermittent flashes, the driver of a vehicle shall
12 stop at the near side of the intersection, if there is no clearly marked stop line, before
13 entering any crosswalk.

14 (d) If a red lens is lit with rapid intermittent flashes, the driver of a vehicle shall
15 stop at the near side of the intersection, if there is no crosswalk, before entering the
16 intersection.

17 (e)] (2) The right to proceed after making the stop is subject to the rules
18 applicable after making a stop at a stop sign.

19 (3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
20 PARAGRAPH, A POLICE OFFICER MAY ENFORCE THIS SUBSECTION ONLY AS A
21 SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS A DRIVER OF A MOTOR
22 VEHICLE FOR A SUSPECTED VIOLATION OF ANOTHER PROVISION OF THE CODE.

23 (II) A POLICE OFFICER MAY ENFORCE THIS SUBSECTION AS A
24 PRIMARY ACTION AND DETAIN A DRIVER OF A MOTOR VEHICLE FOR A VIOLATION OF
25 THIS SUBSECTION IF THE DRIVER RECKLESSLY FAILS TO SLOW OR YIELD IN ANY
26 WAY.

27 [(f)] (C) If a yellow lens is lit with rapid intermittent flashes, the driver of a
28 vehicle may proceed through the intersection or past the signal only with caution.

29 [(g)] (D) This section does not apply at any railroad grade crossing.

30 21-403.

31 (b) If the driver of a vehicle approaches a through highway, the driver shall:

1 (1) Stop at the entrance to the through highway; and

2 (2) Yield the right-of-way to any other vehicle approaching on the through
3 highway.

4 (c) If a stop sign is placed at the entrance to an intersecting highway, even if the
5 intersecting highway is not part of a through highway, the driver of a vehicle approaching
6 the intersecting highway shall:

7 (1) Stop in obedience to the stop sign; and

8 (2) Yield the right-of-way to any other vehicle approaching on the
9 intersecting highway.

10 **(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
11 **POLICE OFFICER MAY ENFORCE SUBSECTIONS (B) AND (C) OF THIS SECTION ONLY**
12 **AS A SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS A DRIVER OF A**
13 **MOTOR VEHICLE FOR A SUSPECTED VIOLATION OF ANOTHER PROVISION OF THE**
14 **CODE.**

15 **(2) A POLICE OFFICER MAY ENFORCE SUBSECTIONS (B) AND (C) OF**
16 **THIS SECTION AS A PRIMARY ACTION AND DETAIN A DRIVER OF A MOTOR VEHICLE**
17 **FOR A VIOLATION OF SUBSECTIONS (B) OR (C) OF THIS SECTION IF THE DRIVER**
18 **RECKLESSLY FAILS TO SLOW OR YIELD IN ANY WAY.**

19 21-404.

20 (a) **(1)** The driver of a vehicle about to enter or cross a highway from a private
21 road or driveway or from any other place that is not a highway shall [stop]:

22 **(I) STOP; AND**

23 **(II) YIELD THE RIGHT-OF-WAY TO ANY OTHER VEHICLE**
24 **APPROACHING ON THE HIGHWAY.**

25 (b) [The driver of a vehicle about to enter or cross a highway from a private road
26 or driveway or from any other place that is not a highway shall yield the right-of-way to
27 any other vehicle approaching on the highway.

28 (c) **(1)** In this [section] **SUBSECTION**, “paved highway” means a highway that
29 has a hard, smooth surface of gravel, shells, crushed stone, paving blocks, asphalt, concrete,
30 or other similar substance.

1 **[(d)] (2)** The driver of a vehicle about to enter or cross a paved highway from an
2 unpaved highway shall **[stop]:**

3 **(I) STOP; AND**

4 **(II) YIELD THE RIGHT-OF-WAY TO ANY OTHER VEHICLE**
5 **APPROACHING ON THE PAVED HIGHWAY.**

6 **[(e)** The driver of a vehicle about to enter or cross a paved highway from an
7 unpaved highway shall yield the right-of-way to any other vehicle approaching on the
8 paved highway.]

9 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
10 **POLICE OFFICER MAY ENFORCE THIS SECTION ONLY AS A SECONDARY ACTION WHEN**
11 **THE POLICE OFFICER DETAINS A DRIVER OF A MOTOR VEHICLE FOR A SUSPECTED**
12 **VIOLATION OF ANOTHER PROVISION OF THE CODE.**

13 **(2) A POLICE OFFICER MAY ENFORCE THIS SECTION AS A PRIMARY**
14 **ACTION AND DETAIN A DRIVER OF A MOTOR VEHICLE FOR A VIOLATION OF THIS**
15 **SECTION IF THE DRIVER RECKLESSLY FAILS TO SLOW OR YIELD IN ANY WAY.**

16 21-705.

17 **(a) (1)** The driver of a vehicle emerging from an alley, driveway, or building
18 shall stop immediately before driving onto a sidewalk or onto the sidewalk area that
19 extends across the alley, driveway, or building exit.

20 **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
21 **PARAGRAPH, A POLICE OFFICER MAY ENFORCE THIS SUBSECTION ONLY AS A**
22 **SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS A DRIVER OF A MOTOR**
23 **VEHICLE FOR A SUSPECTED VIOLATION OF ANOTHER PROVISION OF THE CODE.**

24 **(II) A POLICE OFFICER MAY ENFORCE THIS SUBSECTION AS A**
25 **PRIMARY ACTION AND DETAIN A DRIVER OF A MOTOR VEHICLE FOR A VIOLATION OF**
26 **THIS SUBSECTION IF THE DRIVER RECKLESSLY FAILS TO SLOW OR YIELD IN ANY**
27 **WAY.**

28 21-707.

29 **(a) (1)** Unless otherwise directed by a police officer or traffic control signal, the
30 driver of a vehicle approaching a stop sign at an intersection shall stop **[at]:**

31 **(I) AT the near side of the intersection at a clearly marked stop line;**

1 **(II) IF THERE IS NO CLEARLY MARKED STOP LINE, AT THE NEAR**
2 **SIDE OF THE INTERSECTION BEFORE ENTERING ANY CROSSWALK; OR**

3 **(III) IF THERE IS NO CROSSWALK, AT THE NEAREST POINT**
4 **BEFORE ENTERING THE INTERSECTION THAT GIVES THE DRIVER A VIEW OF TRAFFIC**
5 **APPROACHING ON THE INTERSECTING ROADWAY.**

6 **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
7 **PARAGRAPH, A POLICE OFFICER MAY ENFORCE THIS SUBSECTION ONLY AS A**
8 **SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS A DRIVER OF A MOTOR**
9 **VEHICLE FOR A SUSPECTED VIOLATION OF ANOTHER PROVISION OF THE CODE.**

10 **(II) A POLICE OFFICER MAY ENFORCE THIS SUBSECTION AS A**
11 **PRIMARY ACTION AND DETAIN A DRIVER OF A MOTOR VEHICLE FOR A VIOLATION OF**
12 **THIS SUBSECTION IF THE DRIVER RECKLESSLY FAILS TO SLOW OR YIELD IN ANY**
13 **WAY.**

14 (b) [Unless otherwise directed by a police officer or traffic control signal, the
15 driver of a vehicle approaching a stop sign at an intersection shall stop at the near side of
16 the intersection and, if there is no clearly marked stop line, before entering any crosswalk.

17 (c) Unless otherwise directed by a police officer or traffic control signal, the driver
18 of a vehicle approaching a stop sign at an intersection shall stop at the near side of an
19 intersection and, if there is no crosswalk, at the nearest point before entering the
20 intersection that gives the driver a view of traffic approaching on the intersecting roadway.

21 (d)] The driver of a vehicle approaching a yield sign at an intersection, if required
22 for safety to stop, shall stop [at]:

23 **(1) AT the near side of the intersection at a clearly marked stop line;**

24 **(2) IF THERE IS NO CLEARLY MARKED STOP LINE, AT THE NEAR SIDE**
25 **OF THE INTERSECTION BEFORE ENTERING ANY CROSSWALK; OR**

26 **(3) IF THERE IS NO CROSSWALK, AT THE NEAREST POINT BEFORE**
27 **ENTERING THE INTERSECTION THAT GIVES THE DRIVER A VIEW OF TRAFFIC**
28 **APPROACHING ON THE INTERSECTING ROADWAY.**

29 [(e) The driver of a vehicle approaching a yield sign at an intersection, if required
30 for safety to stop, shall stop at the near side of the intersection and, if there is no clearly
31 marked stop line, before entering any crosswalk.

32 (f) The driver of a vehicle approaching a yield sign at an intersection, if required
33 for safety to stop, shall stop at the near side of the intersection and, if there is no crosswalk,

1 at the nearest point before entering the intersection that gives the driver a view of traffic
2 approaching on the intersecting roadway.]

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2022.