

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 130 (Delegate Healey)
Environment and Transportation

Motor Vehicles – Required Stops – Secondary Enforcement

This bill generally subjects specified vehicle offenses involving failure to make a required stop to secondary enforcement only. However, a police officer may enforce affected offenses as a primary action and detain a driver for a violation if the driver recklessly fails to slow or yield in any way. The bill also makes various conforming changes.

Fiscal Summary

State Effect: General fund revenues decrease, potentially significantly, beginning in FY 2023 due to forgone fine revenues, as discussed below. Changes to enforcement of specified offenses can be handled with existing budgeted resources. While District Court caseloads decrease beginning in FY 2023, State expenditures are not likely affected.

Local Effect: Changes to enforcement of specified offenses can be handled with existing resources. Local revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: *Under current law*, violations of the Maryland Vehicle Law are subject to primary enforcement unless otherwise specified. Accordingly, a police officer may detain a driver for a suspected violation of most provisions of the Maryland Vehicle Law without having to first suspect a violation of another State law.

Under the bill, the following vehicle offenses under the Transportation Article are subject to secondary enforcement only, unless the driver recklessly fails to slow or yield in any way:

- failure to make a required stop at a flashing red signal (currently § 21-204 (b) through (d));
- failure to stop at the entrance to a through highway and yield the right-of-way to traffic approaching on the through highway (§ 21-403(b));
- failure to stop at a stop sign placed at the entrance to an intersecting highway and yield the right-of-way to traffic approaching on the intersecting highway (§ 21-403(c));
- failure to stop and yield the right-of-way when about to (1) enter or cross a highway from a private road, driveway, or other place that is not a highway or (2) enter or cross a paved highway from an unpaved highway (§ 21-404);
- failure to stop at a sidewalk or sidewalk area when emerging from an alley, driveway, or building (§ 21-705(a)); and
- failure to make a required stop at an intersection stop sign (currently § 21-707(a) through (c)).

Exhibit 1 displays, for the above-listed offenses, the applicable maximum and prepayment penalties, the number of points assessed by the Motor Vehicle Administration against a driver's license for a violation, and the number of fiscal 2021 violations.

State Revenues: As noted above, under the bill, a police officer may not enforce various specified offenses as a primary action unless a driver recklessly fails to slow or yield in any way. For context, a person is guilty of reckless driving under the Maryland Vehicle Law if he or she drives a motor vehicle in wanton or willful disregard for the safety of persons or property, or in a manner that indicates a wanton or willful disregard for the safety of persons or property.

It is unknown how many fewer traffic stops will occur and, thus, how many fewer traffic citations will be issued, as a result of the bill. The Department of State Police anticipates that the bill precludes traffic stops for specified violations in most cases. Thus, the bill has a potentially significant effect on enforcement of these specified offenses. According to data provided by the District Court, in fiscal 2021, a total of 7,806 citations were issued for violations that, under the bill, are generally subject to secondary enforcement. Violations of Transportation Article § 21-707(a) (failure to stop at a stop line) accounted for 6,569 (84%) of these citations. However, it is unknown how many of these citations were issued (1) during traffic stops involving other violations or (2) for violations involving recklessness, as contemplated under the bill.

Exhibit 1
Maximum and Prepayment Penalties and Fiscal 2021 Violations for Specified Traffic Offenses

<u>Offense</u>	<u>Maximum Penalty</u>	<u>Prepayment Penalty</u>	<u>Points</u>	<u>FY 2021 Violations</u>
Failure to make a required stop at a flashing red signal	\$500	\$90 \$130 if CTA	1 3 if CTA	551
Failure to stop and yield the right-of-way at (1) an entrance to a through highway or (2) a stop sign at an entrance to an intersecting highway	\$500	\$110 \$150 if CTA \$750 if CTA resulting in death or serious bodily injury	1 3 if CTA	258
Failure to stop and yield the right-of-way when about to enter or cross (1) a highway from a private road or driveway or other place that is not a highway or (2) a paved highway from an unpaved highway	\$500	\$110 \$150 if CTA \$750 if CTA resulting in death or serious bodily injury	1 3 if CTA	304
Failure to stop at a sidewalk or sidewalk area when emerging from an alley, driveway, or building	\$500	\$90 \$130 if CTA	1 3 if CTA	4
Failure to make a required stop at an intersection stop sign	\$500	\$90 \$130 if CTA	1 3 if CTA	6,689

CTA: contributes to an accident

Source: Judiciary; Department of Legislative Services

To the extent that fewer citations are issued as a result of the bill, general fund revenues decrease, potentially significantly, due to forgone fine revenues. While data is not readily available regarding fines imposed for violations that went to trial or prepaid violations that contributed to an accident, the prepaid violations for these offenses provide some context. According to data provided by the District Court, in fiscal 2021, 3,122 citations issued for violations of affected offenses were prepaid. Based on the current minimum prepayment penalties for these offenses, it is assumed that these violations generated an estimated minimum of \$285,900 in general fund revenues in fiscal 2021.

State Expenditures: District Court caseloads decrease to the extent that fewer citations for specified offenses are issued and go to trial as a result of the bill. Regardless of any reduction in caseloads experienced under the bill, it is assumed that District Court personnel are redirected to other tasks. Thus, the bill is not expected to affect District Court expenditures.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Baltimore, Garrett, Howard, and Montgomery counties; City of Salisbury; towns of Bel Air and Leonardtown; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - January 26, 2022
fnu2/aad

Analysis by: Elizabeth J. Allison

Direct Inquiries to:
(410) 946-5510
(301) 970-5510