

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 105

(Delegate Healey, *et al.*)

Environment and Transportation

Judicial Proceedings

Motor Vehicles - Operation When Approaching Stopped, Standing, or Parked Vehicles

This bill expands the application of the “move over” requirement under the Maryland Vehicle Law to apply to a vehicle on a highway that is displaying hazard warning lights, road flares, or other caution signals, including traffic cones, caution signs, or nonvehicular warning lights. Thus, a driver approaching (from the rear) a vehicle that is stopped, standing, or parked on a highway and displaying an applicable signal must make a lane change or, if the driver is unable to lawfully make a lane change, slow to a reasonable and prudent speed, as specified. A violation is a misdemeanor subject to a maximum fine of \$500.

Fiscal Summary

State Effect: Minimal increase in general fund revenues. Enforcement can be handled with existing resources.

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

Small Business Effect: None.

Analysis

Current Law: A driver of a vehicle generally has the duty to move over or slow down, unless otherwise directed by a police officer or traffic control device, when approaching – from the rear – certain types of vehicles (an emergency vehicle, specified commercial

vehicle, service vehicle, tow truck, or waste or recycling collection vehicle) that are stopped, standing, or parked. If the stopped, standing, or parked vehicle meets specified visual signal requirements, the driver must, and only if practicable, make a lane change into an available lane that is nonadjacent to the specified vehicle. A driver of a vehicle making a required lane change must exercise due regard for safety and traffic conditions. If, however, the driver is unable to lawfully make a lane change, as specified, the driver must slow to a reasonable and prudent speed safe for existing weather, road, and traffic conditions. A violation of these provisions is a misdemeanor, and a violator is subject to a maximum fine of \$500. The prepayment penalty established by the District Court is \$110, and the Motor Vehicle Administration (MVA) must assess one point against a violator's license. For a violation that contributes to an accident, the prepayment penalty is \$150 or, if the accident results in death or serious bodily injury, \$750. MVA must assess three points against a violator's license if the violation contributes to an accident.

State Fiscal Effect: General fund revenues increase minimally to the extent that additional citations are issued as a result of the bill. For context, according to the District Court, 1,847 citations were issued for "move over" violations in fiscal 2021. Any increase in District Court caseloads can be handled with existing budgeted resources.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 147 (Senator Waldstreicher) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - January 13, 2022
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