



# Maryland Association for Justice, Inc.

## 2020 Position Paper

### HB 70

#### Vehicle Laws – Intersections – Prohibited Acts

#### FAVORABLE WITH AMENDMENTS

The Maryland Association for Justice Offers the following amendment:

**On Page 3, Section (M), Line 32** on the bill **Strike** the following language:

29 (M) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION  
30 AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A VEHICLE FACING A  
31 CIRCULAR GREEN SIGNAL, A GREEN ARROW SIGNAL, OR A STEADY YELLOW SIGNAL  
32 MAY NOT ENTER AN INTERSECTION IF THE VEHICLE IS UNABLE TO ~~SAFELY AND~~  
33 COMPLETELY PROCEED THROUGH THE INTERSECTION.

#### Reasoning:

The Maryland Association for Justice is an organization of trial lawyers. Our members represent the victims injured in car accidents, caused by the negligence of at-fault drivers. To make such a claim, the person injured must show 1) that the other driver was negligent and 2) that he or she was not contributorily negligent.

There is a well-established body of law that governs the rights of vehicles at an intersection. Some of it is common law, set forth in court opinions, and some of it is statutory. Prohibiting a driver from entering an intersection, if he or she cannot completely proceed through the intersecting causes the MAJ no concern. It intends to prohibit “blocking the box” or gridlocking.

But the inclusion of the term “safely” may have the unintended consequence of altering the obligations of a driver entering an intersection on a green light. Maryland law currently states that such drivers are favored and have the right to assume that drivers facing a red light will stop. By adding the term “safely,” HB 70 might be interpreted to require that a driver facing



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a green light take additional precautions, or risk being blamed for having some something unsafe. The impact of this would be that insurance companies, who now pay the claims of green light victims, might deny these claims, in the hope that a jury might second-guess whether the victim “safely” entered the intersection.

Also, the bill does not limit itself to stopping in an intersection, after a light has turned red – gridlocking. This leads the MAJ to fear that it may be interpreted to extend beyond its intended purpose, to cover all drivers, at any time, entering an intersection with a green light.

Removal of the term “safely” should remedy this issue. In the alternative, the bill could be further amended to reflect that it is intended to cover only drivers who enter an intersection, when it was reasonably apparent, that they would not be able to clear the intersection prior to a signal change.