



State of Maryland
Department of State Police
Government Affairs Section
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: January 27, 2022

BILL NUMBER: House Bill 130 **Position:** Letter of Information

BILL TITLE: Motor Vehicles – Required Stops – Secondary Enforcement

REVIEW AND ANALYSIS:

This legislation seeks to alter the enforcement of the required stops at a flashing red signal, stop signs or highway crossings from a primary violation to a secondary violation for purposes of enforcement. The law may be enforced as a primary violation if the police officer determines the driver recklessly failed to slow or yield in any way.

Under current law, a driver is required to come to a complete stop upon approach to a red flashing light, a stop sign, or before entering or crossing a highway. Law enforcement is able to enforce these violations as a primary offense. Reckless Driving is currently defined as “Wanton and willful disregard for the safety of persons or property”.

This legislation will require the police officer to either observe another violation that occurs at the same time as the failure to stop or make the determination that the driver recklessly fails to stop or yield in any way in order to enforce this violation.

According to the Maryland Transportation Article, Reckless Driving requires the driver to operate a vehicle in a wanton or willful disregard for the safety of persons or property. This language has been determined by the courts to mean intentional actions. This standard is very high and difficult to prove. Should a vehicle fail to stop and cause an accident, the failure to stop may not be enforced as it was the primary violation leading to the cause of the accident. The other option for enforcement is if the driver makes no attempt to reduce the speed of their vehicle prior to entering the intersection. In order to prove this, the officer would have to use a speed detection device to ensure no reduction in speed occurred.

According to all crash data, it is proven that intersection related collisions are more severe and cause more property and human damage than in-line collisions.