

Department of Legislative Services  
Maryland General Assembly  
2016 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 1073 (Senator Muse)  
Judicial Proceedings

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Vehicle Laws - Right-of-Way Violations - Death or Serious Bodily Injury -  
Penalties

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This bill alters enforcement, under the Maryland Vehicle Law, for right-of-way violations that contribute to an accident resulting in death or serious bodily injury to another by (1) designating these violations as “must appear” offenses, meaning that the offender may not prepay the penalty but must appear in court to answer the charge; (2) making the penalty of \$1,000 mandatory for an offense covered by the bill, rather than a penalty of *up to* \$1,000; and (3) requiring the District Court to promptly schedule the case for trial and summon the offender to appear.

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Fiscal Summary

**State Effect:** Minimal increase in general fund revenues, due to the application of the bill’s penalty provision. Enforcement can be handled with existing resources.

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

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The bill specifies that a police officer may issue a citation to a person who the police officer has probable cause to believe committed a violation under the bill. The citation must be signed by the officer and contain information as specified, including information about the citation, the fine, the summons to appear for trial, and that prepayment of the fine is not allowed.

The bill requires the District Court to establish a uniform citation for the violations covered by the bill and prohibits the Chief Judge of the District Court from establishing a prepayment penalty for the offenses. The law enforcement agency of the issuing police officer must forward a copy of the citation and request for trial to the appropriate District Court.

**Current Law:** State law and District Court administrative rules require the Chief Judge of the District Court, in conjunction with the Motor Vehicle Administrator, to establish uniform procedures for reporting traffic cases in the District Court. Pursuant to this authority, the District Court annually issues a schedule of preset fines and penalty deposits for traffic offenses, including designation of those offenses for which a penalty cannot be prepaid.

Under the Maryland Vehicle Law, a “serious bodily injury” is defined as one that creates a substantial risk of death or causes serious permanent or protracted disfigurement; loss of the function of any body part, organ, or mental faculty; or impairment of the function of any bodily member or organ.

*Right-of-way – Generally:* A vehicle at an intersection generally has the right-of-way over any other vehicle approaching from the left and must yield the right-of-way to any other vehicle approaching from the right. At a “T” intersection with no traffic control device, any person driving on a highway that intersects, but does not cross, the highway must yield to any other vehicle traveling on the other highway.

*Left Turns or U-turns:* If the driver of a vehicle intends to turn left into an intersection, alley, private road, or driveway, the driver must yield the right-of-way to any other vehicle approaching from the opposite direction and in the intersection or that is near enough to it to be in immediate danger. A driver making a U-turn maneuver must yield the right-of-way to any approaching vehicle that is near enough to be in immediate danger.

*Stop or Yield Intersections:* Under the Maryland Vehicle Law, stop signs or yield signs may indicate a preferential right-of-way at an intersection. Generally, if a driver approaches a through highway, the driver must stop at the entrance of the through highway and yield the right-of-way to any other vehicle approaching on the through highway. If a stop sign is placed at the entrance to an intersecting highway, even if the intersecting highway is not a part of the through highway, the driver approaching the intersecting highway must obey the stop sign, stop the vehicle, and yield the right-of-way to any other vehicle that is approaching on the intersecting highway. If a yield sign facing the driver of a vehicle is placed on the approach to an intersection, the driver must approach the intersection with caution, yield the right-of-way to any other vehicle approaching on the other highway, and stop, if necessary, to yield the right-of-way.

*Right-of-way if Entering from a Road Other than a Highway:* The driver of a vehicle that is about to enter or cross a highway from a private road, driveway, or any other place that is not a highway, must stop before entering or crossing the highway and yield the right-of-way to any other vehicle that is approaching on the highway. The driver of a vehicle about to enter or cross a paved highway from an unpaved highway must stop before entering or crossing the paved highway and yield the right-of-way to any other vehicle that is approaching on the paved highway.

*Right-of-way from Crossover:* The driver of a vehicle about to enter or cross any other part of a highway, whether or not signposted, must yield the right-of-way to any other vehicle approaching on that part of the highway. The approach to, and method of making a left turn at, a crossover is governed by those provisions of the Maryland Vehicle Law that specify how a driver should make a lawful left turn, as specified.

*Right-of-way – Emergency Vehicles and Tow Trucks:* On the immediate approach of an emergency vehicle using lawful visual and audible signals, or a police vehicle using a lawful audible signal, as specified, the driver of every other vehicle, unless otherwise directed by a police officer, must yield the right-of-way. On the immediate approach of an emergency vehicle with lawful audible and visual signals or a police vehicle with lawful audible signals, the driver of every other vehicle, unless otherwise directed by a police officer, must immediately drive to a position parallel to and as close as possible to the edge or curb of a roadway, clear of any intersection. The driver must stop and stay in that position until the emergency vehicle has passed. If the driver is proceeding in the same direction as an emergency or police vehicle, the driver may not pass an emergency or police vehicle, as specified, unless the emergency or police vehicle has stopped or a police officer has directed otherwise.

A driver approaching an emergency vehicle or tow truck from the rear, either of which is stopped, standing, or parked on a highway and using an applicable visual signal, must, unless otherwise directed by a police officer or traffic control device, make a lane change into an available lane not immediately adjacent to the emergency vehicle or tow truck with due regard for safety and traffic conditions, if practicable and not otherwise prohibited. If the lane change cannot be made, then the driver must slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions.

The requirement to yield the right-of-way to emergency and police vehicles does not relieve the drivers of emergency or police vehicles from the duty to drive with due regard for the safety of all persons.

*Accidents Resulting in Serious Injury or Death – Penalties:* A violation of right-of-way provisions that contributes to an accident involving serious bodily injury or death is a misdemeanor with a maximum fine of \$1,000, and the prepayment penalty is \$750.

Although three points are assessed against the driver’s license, the driver may also have his or her license suspended for up to 180 days.

**Background: Exhibit 1** shows the citations issued for right-of-way violations in Maryland during fiscal 2015.

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**Exhibit 1  
Right-of-way Violations  
Fiscal 2015**

<b><u>Right-of-way Violations</u></b>	<b><u>Prepaid</u></b>	<b><u>Trial</u></b>	<b><u>Open</u></b>	<b><u>Total</u></b>
Approaching Intersection	582	689	344	1,615
At T Intersection without Traffic Control Device	24	30	18	72
While Turning Left or Making U-turn	1,749	1,831	921	4,501
Failure to Stop or Yield at Intersection or Through Highway	213	240	136	589
Upon Entering Highway from Unpaved Road or Road Other than a Highway	198	288	152	638
Entering Highway from Crossover	40	41	30	111
On Approach of Emergency Vehicle or Tow Truck				
Emergency Vehicle – Failure to Yield	93	149	89	331
Emergency Vehicle – Failure to Drive to Curb Upon Signal	186	485	335	1,006
Emergency Vehicle – Failure to Stop	46	152	100	298
Emergency Vehicle – Unlawful Passing	19	29	17	65
Emergency Vehicle or Tow Truck – Failure to Change Lanes	4,042	2,586	1,132	7,760
Emergency Vehicle or Tow Truck – Failure to Slow to Prudent Speed	233	230	112	575
<b>Total Right-of-way Violations</b>	<b>7,425</b>	<b>6,750</b>	<b>3,386</b>	<b>17,561</b>

Source: District Court

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According to the District Court, during fiscal 2015, citations were issued for 31 right-of-way violations that contributed to traffic accidents resulting in death or serious bodily injury.

**State Revenues:** Minimal increase in general fund revenues, based on the number of citations issued for violations in fiscal 2015 that would be covered by the bill's provisions. As noted above, the District Court advises that 31 citations were issued in fiscal 2015 for right-of-way violations that contributed to an accident resulting in death or serious bodily injury. *By way of illustration only*, if each of these citations were disposed of with payment of the \$1,000 mandatory fine proposed in the bill, rather than the \$750 prepayment penalty authorized under current law, general fund revenues would increase by \$5,813 in fiscal 2017 and \$7,750 on an annual basis.

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### **Additional Information**

**Prior Introductions:** SB 790 of 2015 received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

**Cross File:** None.

**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 - March 15, 2016  
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