

Department of Legislative Services  
Maryland General Assembly  
2019 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 395 (Delegate Cassilly, *et al.*)  
Environment and Transportation

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Motor Vehicles - Operation When Approaching Vehicle With Visual Signals

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This bill establishes the speed to which a driver of a motor vehicle must slow if the driver is (1) approaching a stopped; standing; or parked emergency vehicle, specified commercial vehicle, service vehicle, tow truck, or waste recycling collection vehicle and (2) unable to lawfully make a lane change, as specified. In such a situation, the driver must slow to at least 15 miles per hour below the posted speed limit on a divided highway. However, on a nondivided highway or street that has a posted speed limit of at least 15 miles per hour, the driver must slow to at least 10 miles per hour below the posted speed limit.

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Fiscal Summary

**State Effect:** Enforcement can be handled with existing resources. State revenues are not likely materially affected.

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

**Small Business Effect:** None.

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Analysis

**Current Law:**

*“Move Over” Requirement*

Chapter 545 of 2018 extended the “move over” requirement under the Maryland Vehicle Law to the driver of a vehicle approaching a stopped, standing, or parked (1) commercial

vehicle that is providing emergency maintenance to a disabled vehicle; (2) service vehicle; or (3) waste or recycling collection vehicle.

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.

### *Definitions*

“Service vehicles” means any of the following vehicles that MVA designates as such: (1) vehicles of federal, State, or local agencies; (2) vehicles of public service companies; and (3) vehicles of persons performing governmental functions under a contract with any federal, State, or local government.

“Emergency vehicle” means any of the following vehicles that MVA designates as such: (1) vehicles of federal, State, or local law enforcement agencies; (2) vehicles of volunteer fire companies, rescue squads, fire departments, the Maryland Institute for Emergency Medical Services Systems, or the Maryland Fire and Rescue Institute; (3) State vehicles used in response to oil or hazardous materials spills; (4) State vehicles designated for emergency use by the Commissioner of Correction; (5) ambulances; (6) organ delivery vehicles; and (7) special vehicles funded or provided by federal, State, or local government and used for emergency or rescue purposes in the State.

**Background:** According to the District Court, 5,927 citations were issued in fiscal 2017 for failure to make a lane change or slow to a reasonable and prudent speed while passing an emergency vehicle, tow truck, or other specified vehicle.

## **Additional Information**

**Prior Introductions:** None.

**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 - February 12, 2019  
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