

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1305 (Delegate Terrasa, *et al.*)
Environment and Transportation

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 any vehicle using specified visual signals or warning lamps (including hazard lights). A violation is a misdemeanor subject to a maximum fine of \$500.

Fiscal Summary

State Effect: General fund revenues increase minimally due to additional citations issued as a result of the bill. 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:

“Move Over” Requirement

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.

Requirements for Warning Lamps

Any motor vehicle may be equipped with lamps for the purpose of warning other drivers of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing and may display the warning in addition to any other warning signals required by the Maryland Vehicle Law. Warning lamps must be mounted in accordance with specified requirements and display simultaneously flashing white or amber lights from the front and red or amber lights from the rear that are visible from a distance of at least 1,500 feet under normal nighttime conditions.

Background: The District Court advises that, in fiscal 2019, there were 3,039 citations issued 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.

Designated Cross File: None.

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

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