

SENATE BILL 815

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CF HB 973

By: **Senator Waldstreicher**

Introduced and read first time: February 3, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Violations Involving Pedestrians or Bicyclists – Penalties**
3 **(Pedestrian Safety Act of 2020)**

4 FOR the purpose of establishing certain minimum fines for certain traffic violations
5 relating to the driver of a vehicle failing to stop or yield to certain pedestrian and
6 bicycle traffic; altering the source of funds for the Pedestrian Safety Fund; requiring
7 the Secretary of Transportation, in administering the Fund, to prioritize enhancing
8 the safety and quality of pedestrian and bicycle transportation near schools and
9 school bus stops; and generally relating to pedestrian and bicycle safety.

10 BY repealing and reenacting, without amendments,
11 Article – Transportation
12 Section 21–202(d), (h), (i), and (j) and 21–706
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2019 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Transportation
17 Section 21–202(e) and (k), 21–204(c), 21–502, 21–502.1, 21–504, 21–511, 21–705, and
18 21–707
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2019 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
22 That the Laws of Maryland read as follows:

23 **Article – Transportation**

24 21–202.

25 (d) Vehicular traffic facing a green arrow signal, whether shown alone or with

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



another indication, cautiously may enter the intersection, but only to make the movement indicated by the arrow or to make another movement permitted by other indications shown at the same time.

(e) (1) Vehicular traffic described under subsection (d) of this section shall yield the right-of-way to any pedestrian or bicycle lawfully within an adjacent crosswalk and to any other traffic lawfully using the intersection.

(2) A PERSON CONVICTED OF A VIOLATION OF THIS SUBSECTION IS SUBJECT TO A FINE OF NOT LESS THAN \$150.

(h) (1) Vehicular traffic facing a steady circular red signal alone:

(i) Shall stop at the near side of the intersection:

1. At a clearly marked stop line;

2. If there is no clearly marked stop line, before entering any crosswalk; or

3. If there is no crosswalk, before entering the intersection;

and

(ii) Except as provided in subsections (i), (j), and (k) of this section, shall remain stopped until a signal to proceed is shown.

(2) Vehicular traffic facing a steady red arrow signal:

(i) May not enter the intersection to make the movement indicated by the arrow;

(ii) Unless entering the intersection to make a movement permitted by another signal, shall stop at the near side of the intersection:

1. At a clearly marked stop line;

2. If there is no clearly marked stop line, before entering any crosswalk; or

3. If there is no crosswalk, before entering the intersection;

and

(iii) Except as provided in subsections (i), (j), and (k) of this section, shall remain stopped until a signal permitting the movement is shown.

(i) Unless a sign prohibiting a turn is in place, vehicular traffic facing a steady red signal, after stopping as required by subsection (h) of this section, cautiously may enter

1 the intersection and make:

2 (1) A right turn; or

3 (2) A left turn from a one-way street onto a one-way street.

4 (j) If a sign permitting any other turn is in place, vehicular traffic facing a steady
5 red signal, after stopping as required by subsection (h) of this section, cautiously may enter
6 the intersection and make the turn indicated by the sign.

7 (k) (1) In each instance, vehicular traffic described in subsections (i) and (j) of
8 this section shall yield the right-of-way to any pedestrian or bicycle lawfully within an
9 adjacent crosswalk and to any vehicle in the intersection or approaching on another
10 roadway so closely as to constitute an immediate hazard.

11 (2) A PERSON CONVICTED OF A VIOLATION OF THIS SUBSECTION IS
12 SUBJECT TO A FINE OF NOT LESS THAN \$150.

13 21-204.

14 (c) (1) If a red lens is lit with rapid intermittent flashes, the driver of a vehicle
15 shall stop at the near side of the intersection, if there is no clearly marked stop line, before
16 entering any crosswalk.

17 (2) A PERSON CONVICTED OF A VIOLATION OF THIS SUBSECTION IS
18 SUBJECT TO A FINE OF NOT LESS THAN \$150.

19 21-502.

20 (a) (1) This subsection does not apply where:

21 (i) A pedestrian tunnel or overhead pedestrian crossing is provided,
22 as described in § 21-503(b) of this subtitle; or

23 (ii) A traffic control signal is in operation.

24 (2) (I) The driver of a vehicle shall come to a stop when a pedestrian
25 crossing the roadway in a crosswalk is:

26 [(i)] 1. On the half of the roadway on which the vehicle is
27 traveling; or

28 [(ii)] 2. Approaching from an adjacent lane on the other half of the
29 roadway.

30 (II) A PERSON CONVICTED OF A VIOLATION OF THIS

1 **PARAGRAPH IS SUBJECT TO A FINE OF NOT LESS THAN \$150.**

2 (b) A pedestrian may not suddenly leave a curb or other place of safety and walk
3 or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

4 (c) **(1)** If, at a marked crosswalk or at an unmarked crosswalk at an
5 intersection, a vehicle is stopped to let a pedestrian cross the roadway, the driver of any
6 other vehicle approaching from the rear may not overtake and pass the stopped vehicle.

7 **(2) A PERSON CONVICTED OF A VIOLATION OF THIS SUBSECTION IS**
8 **SUBJECT TO A FINE OF NOT LESS THAN \$100.**

9 (d) A person may not commit a violation of subsection (a) or (c) of this section that
10 contributes to an accident.

11 (e) A person convicted of a violation of subsection (d) of this section is subject to
12 imprisonment not exceeding 2 months or a fine not exceeding \$1,000 or both.

13 21-502.1.

14 (a) In this section, "Fund" means the Pedestrian Safety Fund.

15 (b) There is a Pedestrian Safety Fund.

16 (c) The Secretary shall administer the Fund.

17 (d) **(1)** The Fund is a special, nonlapsing fund which is not subject to § 7-302
18 of the State Finance and Procurement Article.

19 **(2)** The State Treasurer shall hold the Fund separately, and the
20 Comptroller shall account for the Fund.

21 (e) The Fund consists of:

22 **(1)** The fines collected under [§ 21-502(e)] **§§ 21-202(E) AND (K),**
23 **21-204(C), 21-705(A) AND (D), 21-706(A) AND (B), AND 21-707(B) AND (E) OF THIS**
24 **TITLE AND §§ 21-502(A)(2), (C), AND (E), 21-504(A) AND (C), AND 21-511(A)** of this
25 subtitle;

26 **(2)** Money appropriated in the State budget for the Fund;

27 **(3)** Any interest earnings of the Fund; and

28 **(4)** Any other money from any source accepted for the benefit of the Fund.

29 (f) The Fund may be used only for enhancing the safety and quality of pedestrian

1 and bicycle transportation, including:

2 (1) Developing and providing educational programming for bicyclists,
3 motorists, and pedestrians that raises awareness of their joint responsibility to follow the
4 rules of the road;

5 (2) Physical design changes that calm traffic, minimize conflicts among
6 street users, and protect bicyclists, motorists, and pedestrians, including design changes
7 such as:

8 (i) Lane narrowing;

9 (ii) Establishment of bicycle ways;

10 (iii) Sidewalk construction;

11 (iv) Pedestrian control signal upgrades;

12 (v) Speed bumps;

13 (vi) Curb extensions; and

14 (vii) Safety zones; and

15 (3) Increasing enforcement of existing rules of the road, such as by using
16 radar speed display signs in areas where pedestrian crashes have occurred.

17 (g) **THE SECRETARY, IN ADMINISTERING THE FUND, SHALL PRIORITIZE**
18 **ENHANCING THE SAFETY AND QUALITY OF PEDESTRIAN AND BICYCLE**
19 **TRANSPORTATION NEAR SCHOOLS AND SCHOOL BUS STOPS.**

20 (H) (1) The Treasurer shall invest the money of the Fund in the same manner
21 as other State money may be invested.

22 (2) Any investment earnings of the Fund shall be credited to the Fund.

23 21-504.

24 (a) Notwithstanding any other provision of this title, the driver of a vehicle shall
25 exercise due care to avoid colliding with any pedestrian.

26 (b) Notwithstanding any other provision of this title, the driver of a vehicle shall,
27 if necessary, warn any pedestrian by sounding the horn of the vehicle.

28 (c) Notwithstanding any other provision of this title, the driver of a vehicle shall
29 exercise proper precaution on observing any child or any obviously confused or
30 incapacitated individual.

(D) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A) OR (C) OF THIS SECTION IS SUBJECT TO A FINE OF NOT LESS THAN \$150.

21-511.

(a) (1) The driver of a vehicle shall yield the right-of-way to:

[(1)] (I) A blind or partially blind pedestrian using a guide dog or carrying a cane predominantly white or metallic in color (with or without a red tip);

[(2)] (II) A deaf or hearing impaired pedestrian accompanied by a guide dog; or

[(3)] (III) A mobility impaired individual crossing a roadway while using any of the following mobility-assisted devices:

(i) A manual or motorized wheelchair;

(ii) A motorized scooter;

(iii) Crutches; or

(iv) A cane.

(2) A PERSON CONVICTED OF A VIOLATION OF THIS SUBSECTION IS SUBJECT TO A FINE OF NOT LESS THAN \$150.

(b) A person who is not blind or partially blind may not use or carry a white cane, a cane that is white tipped with red, or a chrome, nickel, aluminum, or other reflecting or shining metal cane, in the manner described in subsection **[(a)(1)] (A)(1)(I)** of this section.

21-705.

(a) The driver of a vehicle emerging from an alley, driveway, or building shall stop immediately before driving onto a sidewalk or onto the sidewalk area that extends across the alley, driveway, or building exit.

(b) The driver of a vehicle emerging from an alley, driveway, or building shall yield the right-of-way to any pedestrian.

(c) The driver of a vehicle emerging from an alley, driveway, or building shall on entering the roadway, yield the right-of-way to any other vehicle approaching on the roadway.

(d) The driver of a vehicle entering an alley, driveway, or building shall yield the

1 right-of-way to any pedestrian.

2 (E) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A) OR (D) OF
3 THIS SECTION IS SUBJECT TO A FINE OF NOT LESS THAN \$150.

4 21-706.

5 (a) If a school vehicle has stopped on a roadway and is operating the alternately
6 flashing red lights specified in § 22-228 of this article, the driver of any other vehicle
7 meeting or overtaking the school vehicle shall stop at least 20 feet from the rear of the
8 school vehicle, if approaching the school vehicle from its rear, or at least 20 feet from the
9 front of the school vehicle, if approaching the school vehicle from its front.

10 (b) If a school vehicle has stopped on a roadway and is operating the alternately
11 flashing red lights specified in § 22-228 of this article, the driver of any other vehicle
12 meeting or overtaking the school vehicle may not proceed until the school vehicle resumes
13 motion or the alternately flashing red lights are deactivated.

14 (c) This section does not apply to the driver of a vehicle on a divided highway, if
15 the school vehicle is on a different roadway.

16 (d) A person convicted of a violation of this section is subject to a fine not
17 exceeding \$1,000.

18 21-707.

19 (a) Unless otherwise directed by a police officer or traffic control signal, the driver
20 of a vehicle approaching a stop sign at an intersection shall stop at the near side of the
21 intersection at a clearly marked stop line.

22 (b) Unless otherwise directed by a police officer or traffic control signal, the driver
23 of a vehicle approaching a stop sign at an intersection shall stop at the near side of the
24 intersection and, if there is no clearly marked stop line, before entering any crosswalk.

25 (c) Unless otherwise directed by a police officer or traffic control signal, the driver
26 of a vehicle approaching a stop sign at an intersection shall stop at the near side of an
27 intersection and, if there is no crosswalk, at the nearest point before entering the
28 intersection that gives the driver a view of traffic approaching on the intersecting roadway.

29 (d) The driver of a vehicle approaching a yield sign at an intersection, if required
30 for safety to stop, shall stop at the near side of the intersection at a clearly marked stop
31 line.

32 (e) The driver of a vehicle approaching a yield sign at an intersection, if required
33 for safety to stop, shall stop at the near side of the intersection and, if there is no clearly
34 marked stop line, before entering any crosswalk.

1 (f) The driver of a vehicle approaching a yield sign at an intersection, if required
2 for safety to stop, shall stop at the near side of the intersection and, if there is no crosswalk,
3 at the nearest point before entering the intersection that gives the driver a view of traffic
4 approaching on the intersecting roadway.

5 **(G) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (B) OR (E) OF**
6 **THIS SECTION IS SUBJECT TO A FINE OF NOT LESS THAN \$150.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2020.