

HOUSE BILL 578

R5

7lr1152
CF SB 338

By: **Delegates Kramer, Carr, Barkley, Chang, Cullison, Fraser-Hidalgo, Gutierrez,
C. Howard, Jackson, Korman, Krimm, Morales, and Valentino-Smith**

Introduced and read first time: January 30, 2017

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2017

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Pedestrian Hybrid ~~Signals~~ Beacons**

3 FOR the purpose of ~~requiring the driver of a vehicle to obey a pedestrian hybrid signal as~~
4 ~~provided in this Act; specifying the manner in which vehicular traffic is required to~~
5 ~~obey a pedestrian hybrid signal; establishing that a pedestrian hybrid signal may be~~
6 ~~placed only at certain locations; establishing a penalty for a violation of certain~~
7 ~~provisions of this Act; establishing that certain provisions of law relating to traffic~~
8 ~~control signal monitoring systems apply to pedestrian hybrid signals; establishing~~
9 ~~the manner in which a pedestrian or bicyclist is required to obey a pedestrian hybrid~~
10 ~~signal; establishing that a pedestrian hybrid beacon is a traffic control signal;~~
11 ~~establishing that certain provisions of law do not apply to pedestrian hybrid signals~~
12 beacons; authorizing the State Highway Administration or a local jurisdiction to
13 install a pedestrian hybrid beacon in accordance with a certain federal manual;
14 requiring the State Highway Administration to update a certain manual to conform
15 with the provisions of this Act within a certain period of time; defining “pedestrian
16 hybrid ~~signal~~ beacon”; making stylistic and conforming changes; and generally
17 relating to pedestrian hybrid ~~signals~~ beacons.

18 BY renumbering

19 Article – Transportation

20 Section 11–145.1

21 to be Section 11–145.2

22 Annotated Code of Maryland

23 (2012 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



BY repealing and reenacting, without amendments,
Article – Transportation
Section ~~21-101(a), 21-201(a)(1), and 21-202(a)~~
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

BY adding to
Article – Transportation
Section ~~21-101(d-1), 21-201(e)~~ 11-145.1, 21-202(n), and 21-204.2, ~~and 21-204.3~~
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 11-168, 21-202(m), ~~21-202.1~~, 21-204, ~~21-209~~, and 21-502(a), ~~and 26-305(a)~~
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Section(s) 11-145.1 of Article – Transportation of the Annotated Code of Maryland be
renumbered to be Section(s) 11-145.2.

~~SECTION 1.~~ SECTION 2. BE IT FURTHER ENACTED BY THE GENERAL ASSEMBLY OF
MARYLAND, That the Laws of Maryland read as follows:

Article – Transportation

~~21-101.~~

~~(a) In this title and Title 25 of this article the following words have the meanings indicated.~~

~~(L-1) “PEDESTRIAN HYBRID SIGNAL” MEANS A TRAFFIC CONTROL SIGNAL LOCATED AT A CROSSWALK THAT:~~

~~(1) USES A COMBINATION OF STEADY AND FLASHING LIGHTS TO ALERT AND STOP TRAFFIC IN ORDER TO ENABLE A PEDESTRIAN OR BICYCLIST TO SAFELY USE THE CROSSWALK;~~

~~(2) IS ACTIVATED BY A PEDESTRIAN OR BICYCLIST; AND~~

~~(3) IS COORDINATED WITH A CORRESPONDING PEDESTRIAN CONTROL SIGNAL.~~

~~21-201.~~

~~(a) (1) Subject to the exceptions granted in this title to the driver of an emergency vehicle, the driver of any vehicle, unless otherwise directed by a police officer, shall obey the instructions of any traffic control device applicable to the vehicle and placed in accordance with the Maryland Vehicle Law.~~

~~(E) A PEDESTRIAN HYBRID SIGNAL MAY ONLY BE PLACED AT A MIDBLOCK OR "T" INTERSECTION CROSSWALK.~~

11-145.1.

"PEDESTRIAN HYBRID BEACON" HAS THE MEANING STATED IN THE MOST RECENT EDITION OF THE FEDERAL MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.

11-168.

(A) "Traffic control signal" means any traffic control device, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop and permitted to proceed.

(B) "TRAFFIC CONTROL SIGNAL" INCLUDES A PEDESTRIAN HYBRID BEACON.

21-202.

(a) (1) Except for special pedestrian signals that carry a legend, where traffic is controlled by traffic control signals that show different colored lights or colored lighted arrows, whether successively one at a time or in combination, only the colors green, red, and yellow may be used.

(2) These lights apply to drivers and pedestrians as provided in this section.

(m) [Except for those provisions of this section that by their very nature cannot apply, this section applies to a traffic control signal placed at a location other than an intersection.] Each stop required by the signal shall be made at a sign or marking on the pavement indicating where the stop shall be made or, if there is no sign or marking, at the signal.

(N) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND FOR THOSE PROVISIONS OF THIS SECTION THAT BY THEIR VERY NATURE CANNOT APPLY, THIS SECTION APPLIES TO A TRAFFIC CONTROL SIGNAL PLACED AT A LOCATION OTHER THAN AN INTERSECTION.

(2) THIS SECTION DOES NOT APPLY TO A PEDESTRIAN HYBRID
SIGNAL BEACON.

~~21-202.1.~~

(a) (1) ~~In this section the following words have the meanings indicated.~~

(2) ~~“Agency” means:~~

(i) ~~For a traffic control signal operated and maintained at an intersection OR MIDBLOCK CROSSWALK under the control of the State, the law enforcement agency primarily responsible for traffic control at that intersection; or~~

(ii) ~~For a traffic control signal operated and maintained at an intersection OR MIDBLOCK CROSSWALK under the control of a political subdivision, a law enforcement agency of the political subdivision that is authorized to issue citations for a violation of the Maryland Vehicle Law or of local traffic laws or regulations.~~

(3) (i) ~~“Owner” means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or more.~~

(ii) ~~“Owner” does not include a motor vehicle rental or leasing company or a holder of a special registration plate issued under Part III of Title 13, Subtitle 9 of this article.~~

(4) ~~“Recorded images” means images recorded by a traffic control signal monitoring system.~~

(i) ~~On:~~

~~1. Two or more photographs;~~

~~2. Two or more microphotographs;~~

~~3. Two or more electronic images;~~

~~4. Videotape; or~~

~~5. Any other medium; and~~

(ii) ~~Showing the rear of a motor vehicle and, on at least one image or portion of tape, clearly identifying the registration plate number of the motor vehicle.~~

(5) ~~“Traffic control signal monitoring system” means a device with one or more motor vehicle sensors working in conjunction with a traffic control signal to produce recorded images of motor vehicles entering an intersection OR MIDBLOCK CROSSWALK against a red signal indication.~~

~~(b) The agency primarily responsible for traffic control at an intersection OR MIDBLOCK CROSSWALK monitored by a traffic control signal monitoring system shall ensure that the length of time that a traffic control signal displays a yellow light before changing to a red signal indication is set in accordance with regulations adopted by the State Highway Administration consistent with standards or guidelines established by the Federal Highway Administration.~~

~~(c) This section applies to:~~

~~(1) [a] A violation of § 21-202(h) of this subtitle at an intersection monitored by a traffic control signal monitoring system; AND~~

~~(2) A VIOLATION OF § 21-204.2(E) OF THIS SUBTITLE AT A MIDBLOCK OR "T" INTERSECTION CROSSWALK MONITORED BY A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM.~~

~~(d) (1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection (g)(5) of this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a traffic control signal monitoring system while being operated in violation of § 21-202(h) OR § 21-204.2(E) of this subtitle.~~

~~(2) A civil penalty under this subsection may not exceed \$100.~~

~~(3) For purposes of this section, the District Court shall prescribe:~~

~~(i) A uniform citation form consistent with subsection (c)(1) of this section and § 7-302 of the Courts and Judicial Proceedings Article; and~~

~~(ii) A civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.~~

~~(e) (1) Subject to the provisions of paragraphs (2) through (4) of this subsection, an agency shall mail to the owner liable under subsection (d) of this section a citation which shall include:~~

~~(i) The name and address of the registered owner of the vehicle;~~

~~(ii) The registration number of the motor vehicle involved in the violation;~~

~~(iii) The violation charged;~~

~~(iv) The location of the intersection OR MIDBLOCK CROSSWALK;~~

(v) ~~The date and time of the violation;~~

(vi) ~~A copy of the recorded image;~~

(vii) ~~The amount of the civil penalty imposed and the date by which the civil penalty should be paid;~~

(viii) ~~A signed statement by a technician employed by the agency that, based on inspection of recorded images, the motor vehicle was being operated in violation of § 21-202(h) OR § 21-204.2(E) of this subtitle;~~

(ix) ~~A statement that recorded images are evidence of a violation of § 21-202(h) OR § 21-204.2(E) of this subtitle; and~~

(x) ~~Information advising the person alleged to be liable under this section:~~

~~1. Of the manner and time in which liability as alleged in the citation may be contested in the District Court; and~~

~~2. Warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in refusal or suspension of the motor vehicle registration.~~

~~(2) The agency may mail a warning notice in lieu of a citation to the owner liable under subsection (d) of this section.~~

~~(3) Except as provided in subsection (g)(5) of this section, a citation issued under this section shall be mailed no later than 2 weeks after the alleged violation.~~

~~(4) An agency may not mail a citation to a person who is not an owner under subsection (a)(3)(ii) of this section.~~

~~(5) A person who receives a citation under paragraph (1) of this subsection may:~~

~~(i) Pay the civil penalty, in accordance with instructions on the citation, directly to the political subdivision or to the District Court; or~~

~~(ii) Elect to stand trial for the alleged violation.~~

~~(f) (1) A certificate alleging that the violation of § 21-202(h) OR § 21-204.2(E) of this subtitle occurred, sworn to or affirmed by a duly authorized agent of the agency, based on inspection of recorded images produced by a traffic control signal monitoring system shall be evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under this section.~~

~~(2) Adjudication of liability shall be based on a preponderance of evidence.~~

~~(g) (1) The District Court may consider in defense of a violation:~~

~~(i) That the driver of the vehicle passed through the intersection in violation of § 21-202(h) of this subtitle OR THROUGH A MIDBLOCK OR "T" INTERSECTION CROSSWALK IN VIOLATION OF § 21-204.2(E) OF THIS SUBTITLE;~~

~~1. In order to yield the right of way to an emergency vehicle;~~

~~2. As part of a funeral procession in accordance with § 21-207 of this subtitle;~~

~~(ii) Subject to paragraph (2) of this subsection, that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation;~~

~~(iii) That under § 21-201 of this subtitle, this section is unenforceable against the owner because at the time and place of the alleged violation, the traffic control signal was not in proper position and legible enough to be seen by an ordinarily observant individual;~~

~~(iv) Subject to paragraph (3) of this subsection, evidence that the person named in the citation was not operating the vehicle at the time of the violation; and~~

~~(v) Any other issues and evidence that the District Court deems pertinent.~~

~~(2) In order to demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a police report about the stolen motor vehicle or registration plates was filed in a timely manner.~~

~~(3) To satisfy the evidentiary burden under paragraph (1)(iv) of this subsection, the person named in the citation shall provide to the District Court evidence to the satisfaction of the court of who was operating the vehicle at the time of the violation, including, at a minimum, the operator's name and current address.~~

~~(4) (i) The provisions of this paragraph apply only to a citation that involves a Class E (truck) vehicle with a registered gross weight of 26,001 pounds or more, Class F (tractor) vehicle, Class G (trailer) vehicle operated in combination with a Class F (tractor) vehicle, and Class P (passenger bus) vehicle.~~

~~(ii) To satisfy the evidentiary burden under paragraph (1)(iv) of this subsection, the person named in a citation described under subparagraph (i) of this~~

~~paragraph may provide to the District Court a letter, sworn to or affirmed by the person and mailed by certified mail, return receipt requested, that:~~

~~1. States that the person named in the citation was not operating the vehicle at the time of the violation; and~~

~~2. Provides the name, address, and driver's license identification number of the person who was operating the vehicle at the time of the violation.~~

~~(5) (i) If the District Court finds that the person named in the citation was not operating the vehicle at the time of the violation or receives evidence under paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at the time of the violation, the clerk of the court shall provide to the agency issuing the citation a copy of any evidence substantiating who was operating the vehicle at the time of the violation.~~

~~(ii) Upon the receipt of substantiating evidence from the District Court under subparagraph (i) of this paragraph, an agency may issue a citation as provided in subsection (c) of this section to the person that the evidence indicates was operating the vehicle at the time of the violation.~~

~~(iii) A citation issued under subparagraph (ii) of this paragraph shall be mailed no later than 2 weeks after receipt of the evidence from the District Court.~~

~~(h) If the civil penalty is not paid and the violation is not contested, the Administration may refuse to register or reregister or may suspend the registration of the motor vehicle.~~

~~(i) A violation for which a civil penalty is imposed under this section:~~

~~(1) Is not a moving violation for the purpose of assessing points under § 16-402 of this article and may not be recorded by the Administration on the driving record of the owner or driver of the vehicle;~~

~~(2) May be treated as a parking violation for purposes of § 26-305 of this article; and~~

~~(3) May not be considered in the provision of motor vehicle insurance coverage.~~

~~(i) In consultation with local governments, the chief judge of the District Court shall adopt procedures for the issuance of citations, the trial of civil violations, and the collection of civil penalties under this section.~~

(a) If a flashing red or yellow light is used in a traffic signal or with a traffic sign, it requires obedience by vehicular traffic as provided in this section.

(b) If a red lens is lit with rapid intermittent flashes, the driver of a vehicle shall stop at the near side of the intersection at a clearly marked stop line.

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

(d) If a red lens is lit with rapid intermittent flashes, the driver of a vehicle shall stop at the near side of the intersection, if there is no crosswalk, before entering the intersection.

(e) The right to proceed after making the stop is subject to the rules applicable after making a stop at a stop sign.

(f) If a yellow lens is lit with rapid intermittent flashes, the driver of a vehicle may proceed through the intersection or past the signal only with caution.

(g) This section does not apply at [any]:

(1) A railroad grade crossing; OR

(2) A PEDESTRIAN HYBRID ~~SIGNAL~~ BEACON.

21-204.2.

~~(A) THE DRIVER OF A VEHICLE SHALL OBEY A PEDESTRIAN HYBRID SIGNAL AS PROVIDED IN THIS SECTION.~~

~~(B) VEHICULAR TRAFFIC FACING A DARK SIGNAL MAY PROCEED THROUGH THE CROSSWALK.~~

~~(C) VEHICULAR TRAFFIC FACING A FLASHING YELLOW SIGNAL MAY PROCEED THROUGH THE CROSSWALK WITH CAUTION.~~

~~(D) VEHICULAR TRAFFIC FACING A STEADY YELLOW SIGNAL IS WARNED THAT MOVEMENT RELATED TO THE FLASHING YELLOW SIGNAL IS ENDING AND THAT A RED SIGNAL WILL BE SHOWN IMMEDIATELY AFTER THE YELLOW SIGNAL.~~

~~(E) (1) VEHICULAR TRAFFIC FACING A STEADY RED SIGNAL SHALL:~~

~~(I) STOP AT THE NEAR SIDE OF A CROSSWALK; AND~~

~~(II) REMAIN STOPPED UNTIL THE SIGNAL:~~

~~1. FLASHES RED; OR~~

~~2. GOES DARK.~~

~~(2) VEHICULAR TRAFFIC FACING A STEADY RED SIGNAL MAY NOT ENTER THE INTERSECTION AND MAKE:~~

~~(I) A RIGHT TURN; OR~~

~~(II) A LEFT TURN FROM A ONE-WAY STREET ONTO A ONE-WAY STREET.~~

~~(F) VEHICULAR TRAFFIC FACING A FLASHING RED SIGNAL MAY PROCEED THROUGH THE CROSSWALK WITH CAUTION AFTER:~~

~~(1) STOPPING AT THE NEAR SIDE OF THE CROSSWALK; AND~~

~~(2) CHECKING THAT ANY PEDESTRIAN OR BICYCLIST WHO IS LAWFULLY WITHIN THE CROSSWALK:~~

~~(I) HAS CROSSED OUT OF THE VEHICLE'S LANE OF TRAVEL; OR~~

~~(II) IS NOT MOVING INTO THE VEHICLE'S LANE OF TRAVEL.~~

~~(G) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.~~

~~21-204.3.~~

~~(A) WHERE A PEDESTRIAN HYBRID SIGNAL SHOWING THE WORDS "WALK", "DON'T WALK", OR "WAIT", OR THE SYMBOLS OF "WALKING PERSON" OR "UPRAISED HAND" ARE IN PLACE, THE SIGNAL HAS THE INDICATIONS PROVIDED IN THIS SECTION.~~

~~(B) A PEDESTRIAN OR BICYCLIST FACING A "WALK" OR "WALKING PERSON" SIGNAL MAY CROSS THE ROADWAY IN THE DIRECTION OF THE SIGNAL AND SHALL BE GIVEN THE RIGHT OF WAY BY THE DRIVER OF ANY VEHICLE.~~

~~(C) A PEDESTRIAN OR BICYCLIST MAY NOT START TO CROSS THE ROADWAY IN THE DIRECTION OF A "DON'T WALK", "UPRAISED HAND", OR "WAIT" SIGNAL.~~

~~(D) IF A PEDESTRIAN OR BICYCLIST HAS PARTLY COMPLETED CROSSING ON A "WALK" OR "WALKING PERSON" SIGNAL, THE PEDESTRIAN OR BICYCLIST SHALL~~

~~PROCEED WITHOUT DELAY TO A SIDEWALK OR SAFETY ISLAND WHILE THE “DON’T WALK”, “WAIT”, OR “UPRAISED HAND” SIGNAL IS SHOWING.~~

~~21-200.~~

~~(A) THIS SECTION DOES NOT APPLY TO VEHICULAR TRAFFIC APPROACHING A PEDESTRIAN HYBRID SIGNAL.~~

~~(B) Vehicular traffic approaching a nonfunctioning traffic control signal at an intersection shall:~~

~~(1) Stop:~~

~~(i) At a clearly marked stop line;~~

~~(ii) If there is no clearly marked stop line, before entering any crosswalk; or~~

~~(iii) If there is no clearly marked stop line or crosswalk, before entering the intersection;~~

~~(2) Yield to any vehicle or pedestrian in the intersection; and~~

~~(3) Remain stopped until it is safe to enter and continue through the intersection.~~

THE STATE HIGHWAY ADMINISTRATION AND A LOCAL JURISDICTION MAY INSTALL A PEDESTRIAN HYBRID BEACON IN ACCORDANCE WITH THE FEDERAL MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.

~~21-502.~~

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

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

(ii) A traffic control signal is in operation; OR

(iii) ~~A PEDESTRIAN HYBRID SIGNAL~~ BEACON IS IN OPERATION.

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

(i) On the half of the roadway on which the vehicle is traveling; or

(ii) Approaching from an adjacent lane on the other half of the roadway.

~~26-305.~~

~~(a) The Administration may not register or transfer the registration of any vehicle involved in a parking violation under this subtitle, a violation under any federal parking regulation that applies to property in this State under the jurisdiction of the U.S. government, a violation of § 21-202(h) OR § 21-204.2 of this article as determined under § 21-202.1 of this article, [or] Title 21, Subtitle 8 of this article as determined under § 21-809 or § 21-810 of this article, [or] a violation of the Illegal Dumping and Litter Control Law under § 10-110 of the Criminal Law Article, or a local law or ordinance adopted by Baltimore City relating to the unlawful disposal of litter as determined under § 10-112 of the Criminal Law Article, if:~~

~~(1) It is notified by a political subdivision or authorized State agency that the person cited for the violation under this subtitle, § 21-202.1, § 21-809, or § 21-810 of this article, or § 10-110 or § 10-112 of the Criminal Law Article has failed to either:~~

~~(i) Pay the fine for the violation by the date specified in the citation; or~~

~~(ii) File a notice of his intention to stand trial for the violation;~~

~~(2) It is notified by the District Court that a person who has elected to stand trial for the violation under this subtitle, under § 21-202.1, § 21-809, or § 21-810 of this article, or under § 10-110 or § 10-112 of the Criminal Law Article has failed to appear for trial; or~~

~~(3) It is notified by a U.S. District Court that a person cited for a violation under a federal parking regulation:~~

~~(i) Has failed to pay the fine for the violation by the date specified in the federal citation; or~~

~~(ii) Either has failed to file a notice of the person's intention to stand trial for the violation, or, if electing to stand trial, has failed to appear for trial.~~

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That the State Highway Administration shall update the manual required under section 25-104 of the Transportation Article to conform with the provisions of this Act within 90 days of the effective date of this Act.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.