

SENATE BILL 338

R5

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CF 7lr1152

By: **Senators Manno, Guzzone, King, Madaleno, Rosapepe, and Young**

Introduced and read first time: January 25, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Pedestrian Hybrid Signals**

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 certain provisions of law do not apply to pedestrian hybrid
11 signals; requiring the State Highway Administration to update a certain manual to
12 conform with the provisions of this Act within a certain period of time; defining
13 “pedestrian hybrid signal”; making stylistic and conforming changes; and generally
14 relating to pedestrian hybrid signals.

15 BY repealing and reenacting, without amendments,
16 Article – Transportation
17 Section 21–101(a), 21–201(a)(1), and 21–202(a)
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2016 Supplement)

20 BY adding to
21 Article – Transportation
22 Section 21–101(l–1), 21–201(e), 21–202(n), 21–204.2, and 21–204.3
23 Annotated Code of Maryland
24 (2012 Replacement Volume and 2016 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article – Transportation
27 Section 21–202(m), 21–202.1, 21–204, 21–209, 21–502(a), and 26–305(a)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT 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.

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

1 intersection.] Each stop required by the signal shall be made at a sign or marking on the
2 pavement indicating where the stop shall be made or, if there is no sign or marking, at the
3 signal.

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

8 **(2) THIS SECTION DOES NOT APPLY TO A PEDESTRIAN HYBRID**
9 **SIGNAL.**

10 21–202.1.

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

12 (2) “Agency” means:

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

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

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

22 (ii) “Owner” does not include a motor vehicle rental or leasing
23 company or a holder of a special registration plate issued under Part III of Title 13, Subtitle
24 9 of this article.

25 (4) “Recorded images” means images recorded by a traffic control signal
26 monitoring system:

27 (i) On:

- 28 1. Two or more photographs;
- 29 2. Two or more microphotographs;
- 30 3. Two or more electronic images;
- 31 4. Videotape; or

- 1 (i) The name and address of the registered owner of the vehicle;
- 2 (ii) The registration number of the motor vehicle involved in the
3 violation;
- 4 (iii) The violation charged;
- 5 (iv) The location of the intersection **OR MIDBLOCK CROSSWALK**;
- 6 (v) The date and time of the violation;
- 7 (vi) A copy of the recorded image;
- 8 (vii) The amount of the civil penalty imposed and the date by which
9 the civil penalty should be paid;
- 10 (viii) A signed statement by a technician employed by the agency that,
11 based on inspection of recorded images, the motor vehicle was being operated in violation
12 of § 21–202(h) **OR § 21–204.2(E)** of this subtitle;
- 13 (ix) A statement that recorded images are evidence of a violation of §
14 21–202(h) **OR § 21–204.2(E)** of this subtitle; and
- 15 (x) Information advising the person alleged to be liable under this
16 section:
- 17 1. Of the manner and time in which liability as alleged in the
18 citation may be contested in the District Court; and
- 19 2. Warning that failure to pay the civil penalty or to contest
20 liability in a timely manner is an admission of liability and may result in refusal or
21 suspension of the motor vehicle registration.
- 22 (2) The agency may mail a warning notice in lieu of a citation to the owner
23 liable under subsection (d) of this section.
- 24 (3) Except as provided in subsection (g)(5) of this section, a citation issued
25 under this section shall be mailed no later than 2 weeks after the alleged violation.
- 26 (4) An agency may not mail a citation to a person who is not an owner
27 under subsection (a)(3)(ii) of this section.
- 28 (5) A person who receives a citation under paragraph (1) of this subsection
29 may:

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

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

4 (f) (1) A certificate alleging that the violation of § 21–202(h) **OR §**
5 **21–204.2(E)** of this subtitle occurred, sworn to or affirmed by a duly authorized agent of
6 the agency, based on inspection of recorded images produced by a traffic control signal
7 monitoring system shall be evidence of the facts contained therein and shall be admissible
8 in any proceeding alleging a violation under this section.

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

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

11 (i) That the driver of the vehicle passed through the intersection in
12 violation of § 21–202(h) of this subtitle **OR THROUGH A MIDBLOCK OR “T”**
13 **INTERSECTION CROSSWALK IN VIOLATION OF § 21–204.2(E) OF THIS SUBTITLE:**

14 1. In order to yield the right-of-way to an emergency vehicle;
15 or

16 2. As part of a funeral procession in accordance with §
17 21–207 of this subtitle;

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

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

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

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

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

33 (3) To satisfy the evidentiary burden under paragraph (1)(iv) of this
34 subsection, the person named in the citation shall provide to the District Court evidence to

1 the satisfaction of the court of who was operating the vehicle at the time of the violation,
2 including, at a minimum, the operator's name and current address.

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

7 (ii) To satisfy the evidentiary burden under paragraph (1)(iv) of this
8 subsection, the person named in a citation described under subparagraph (i) of this
9 paragraph may provide to the District Court a letter, sworn to or affirmed by the person
10 and mailed by certified mail, return receipt requested, that:

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

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

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

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

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

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

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

31 (1) Is not a moving violation for the purpose of assessing points under §
32 16-402 of this article and may not be recorded by the Administration on the driving record
33 of the owner or driver of the vehicle;

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

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

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

6 21-204.

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

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

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

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

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

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

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

22 (1) A railroad grade crossing; OR

23 (2) A PEDESTRIAN HYBRID SIGNAL.

24 **21-204.2.**

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

27 (B) **VEHICULAR TRAFFIC FACING A DARK SIGNAL MAY PROCEED THROUGH**
28 **THE CROSSWALK.**

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

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

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

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

6 **(II) REMAIN STOPPED UNTIL THE SIGNAL:**

7 **1. FLASHES RED; OR**

8 **2. GOES DARK.**

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

11 **(I) A RIGHT TURN; OR**

12 **(II) A LEFT TURN FROM A ONE-WAY STREET ONTO A ONE-WAY**
13 **STREET.**

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

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

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

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

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

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

24 **21-204.3.**

25 **(A) WHERE A PEDESTRIAN HYBRID SIGNAL SHOWING THE WORDS "WALK",**
26 **"DON'T WALK", OR "WAIT", OR THE SYMBOLS OF "WALKING PERSON" OR "UPRAISED**

1 **HAND” ARE IN PLACE, THE SIGNAL HAS THE INDICATIONS PROVIDED IN THIS**
2 **SECTION.**

3 **(B) A PEDESTRIAN OR BICYCLIST FACING A “WALK” OR “WALKING PERSON”**
4 **SIGNAL MAY CROSS THE ROADWAY IN THE DIRECTION OF THE SIGNAL AND SHALL BE**
5 **GIVEN THE RIGHT-OF-WAY BY THE DRIVER OF ANY VEHICLE.**

6 **(C) A PEDESTRIAN OR BICYCLIST MAY NOT START TO CROSS THE ROADWAY**
7 **IN THE DIRECTION OF A “DON’T WALK”, “UPRAISED HAND”, OR “WAIT” SIGNAL.**

8 **(D) IF A PEDESTRIAN OR BICYCLIST HAS PARTLY COMPLETED CROSSING ON**
9 **A “WALK” OR “WALKING PERSON” SIGNAL, THE PEDESTRIAN OR BICYCLIST SHALL**
10 **PROCEED WITHOUT DELAY TO A SIDEWALK OR SAFETY ISLAND WHILE THE “DON’T**
11 **WALK”, “WAIT”, OR “UPRAISED HAND” SIGNAL IS SHOWING.**

12 21-209.

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

15 **(B) Vehicular traffic approaching a nonfunctioning traffic control signal at an**
16 **intersection shall:**

17 (1) Stop:

18 (i) At a clearly marked stop line;

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

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

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

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

26 21-502.

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

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

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

2 **(III) A PEDESTRIAN HYBRID SIGNAL IS IN OPERATION.**

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

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

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

8 26–305.

9 (a) The Administration may not register or transfer the registration of any vehicle
10 involved in a parking violation under this subtitle, a violation under any federal parking
11 regulation that applies to property in this State under the jurisdiction of the U.S.
12 government, a violation of § 21–202(h) **OR § 21–204.2** of this article as determined under
13 § 21–202.1 of this article, [or] Title 21, Subtitle 8 of this article as determined under §
14 21–809 or § 21–810 of this article, [or] a violation of the Illegal Dumping and Litter Control
15 Law under § 10–110 of the Criminal Law Article, or a local law or ordinance adopted by
16 Baltimore City relating to the unlawful disposal of litter as determined under § 10–112 of
17 the Criminal Law Article, if:

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

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

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

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

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

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

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

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

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