

# HOUSE BILL 445

R5

3lr0939

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By: **Delegates Cardin, Clippinger, and McIntosh**

Introduced and read first time: January 28, 2013

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Rules of the Road – Overtaking Another Vehicle**

3 FOR the purpose of prohibiting a driver of a vehicle from overtaking another vehicle  
4 going in the same direction unless a safe passing distance can be maintained  
5 while the other vehicle is being overtaken; repealing a certain exception to a  
6 requirement that a driver of a vehicle overtaking a bicycle, an EPAMD, or a  
7 motor scooter pass in a certain manner; and generally relating to rules of the  
8 road when overtaking another vehicle.

9 BY repealing and reenacting, with amendments,  
10 Article – Transportation  
11 Section 21–303 and 21–1209  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume)

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

16 **Article – Transportation**

17 21–303.

18 (a) Except as otherwise provided in this subtitle, this section governs the  
19 overtaking and passing of vehicles going in the same direction.

20 (b) **(1) THE DRIVER OF A VEHICLE MAY NOT OVERTAKE ANOTHER**  
21 **VEHICLE THAT IS GOING IN THE SAME DIRECTION UNLESS A SAFE PASSING**  
22 **DISTANCE CAN BE MAINTAINED WHILE THE OTHER VEHICLE IS OVERTAKEN.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2)** The driver of a vehicle overtaking another vehicle that is going in  
2 the same direction shall pass to the left of the overtaken vehicle at a safe distance.

3           (c) The driver of a vehicle overtaking another vehicle that is going in the  
4 same direction, until safely clear of the overtaken vehicle, may not drive any part of  
5 his vehicle directly in front of the overtaken vehicle.

6           (d) Except when overtaking and passing on the right is permitted, the driver  
7 of an overtaken vehicle, on audible signal, shall give way to the right in favor of the  
8 overtaking vehicle.

9           (e) Except when overtaking and passing on the right is permitted, the driver  
10 of an overtaken vehicle, until completely passed by the overtaking vehicle, may not  
11 increase the speed of his vehicle.

12 21–1209.

13           (a) Notwithstanding any other provision of this title, the driver of a vehicle  
14 shall:

15               (1) Exercise due care to avoid colliding with any bicycle, EPAMD, or  
16 motor scooter being ridden by a person; and

17               (2) When overtaking a bicycle, an EPAMD, or a motor scooter, pass  
18 safely at a distance of not less than 3 feet, unless, at the time:

19                       (i) The bicycle, EPAMD, or motor scooter rider fails to operate  
20 the vehicle in conformance with § 21–1205(a) of this subtitle (“Riding to right side of  
21 roadway”) or § 21–1205.1(b) of this subtitle (“Roadway with bike lane or shoulder  
22 paved to smooth surface”); **OR**

23                       (ii) A passing clearance of less than 3 feet is caused solely by the  
24 bicycle, EPAMD, or motor scooter rider failing to maintain a steady course]; or

25                       (iii) The highway on which the vehicle is being driven is not wide  
26 enough to lawfully pass the bicycle, EPAMD, or motor scooter at a distance of at least  
27 3 feet].

28           (b) A person may not throw any object at or in the direction of any person  
29 riding a bicycle, an EPAMD, or a motor scooter.

30           (c) A person may not open the door of any motor vehicle with intent to strike,  
31 injure, or interfere with any person riding a bicycle, an EPAMD, or a motor scooter.

32           (d) Unless otherwise specified in this title, the driver of a vehicle shall yield  
33 the right-of-way to a person who is lawfully riding a bicycle, an EPAMD, or a motor

1 scooter in a designated bike lane or shoulder if the driver of the vehicle is about to  
2 enter or cross the designated bike lane or shoulder.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2013.