

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 241 (Delegate Lafferty, *et al.*)
Environmental Matters

Vehicle Laws - Overtaking and Passing Bicycles, Personal Mobility Devices, or
Motor Scooters

This bill authorizes the driver of a vehicle to drive across the left side of a roadway in a no-passing zone, while overtaking and passing a bicycle, an electric personal assistive mobility device (EPAMD), or a motor scooter, if it is safe to do so. The bill also conforms existing law by repealing a provision which allows the driver of a vehicle to pass a bicycle, EPAMD, or motor scooter at a distance of less than three feet if the highway is not wide enough to lawfully pass the bicycle, EPAMD, or motor scooter.

Fiscal Summary

State Effect: Minimal general fund revenue decrease to the extent fewer citations are issued to drivers who overtake bicycles, motor scooters, or EPAMDs under the circumstances specified in the bill. No impact on expenditures as enforcement can be handled with existing resources.

Local Effect: None. Enforcement can be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: A “vehicle” is any device (except an EPAMD) in, on, or by which an individual or property may be transported or towed on a highway.

A “bicycle” is a vehicle that (1) is designed to be operated by human power; (2) has two or three wheels, with one being more than 14 inches in diameter; and (3) has a drive mechanism other than pedals directly attached to a drive wheel.

An “EPAMD” is a pedestrian device that has two nontandem wheels, is self-balancing, is powered by an electric propulsion system, and is designed to transport one person at a maximum speed of 15 miles per hour.

A “motor scooter” is a nonpedal vehicle that has an operator’s seat and two wheels, one of which is 10 inches or more in diameter. A motor scooter has a step-through chassis, a motor with a maximum rating of 2.7 horsepower or a maximum capacity of 50 cc piston displacement, and an automatic transmission. A motor scooter does not include an off-road vehicle, a motorcycle, or an all-terrain vehicle.

Overtaking Bicycles, EPAMDs, and Motor Scooters: A driver of a vehicle must exercise due care to avoid colliding with any bicycle, motor scooter, or EPAMD. A violation of this provision is a misdemeanor, subject to a maximum fine of \$500. The prepayment penalty assessed by the District Court is \$290.

A driver of a vehicle is required to safely overtake a bicycle, EPAMD, or a motor scooter at a distance of at least three feet, except as otherwise specified. The requirement does not apply if, at the time, (1) the bicycle, EPAMD, or motor scooter rider fails to ride to the right side of the roadway as required by the Maryland Vehicle Law; (2) the rider fails to comply with the requirement to ride in a bicycle lane or shoulder that is paved to a smooth surface; (3) the passing with a clearance of less than three feet is caused solely by the failure of the bicycle, EPAMD, or motor scooter rider to maintain a steady course; or (4) the highway on which the vehicle is being driven is not wide enough to lawfully pass the bicycle, EPAMD, or motor scooter at a distance of at least three feet. Unless otherwise specified by law, the driver of a vehicle is required to yield the right-of-way to a person who is lawfully riding a bicycle, an EPAMD, or a motor scooter in a designated bicycle lane or shoulder if the vehicle driver is about to enter or cross the designated bicycle lane or shoulder.

A violation of these provisions is a misdemeanor with a maximum fine of \$500. The prepayment penalty for these violations is \$80 and, upon conviction, one point assessed against the driver’s license. If the violation contributes to an accident, the prepayment penalty is \$120 and three points assessed against the license.

No-passing Zones: The State Highway Administration is authorized to determine those parts of any highway within its jurisdiction where overtaking and passing or driving on the left of the roadway is especially dangerous and may indicate the beginning and end of those zones by appropriate signs or markings. Where those signs or markings are in

place and clearly visible to an ordinarily observant individual, every driver is required to follow the directions.

Where signs or markings define a no-passing zone, except as otherwise provided, a driver is prohibited from driving on the left side of the roadway within the no-passing zone. Also, where signs or markings define a no-passing zone, except as otherwise provided, a driver is prohibited from driving on the left side of any pavement striping designed to mark the no-passing zone. However, the driver of a vehicle may drive across the left side of the roadway in a no-passing zone while making a left turn, but only if it is safe to do so.

A violation of any of the above provisions is a misdemeanor, subject to a maximum fine of \$500. The prepayment penalty established by the District Court for these violations is \$90 and, upon conviction, one point assessed against the driver's license. If the violation contributes to an accident, the prepayment penalty is \$130 and three points assessed against the license.

Background: Exhibit 1 shows the frequency of charges for unlawfully overtaking another bicycle, motor scooter, or EPAMD.

Exhibit 1
Citations – Overtaking Certain Vehicles
Fiscal 2013

	<u>Open</u>	<u>Prepaid</u>	<u>Trial</u>	<u>Total</u>
Overtaking Bike/Motor Scooter/EPAMD				
Failure to Exercise Due Care to Avoid Collision	0	1	2	3
Failure to Pass Safely at Distance of Three Feet	0	4	2	6

Source: District Court of Maryland

According to the National Highway Transportation Safety Administration (NHTSA), 677 “pedacyclists” were killed and 48,000 were injured nationwide in crashes with motor vehicles during 2011 (the latest year available). NHTSA uses the term “pedacyclists” to refer to riders of two-wheeled nonmotorized vehicles, tricycles, and unicycles powered by pedals and human power. Nationally, pedacyclist deaths accounted for about 2% of all traffic fatalities in 2011. During the same period in Maryland, NHTSA reports that 5 of the total 485 traffic fatalities (or 1.0%) involved pedacyclists

Exhibit 2 shows the frequency of charges in fiscal 2013 for violating designated no-passing zones.

Exhibit 2
Citations – No-passing Zone Offenses
Fiscal 2013

	<u>Open</u>	<u>Prepaid</u>	<u>Trial</u>	<u>Total</u>
No-passing Zone Offenses				
Driving on Left Side – Posted No-passing Zone	35	146	154	335
Driving on Left Side – No-passing Zone – Pavement Striping	63	259	250	572
Unsafe Left Turn – No-passing Zone	1	9	13	23

Source: District Court of Maryland

Additional Information

Prior Introductions: None.

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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