

Department of Legislative Services  
Maryland General Assembly  
2016 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 992

(Senator Young)

Judicial Proceedings

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**Vehicle Laws - Giving Way to Overtaking Vehicles in the Left Lane**

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This bill establishes an expanded duty for a driver on a roadway with two or more lanes of traffic moving in the same direction to give way when being overtaken. If the driver is in the far left lane and is being overtaken by another vehicle in the far left lane, the driver must give way to the right in favor of the overtaking vehicle. This duty takes precedence over the existing duty of a driver to give way to the right if the overtaking vehicle gives an audible signal, unless overtaking and passing on the right is permitted. The requirement does not apply to a vehicle in the far left lane preparing for a left turn, or a vehicle in a single high occupancy lane moving in one direction during the high occupancy restricted time period. A violator is guilty of a misdemeanor and subject to a maximum fine of (1) \$100 for a first offense; (2) \$300 for a second offense; and (3) \$500 for a third or subsequent offense.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues to the extent additional people receive citations under the bill's provisions. Enforcement can be handled with existing resources.

**Local Effect:** Enforcement can be handled with existing resources. No effect on revenues.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The Maryland Vehicle Law requires that, when overtaking another vehicle that is going in the same direction, the driver must pass to the left of the overtaken vehicle at a safe distance. A driver who wants to overtake another vehicle going in the same

direction must wait until safely clear of the overtaken vehicle before driving in front of that vehicle. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle, upon audible signal, must give way to the right in favor of an overtaking vehicle. Also, except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle may not increase speed until completely passed by the overtaking vehicle.

A violation of these provisions is a misdemeanor with a maximum fine of \$500. The prepayment penalty 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 vehicle.

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**Exhibit 1**  
**Citations – Overtaking Vehicles**  
**Fiscal 2015**

<u><b>Overtaking Vehicles</b></u>	<u><b>Open</b></u>	<u><b>Prepaid</b></u>	<u><b>Trial</b></u>	<u><b>Total</b></u>
Failure to Overtake at Safe Distance	112	116	194	422
Driving in Front of Overtaken Vehicle – Not Safely Clear	10	14	21	45
Failure to Yield to Overtaking Vehicle on Audible Signal	1	0	2	3
Overtaken Vehicle Increasing Speed	10	5	14	29

Source: District Court of Maryland

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**State Expenditures:** The Administrative Office of the Courts advises that, since the District Court system is case-based, it will be up to law enforcement agencies to identify subsequent offenders and designate the appropriate prepayment penalty. However, any additional citations that the District Court receives as a result of the bill can be handled with existing resources. The Department of State Police has advised that the bill's changes can be implemented with existing resources.

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**Additional Information**

**Prior Introductions:** HB 247 of 2014, a bill with similar provisions, was heard by the House Environmental Matters Committee, but received no further action.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - March 14, 2016  
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